



CITY COUNCIL MEETING W/EXECUTIVE SESSION

February 04, 2025 at 7:00 PM

Boardman City Hall Council Chambers

AGENDA

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL/EXCUSED ABSENCES

4. APPROVAL OF MINUTES

[A.](#) City Council Workshop Minutes, January 7, 2025

[B.](#) City Council Meeting Minutes, January 7, 2025

5. FINANCIAL REPORT

[A.](#) December 2024

6. PUBLIC COMMENT

[A.](#) Prearranged Presentation - Morrow County Schools, Boardman

[B.](#) Prearranged Presentation - Mike Aaron, Subroutine

[C.](#) Prearranged Presentation - Shipping Containers, Planning Official Carla McLane

[D.](#) Report Only - Chamber/BCDA December 2024

7. ACTION ITEMS - ORDINANCES

[A.](#) Ordinance 1-2025 Amending Boardman Zoning Map - BPA Transmission Line Easement reduction

8. ACTION ITEMS - RESOLUTIONS

[A.](#) Resolution 4-2025 Surplus Property

[B.](#) Resolution 5-2025 Repealing City of Boardman Fee Schedule

9. ACTION ITEMS - OTHER BUSINESS

[A.](#) South Main Street Design Approval - Mike Lees, Anderson Perry

[B.](#) Subroutine - Consent to Proceed

10. OTHER PUBLIC COMMENT

INVITATION FOR PUBLIC COMMENT – The mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The mayor may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.

11. DOCUMENT SIGNATURES

12. REPORTS, CORRESPONDENCE, AND DISCUSSION

- A.** Police Report
- B.** Building Department Report
- C.** Public Works Department Report
- D.** Planning Official
- E.** Committee Reports
- F.** City Manager
- G.** City Manager - Business License
- H.** Councilors
- I.** Mayor

13. EXECUTIVE SESSION

- A.** Executive Session - ORS 192.660 (2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions

14. ADJOURNMENT

Zoom Meeting Link: <https://us02web.zoom.us/j/2860039400?omn=89202237716>

This meeting is being conducted with public access in-person and virtually in accordance with Oregon Public Meeting Law. If remote access to this meeting experiences technical difficulties or is disconnected and there continues to be a quorum of the council present, the meeting will continue.

The meeting location is accessible to persons with disabilities. Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To make your request, please contact a city clerk at 541-481-9252 (voice), or by e-mail at city.clerk@cityofboardman.com.



CITY COUNCIL WORKSHOP

January 07, 2025 at 6:00 PM

Boardman City Hall Council Chambers

MINUTES

1. CALL TO ORDER

Mayor Keefer called the meeting to order at 6:03 PM.

2. FLAG SALUTE

3. ROLL CALL/EXCUSED ABSENCES

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Brenda Profitt, Councilor Ethan Salata, Councilor Cristina Cuevas, Councilor Richard Rockwell, Councilor Karen Pettigrew

4. REPORTS, CORRESPONDENCE, AND DISCUSSION

A. Addressing Ordinance

City Manager Hammond gave his report. Timestamp: 9:45

B. Drainage Swale Sidewalk

City Manager Hammond gave his report. Timestamp: 2:22

C. Right of Way License Ordinance and Amendments to Underground District

City Manager Hammond and Planning Official Carla McLane gave a report. Timestamp: 5:44

D. Business License

City Manager Hammond and Planning Official Carla McLane gave a report. Timestamp: 9:15

E. Shipping Container

City Manager Hammond and Planning Official Carla McLane gave a report. Timestamp: 41:28

5. ADJOURNMENT

Mayor Keefer adjourned the meeting at 6:57 PM.

Paul Keefer, Mayor

Amanda Mickles, City Clerk



CITY COUNCIL MEETING W/ PUBLIC HEARING

January 07, 2025 at 7:10 PM

Boardman City Hall Council Chambers

MINUTES

1. CALL TO ORDER

Mayor Keefer called the meeting to order at 7:10 PM.

2. ROLL CALL/EXCUSED ABSENCES

Councilors present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Brenda Profitt, Councilor Ethan Salata, Councilor Cristina Cuevas, Councilor Richard Rockwell, Councilor Karen Pettigrew

3. ACTION ITEMS - OTHER BUSINESS

A. Resolution 1-2025 Accepting Election Results – Timestamp: 0:29

Motion to approve Resolution 1-2025, a resolution approving the City Clerk's canvassing of the Morrow County Elections of the November 5, 2024, General Election.

Motion made by Councilor Salata, Seconded by Councilor Baumgartner.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

4. OATH OF OFFICE

A. Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Cristina Cuevas, Councilor Brenda Profitt – Timestamp 1:30

Judge Glenn Diehl gave the Oath of Office.

5. APPROVAL OF MINUTES

A. City Council Meeting Minutes December 3, 2024 – Timestamp: 4:05

Motion to approve minutes of the December 3, 2024, City Council Regular Meeting as presented.

Motion made by Councilor Rockwell, Seconded by Councilor Cuevas.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

6. FINANCIAL REPORT

A. Financial Report - November 2024 – Timestamp: 4:46

Finance Director Barajas gave her report.

7. PUBLIC COMMENT

A. Prearranged Presentation - Morrow County Schools, Boardman – Timestamp 8:40

Mayor Keefer stated no schools would be presenting this month.

- B. Prearranged Presentation - Jonathan Tallman – Timestamp: 9:20
Mayor Keefer read Mr. Tallman's email as he was unable to attend.

8. FORMAL PROCEEDINGS

- A. Boardman Zoning Map Amendment LND24-000011 – Timestamp: 14:23
Mayor Keefer opened the public hearing at 7:25.
No councilors disclosed any ex parte contact.
Planning Official McLane gave the staff report.
No testimony in support, opposition, or neutral was given.
Mayor Keefer closed the public hearing at 7:47.
Motion to direct city staff to amend the Zoning Map reducing the area of BPA Transmission Line easement to be only within the Commercial on the South to allow development. The subject property is tax lots 100 and 102 of Assessor's Map 4N 25E 16B, and prepare an adoption ordinance to that effect.
Motion made by Councilor Profitt, Seconded by Councilor Baumgartner.
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew
Voting Nay: Councilor Salata

9. ACTION ITEMS - RESOLUTIONS

- A. Resolution 2-2025 Charter 2024 Update – Timestamp: 40:40
Motion to approve Resolution 2-2025, a resolution amending the city of Boardman Home Rule Charter as approved by the city electors at the November 2024 Election.
Motion made by Councilor Profitt, Seconded by Councilor Cuevas.
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew
- B. Resolution 3-2025 Adopting Personnel Policy – Timestamp: 41:32
Motion to approve Resolution 3-2025, a resolution adopting a Personnel Policy and repealing Resolution 6-2023.
Motion made by Councilor Profitt, Seconded by Councilor Rockwell.
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

10. ACTION ITEMS - OTHER BUSINESS

- A. Election of Council President – Timestamp: 46:44
Nominations for Council President were Ethan Salata, Richard Rockwell, and Heather Baumgartner. Votes for Council President were Salata 3, Rockwell 2, Baumgartner 2.
Motion to appoint Ethan Salata as Council President.
Motion made by Councilor Profitt, Seconded by Councilor Rockwell.
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

B. Appointment of 2025-26 Budget Officer – Timestamp: 50:34

Motion to appoint Finance Director Marta Barajas as the Budget Officer for the City of Boardman.

Motion made by Councilor Profitt, Seconded by Councilor Rockwell.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

C. Approval of 2025-26 Budget Calendar - City of Boardman – Timestamp: 50:54

Motion to approve the 2025-26 Budget Calendar for the City of Boardman.

Motion made by Councilor Profitt, Seconded by Councilor Rockwell.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

D. Reappointment of Budget Committee Members – Timestamp: 51:15

Motion to appoint Emerald Lantis and Sonja Neal to the Budget Committee, term ending 12/31/2027.

Motion made by Councilor Profitt, Seconded by Councilor Salata.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

E. Holiday Decorating Committee Appointment – Timestamp: 52:22

Motion to appoint the listed individuals as presented to the Holiday Decorating Committee.

Motion made by Councilor Profitt, Seconded by Councilor Baumgartner.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

F. Development Code/Comprehensive Plan Public Advisory Committee Appointment – Timestamp: 53:35

Motion to appoint the listed individuals as amended to the Development Code/Comprehensive Plan Public Advisory Committee. The change is to remove Krista Price, replacing her with Kathy Street, and changing the organization from local title company to special district representative. The listed individuals are Cristina Cuevas, Zack Barresse, Shara Weiss, Isaias Valencia, Michael Graham, Leon Gibb, Vincent Guerrero, Walter Ross, Riverside High School Student, Stephanie Case, Mike Lees, Kathy Street, and Dawn Hert.

Motion made by Councilor Baumgartner, Seconded by Councilor Salata.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

11. OTHER PUBLIC COMMENT

Timestamp: 55:00

There were none.

12. REPORTS, CORRESPONDENCE, AND DISCUSSION

A. Police Report – Timestamp: 55:13

City Manager Hammond stated Chief Stokoe were unavailable but presented the report.

- B. Building Department Report – Timestamp: 57:11
Building Official Glenn McIntire gave his report.
- C. Public Works Department Report – Timestamp: 59:11
Public Works Director Rolf Prag gave his report.
- D. Planning Department Update – Timestamp: 1:05:17
Planning Official Carla McLane gave her report.
- E. City Manager – Timestamp: 1:05:32
City Manager Brandon Hammond gave his report.
- F. Councilors – Timestamp: 1:13:00
Councilors Cuevas and Pettigrew gave comments.
- G. Mayor – Timestamps: 1:18:02
Mayor Keefer gave comment.

13. ADJOURNMENT

Mayor Keefer adjourned the meeting at 8:29 PM.

Paul Keefer, Mayor

Amanda Mickles, City Clerk

City of Boardman
Finance Report
As of December 31, 2024

Our auditing firm, Barnett & Moro, filed an extension for our financial audit of the fiscal year 2023-2024. They are very short-staffed and trying to get all the audits completed. The audit is anticipated to be completed and filed prior to the end of the extension.

Garbage Fund: Two months' worth of invoices were paid in December to Sanitary Disposal. October's was approximately \$102,700 and November's was \$88,500.

Building Fund: We issued the final payment for the City Hall expansion. The overall construction cost was approximately \$2,340,000.

Street Reserve Fund: This fund is by far, the busiest of our reserve funds. We have multiple projects being funded, such as NW Columbia Ave., Faler and Wilson Rd sidewalk improvements, and the Public Works Maintenance (Equipment Storage) Building.

Capital Project Fund: The Water System Improvements-Phase II (GO Bond funded) is expected to be completed by early Spring.

Congressional Community Project Fund: This is the new fund that will house the \$1,500,000 grant for the incubator building project that the Boardman Community Development Association will construct on NE Front St.

CITY OF BOARDMAN
Monthly Council Financial Statement
Period Ending December 31, 2024
Fiscal Year Elapsed 50.00%

FISCAL YEAR 2024-2025

REVENUE

A		B		C	D	(A-D)		(D/A)	
FUND #	Fund Description	2024-2025 BUDGET	Beginning Cash C/Over	Revenue	Year to Date Revenue	(B+C)		Remaining Expectations (over budget)	% of Budget Received
				Received This Month		Total Revenue			
100	General Government	976,980	1,987,901	57,711	5,957,960	7,945,861	8,996,089	46.90%	
110	Public Safety - Police	3,490,500	675,445	91,615	678,073	1,365,512	658,188	67.48%	
125	Code Compliance	124,325	310,937	93,632	569,886	880,823	2,024,627	30.32%	
130	Planting	530,945	408,434	92,622	623,253	1,031,687	14,813	98.58%	
180	Facilities	280,250	206,047	33,311	181,197	387,244	340,656	53.20%	
195	Non-Departmental	11,538,950	14,346,611	632,680	2,073,645	16,420,255	9,044,545	64.48%	
100	GENERAL FUND	16,941,950	8,225,176	32,738	206,005	8,431,181	1,908,819	81.54%	
220	WATER FUND	2,023,700	2,632,974	16,720	129,135	2,762,109	(96,309)	103.61%	
230	SEWER FUND	2,905,450	3,701,630	18,893	144,125	3,845,755	1,277,745	75.06%	
240	GARBAGE FUND	1,046,500	9,711,959	31,507	226,107	9,938,066	6,283,334	61.27%	
250	STREET FUND	727,900	2,524,233	2,225	28,846	2,553,079	(153,079)	106.38%	
260	BUILDING FUND	25,464,800	0	5,872	1,512,173	1,512,173	32,827	97.88%	
300	GENERAL RESERVE FUND	10,340,000	254,958	5,641	928,825	1,183,783	475,517	71.34%	
320	WATER RESERVE FUND	2,665,800							
330	SEWER RESERVE FUND	5,123,500							
350	STREET RESERVE FUND	16,221,400							
410	CAPITAL PROJECT FUND	2,400,000							
415	CONGRESSIONAL CMTY PJCT FUND	1,545,000							
510	GO BOND FUND	1,659,300							
CITY TOTAL		89,065,300	44,986,305	1,115,169	13,259,230	58,257,530	30,807,770	65.41%	
815	CENTRAL UR DISTRICT	2,472,000	334,209	3,681	151,808	486,017	1,985,983	19.66%	
816	NORTH UR DISTRICT	65,000	0	471	157,604	157,604	(92,604)	242.47%	
819	WEST UR DISTRICT	169,590	87,382	681	114,951	202,333	(32,743)	119.31%	
URA TOTAL		2,706,590	421,591	4,834	424,364	845,955	1,860,635	31.26%	

CITY OF BOARDMAN GRAND TOTALS 91,771,890 1,120,002 13,683,594 59,103,484 32,668,406

CASH REPORT:

Amount	Interest Rate
\$7,105	4.85%
\$224,965	-
\$251,975	5.14%
\$252,457	5.00%
\$42,479,502	4.85%
\$485,186	4.85%
\$203,159	4.85%
\$656,214	-
\$0	0.10%
\$149,333	0.10%
\$477,996	0.10%
\$29,152	0.10%
\$35,445	0.10%
\$3,680	0.10%

TOTAL CASH \$45,334,975 (\$0.00)
Total \$45,334,975

Cash Clearing - Utilities

EXPENDITURES

FUND #	Fund Description	G	H	I	J
		Year to Date Expenditures	Unexpended Budget	(G/A) % of Budget Expended	(D-G) Fund Balance
100	General Government	418,706	558,274	42.86%	4,509,646
110	Public Safety - Police	1,254,252	2,236,548	35.93%	759,744
125	Code Compliance	53,630	70,695	43.14%	455,861
130	Planting	136,161	394,784	25.65%	434,658
180	Facilities	71,130	209,120	25.38%	162,575
195	Non-Departmental	1,502,337	10,036,613	13.02%	14,744,148
100	GENERAL FUND	3,436,216	13,505,734	20.28%	8,431,181
220	WATER FUND	605,769	1,417,931	29.93%	1,960,657
230	SEWER FUND	424,963	2,480,487	14.63%	2,989,025
240	GARBAGE FUND	597,029	449,471	57.05%	7,127,477
250	STREET FUND	224,669	503,231	30.87%	218,093,84
260	BUILDING FUND	1,676,107	23,788,693	6.58%	1,512,172.91
300	GENERAL RESERVE FUND	0	10,340,000	0.00%	1,183,783
330	WATER RESERVE FUND	801,452	1,864,348	30.06%	44,489,021
350	SEWER RESERVE FUND	856,730	4,266,770	16.72%	486,017
410	CAPITAL PROJECT FUND	2,810,589	13,410,811	17.33%	157,604
415	CONGRESSIONAL CMTY PACT FUND	2,334,986	65,015	97.29%	202,333
510	GO BOND FUND	0	1,545,000	0.00%	845,955
	CITY TOTAL	13,768,509	75,296,791	15.46%	45,334,975
815	CENTRAL UR DISTRICT	0	2,472,000	0.00%	486,017
816	NORTH UR DISTRICT	0	65,000	0.00%	157,604
819	WEST UR DISTRICT	0	169,590	0.00%	202,333
	URA TOTAL	0	2,706,590	0.00%	845,955

2,489,947.62 13,768,509.15 78,003,380.85 15.46% 45,334,975

Current Month Net Cash Change (No URA) (1,374,779)

2024-2025 Year to Date Net Cash Change (72,921)

Section 5, Item A.

subroutine

AI powered tools for government

**Presentation to
Boardman City Council**

February 4, 2025

Subroutine is...

- AI company
- Headquartered in Portland
- Founded in 2022
- Focused on positively impacting how residents and staff access City information and the improving the quality of the resources

Our founders



Jeremy Stanley



Greg Pstrucha

- Helped build, run, and secure some of the most used websites and apps, incl. Meta, Pinterest, Robinhood, Medium.

My first computers

1978



Photo by Keith Pomakis

1981



1987

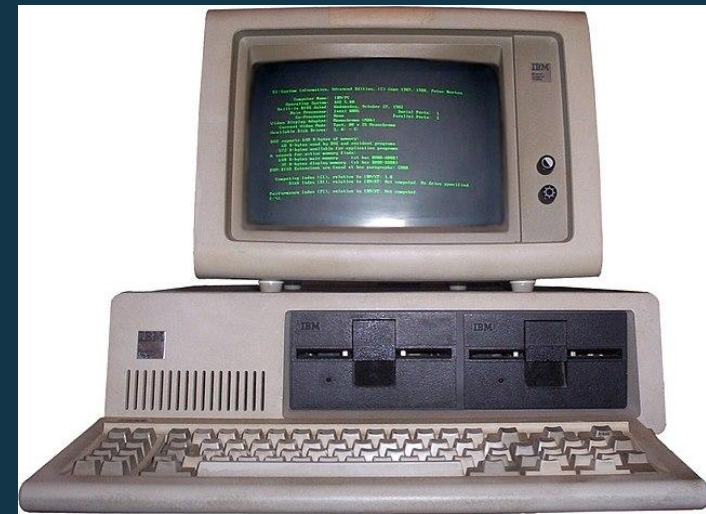
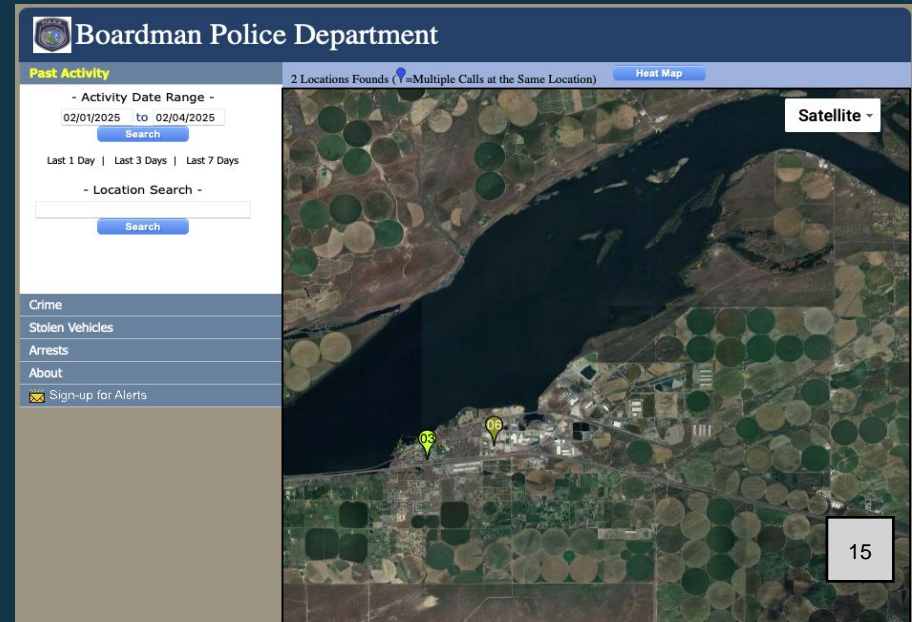
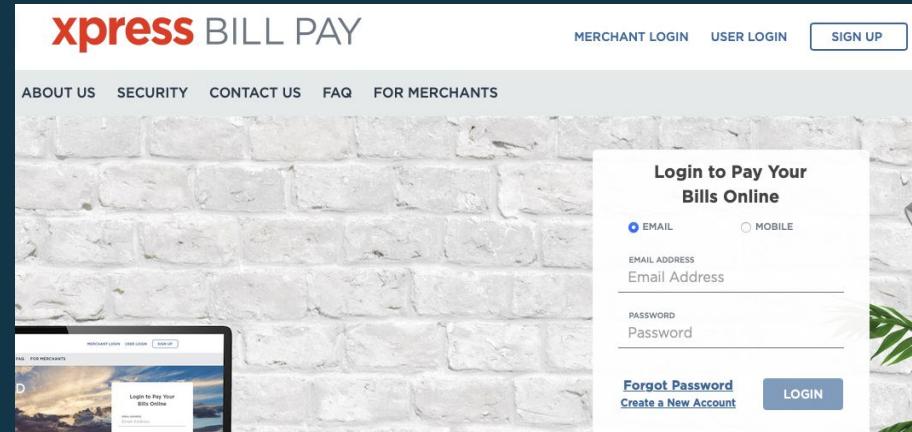
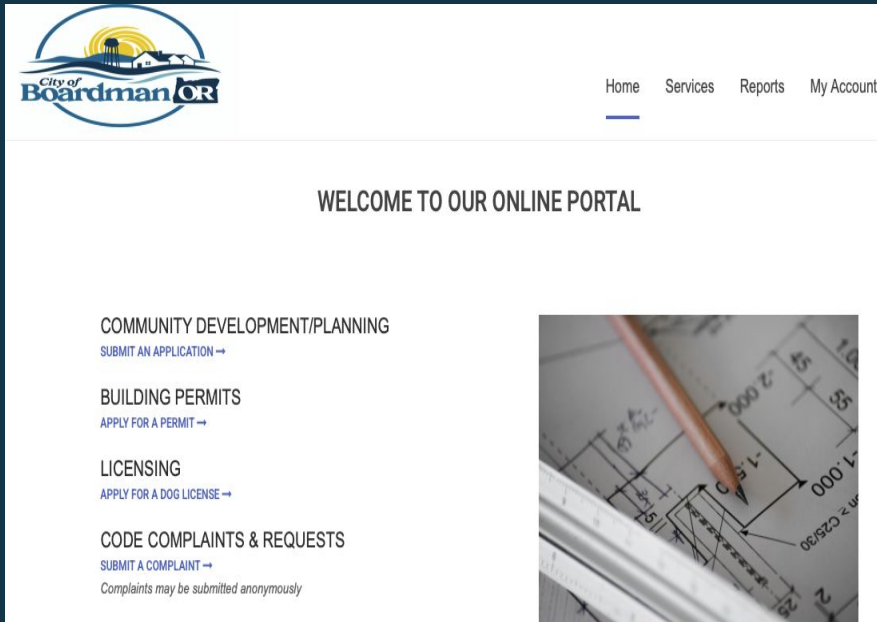


Photo by Boffy b

How we interact with the world



And increasingly with Government



... but not everyone. Harder if...

- Don't have a computer
- Don't have easy access during work hours
- Don't know the right terminology or how to ask the right question
- Work outside
- Are 1/5 of Americans with a disability
- Websites are just confusing to you

AI is changing this.

- **24 / 7** access, for questions outside work hours, or work hours outside
- **Language of choice** - 60% Boardman residents speak Spanish at home
- In **natural language**, for those who don't speak jargon
- **SMS & phone**, for those without computers or who accessing remotely

AI for Boardman

- Improve resources - question & response tracking
- Expand residents' engagement with Boardman website and services
- Save City staff time and energy
- Cachet for economic development
- More important as budgets continue to tighten and more is pushed to state and local from the Federal level

Subroutine In Process...

- Accessibility tools to expand who can use the site, such as those with visual & cognitive disabilities
- ADA Title II deadline (Apr 26, 2027) efficiencies
- Make PDFs searchable



Search



Government Departments Community How Do I...



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Minutes



Municipal
Code

Agents / Boardman, OR / Settings

Boardman, OR 

Settings

Content

Analytics

Persona/Personality

Persona

An agent persona defines the agent's character and role, guiding interactions with users. Examples: AI Assistant, Teacher, Researcher

AI Assistant

Personality Traits

Personality traits define the agent's style and tone. For a stronger, and more consistent, personality, use fewer traits. Examples: Friendly and Casual, Professional and Humorous, Technical and Formal.

Friendly X Formal X Reactive X



Add To Your Website

Script Tag

Iframe

What Are `<script>` Tags?

`<script>` tags are used to add special features to a webpage, like making things interactive or loading extra tools. In this example, the `<script>` tag connects your site to our service. To use it, just copy the code we provide and paste it into your webpage. It's quick and easy to set up!

Embed code:

```
<script src="https://cloud.subroutine.com/dist/embed.js?id=iyvvg6am&title=Boardman%2C%20OR"></script>
```

AI Models

Response Synthesis Model

This model processes the query results and generates a user-friendly response message.



Rerank Model

This model re-ranks the query results based on estimated response quality.



Visibility

Agents can have public access enabled. This allows anyone, even without an account, to interact with the agent.



Is the agent publicly accessible?

Voice & SMS



You haven't set up a Twilio number yet, but you can still try out phone functionality!

Call this number: **1-866-643-6625**Enter this code when prompted: **162664**

You can also send text messages to the same number using the conference code as your identifier.

Once you provision a Twilio number, these features will be fully customized for your setup.

Disclaimer

Websites / Boardman / http://www.cityofboardman.com/

http://www.cityofboardman.com/

Found 5 WCAG Violation(s) - 1 of 5



? **CRITICAL:** Ensure elements with an ARIA role that require child roles contain them

Fix any of the following: Element has children which are not allowed: li[tabindex]

! Suggested Fix

Ensure that the elements with ARIA roles have the required child roles. In this case, for the element inside a with 'menubar' role, change the role to 'menuitem':

```
<li role="menuitem" class="mega-menu__item mega-menu__item--top-level ...">
```

This will ensure that the ARIA structure is valid.

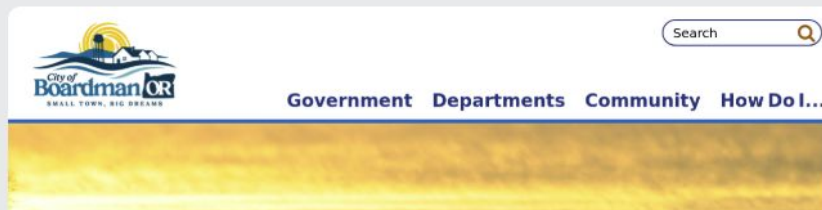


HTML Selector: .mega-menu__wrapper

Load Time:
4089ms

Idle Time:
4842ms

Desktop Screenshot



Mobile Screenshot



Questions?

Thank you,
Subroutine, Inc.

Mike Aaron,
Public Sector Partnerships Manager
mike@subroutine.com

Shipping Containers Repurposed




Agenda

Why talk about Shipping Containers?

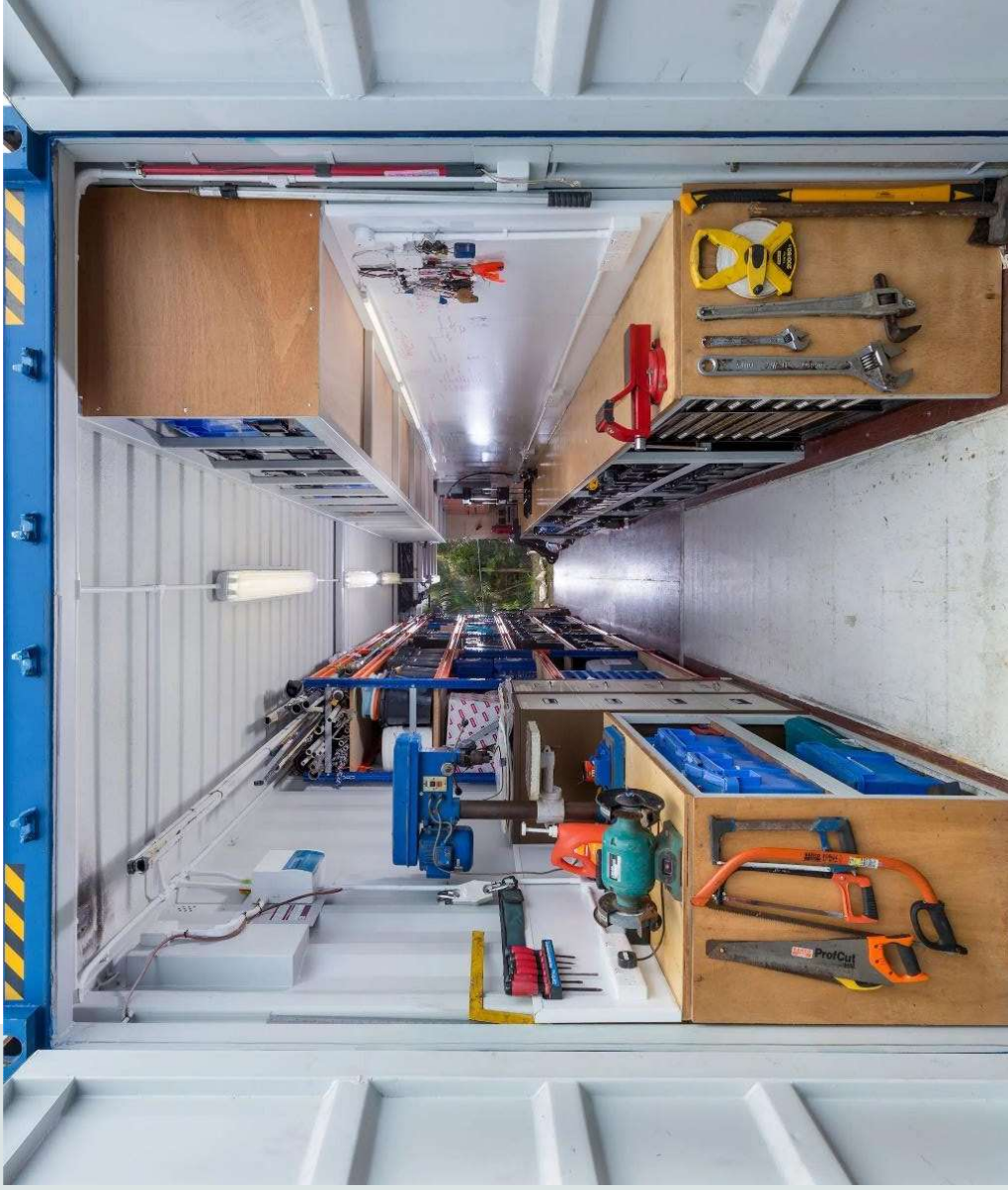

What are some ways Shipping Containers are used?

What are other communities doing?
Next steps for Boardman!





Shipping Containers have been used in Commercial and Industrial zones for supplemental storage in Boardman for some time. The current requests are two-fold – Residential use for storage and Commercial use as an occupiable (work force, not sleeping) structure.



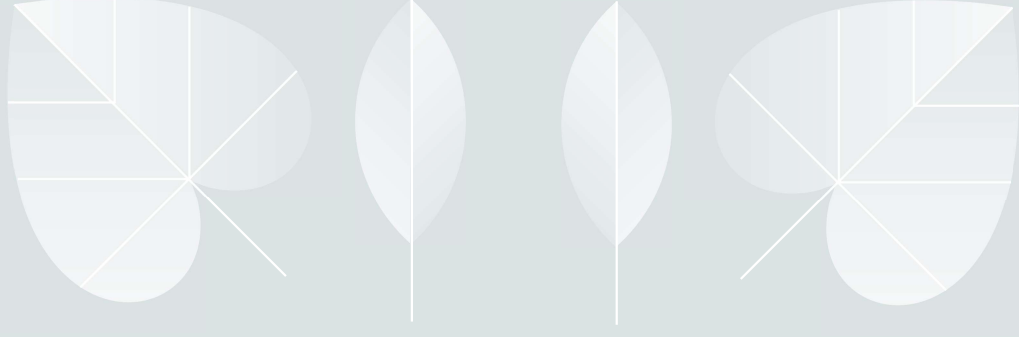


How are other communities responding to these requests?

COMMERCIAL APPLICATION
FOR A FOOD POD FACILITY

Some examples of code language.

- The City of Portland treats Storage Containers like a vehicle: A Storage Container in which any material is temporarily stored or collected. For the purposes of Title 16, a storage container will be considered a vehicle in terms of parking provisions and restrictions.
- The City of Gladstone defines "portable storage containers" this way: "Portable storage container" means a portable, weather-resistant, commercially leased or rented receptacle designed and used for the storage or shipment of personal property, building materials or merchandise. The term shall not include yard waste containers, construction debris containers, or containers having a storage capacity of less than two hundred (200) cubic feet.
- Josephine County states the following: Intermodal structures such as shipping containers or other manufactured items originally designed for transport shall not be used for human occupancy unless the interior of the unit has a floor-to-ceiling minimum height of eight feet, nine inches. All shipping identification shall be removed from the walls of all intermodal structures, regardless if used for human occupancy, and painted with a rust-prohibitive paint.



Some examples of code language, continued.

- The City of Klamath Falls has the following regulations:

Shipping container structures are allowed in all zones in lieu of traditional structures provided they comply with the following:

 - Shipping containers shall not be permitted as a primary structure in any zone.
 - Planning Commission may allow shipping containers to be used as a primary structure in the Neighborhood Commercial and General Commercial Zones as part of a conditional use permit with a required public hearing.
 - Shipping containers may be permitted as an accessory structure in any zone provided:
 - In residential zones, shipping containers shall be sided with the same materials and painted to match the primary structure. As an alternate path for approval, an applicant may request discretionary review by the Director as part of the residential review for siding and paint that is complementary to the primary structure and surrounding neighborhood buildings.
 - In commercial zones, shipping containers shall be placed behind the primary structure.





SOME MORE EXAMPLES





City of Boardman Development Code

Design Standards - Residential

In the Residential Zone "All buildings shall provide detailed design along all elevations (i.e., front, rear and sides).

Detailed design shall be provided by using at least 5 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations)"

For accessory structures, which storage units would be, require that, "The accessory structure shall be of a compatible and complimentary nature to the primary structure and be consistent with of the detail design criteria identified in Section 2.1.180 (C)(3). Detailed Design.

Accessory structures under 200 square feet shall meet at least one (1) of the design criteria identified in 2.1.180 (C)(3)."

Architectural Features:

- a. Dormers b. Gables c. Recessed entries d. Covered porch entries e. Cupolas or towers f. Pillars or posts g. Eaves (minimum 6-inch projection) h. Off-sets in building face or roof (minimum 16 inches) i. Window trim (minimum 4-inches wide) j. Bay windows k. Balconies l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features) m. Decorative cornices and roof lines (e.g., for flat roofs) n. An alternative feature providing visual relief, similar to options a-m.

City of Boardman Development Code Design Standards – Commercial and Industrial

In the Commercial Zone, the following would be applicable:

Buildings under 20,000 square feet (enclosed ground floor area) shall incorporate at least five(5) of the architectural features as follows:

Decorative cornice or facade (for a flat roof) or provision of eaves or other similar decorative feature for pitched roofs;
Decorative display windows on ground floor; Entrance canopy, breezeway or kiosk; Changes in building color or texture; Building articulation on street frontages; Decorative wall or security lighting; Regularly spaced and similarly shaped windows; Decorative window hoods or trim;
Changes in building height along street frontages;
Decorative screening of roof mounted equipment.

In the Light Industrial Zone, the following would be applicable:

- A. Building Mass. Where building elevations are oriented to the street in conformance with Section 2.4.150, design features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.
- B. Pedestrian-Scale Building Entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

Building Code Inputs

SECTION 3114 INTERMODAL SHIPPING CONTAINERS

Storage only residential and commercial.

A single-unit unmodified intermodal shipping container is allowable.

Allowable modifications: No more than one penetration per liner feet of wall, not greater than 6 inches in diameter or not greater than 16 square inches.

Occupiable space residential and commercial.

Shall be evaluated by an Oregon licensed design professional.



Discussion

Thank you
—
Carla McLane
Planning Official





Chamber / BCDA December 2024 Report

Boardman Chamber Membership Updates

- We currently have 253 members for November 2024.
- Our **new members** that joined our chamber recently:
 - Boardman Community Church

Boardman Chamber of Commerce Events

- **35th Annual Distinguished Citizens Awards Banquet:** Our event is scheduled for Thursday, March 7th, at 6:00 PM at the SAGE Event Center. Planning is well underway, we are actively promoting the event on social media, and the nomination period ended on December 31, 2024. A committee will get together in the beginning of January and decide who the winner will be from the nominations. We are happy to announce that Sofia Avalos will be doing our balloon decorations, and Lucky Star Mobile Bar, one of our newest members, will offer professional bartending services for the evening. Additionally, all advertising materials have been finalized and are being used to promote this exciting occasion.
- **Iceland's Magical Northern Lights:** The next fun adventure that we are offering to Boardman and surrounding communities. This trip will take guests to Iceland to experience the Magical Northern Lights in person. It will be an unforgettable journey. The community has a chance to reserve this trip until May 11, 2025. The trip itself will take place on November 10, 2025.

This incredible 7-day getaway includes:

- 11 meals (6 breakfasts, 5 dinners)
- Round-trip air from Portland International Airport (PDX)
- Motorcoach transportation from Boardman Chamber of Commerce to PDX
- Hotel accommodations and transfers
- Breathtaking sights and experiences

For this trip, we will be placing an even greater emphasis on advertising, and we look forward to seeing your sign-ups!

- **1st Quarter Luncheon:** Is scheduled for March 19, 2025. The luncheon will be sponsored by Community Counseling Solutions and held at the SAGE Event Center. This is our Annual Membership luncheon, come join us to hear a recap of the 2024 year.

Past Chamber Events:

- **Christmas Tree Lighting:** The annual Christmas Tree lighting was on December 7, 2024, at 6 pm at the SAGE Center. For the first time ever, this year's Christmas Tree lighting was made even more magical with a dazzling fireworks display that lit up the sky the moment the tree came to life! This was a fun surprise for the kids and their families. AWANA performed its Nativity Pageant and Learning Adventure Pre-School held its yearly school Christmas Concert. After the performances, the children took pictures with Santa Claus. Mid-Columbia Bus Company handed out Hot cocoa and Cookies to everyone. Children who captured magical moments with Santa received a sweet surprise from the SAGE Center – a festive candy cane! It was a night filled with joy and excitement, and we're already counting down the days until next year!
- **4th Quarter Luncheon:** Our 4th Quarter Luncheon was on Wednesday, December 18, 2024. We welcomed Sheri from Perfect Shade, LLC, as our title sponsor. Sheri shared her heartfelt gratitude to the Boardman Chamber of Commerce for being the first chamber she joined, crediting the connections she made for helping her business thrive. The excitement continued with an engaging presentation from a representative of the US Chamber of Commerce, who provided valuable legislative updates. To top it off, Andy Boone from Collette Travel captivated the audience with details of our next travel adventure to experience Iceland's Magical Northern Lights and a sneak peek of the 2026 trip to Costa Rica! It was an incredible evening of inspiration, updates, and exciting opportunities!

Member Events

- **SAGE Saturdays hosted by the SAGE Center**
 - The next SAGE Saturday will be January 4, 2025, from 10:00 AM – 1:00 PM. Bring your kids, they can make fun crafts.

The BCDA Board is pleased to continue supporting various initiatives in Recreation, Education, Beautification, and Community projects.

Our next major project is the construction of a new play structure at the SAGE Center. This \$250,000 investment is designed to support the growing number of students participating in our year-round educational programs while also serving the broader community. We are thrilled to keep you updated on the progress of this initiative.

We extend our heartfelt gratitude to Threemile Canyon Farms for their generous contribution of \$50,000 and to AWS for their recent \$50,000 donation, both of which significantly support the overall cost of this important project. Additional financial support from AgWest of \$2500 for a grant to support this wonderful project.

The estimated completion date is April 2025, as we wait for temperatures to rise to suitable temperatures to safely pour the fall-protection flooring. Thank you for your continued support as we work toward this exciting addition to our community!

Additionally, we are maintaining our Home Buyers Incentive program, with an investment of \$250,000 to encourage new residents to settle in Boardman. We currently have allocated \$245,000 in housing grants for 2024.

We recently received \$1.5 million dollars from the US Small Business Administration to build the Boardman Business Opportunity Incubator building that will be a dedicated space for small and medium sized businesses with a particular emphasis on supporting women and minority owned business enterprises and low-income populations.

BCDA remains committed to making Boardman a wonderful place to live, work, and play.

Should you have any inquiries, please feel free to reach out to me at 541-571-2394 or via email at torrie@boardmanchamber.org at your convenience.

For further details, please visit www.boardmanchamber.org or contact our office directly at 541-481-3014. We're here to assist you!

Upcoming Chamber Events

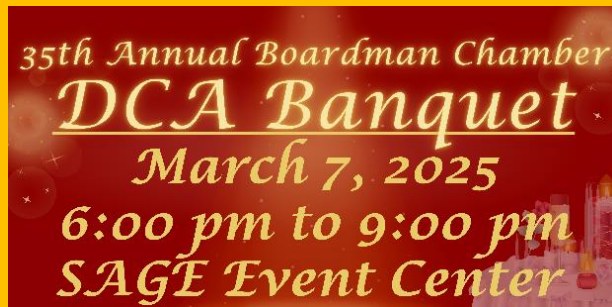
Section 6, Item D.



BOARDMAN
Chamber of Commerce
1ST QUARTER
CHAMBER LUNCHEON
MARCH 19, 2025
ANNUAL MEMBERSHIP MEETING
TITLE SPONSOR:
COMMUNITY COUNSELING SOLUTIONS
12:00 pm - 1:30 pm at SAGE Event Center
101 Olson Rd, Boardman OR 97919
Pre-registration required



collette
Iceland's Magical Northern Lights
Trip: November 10th to November 16th, 2025
Scan to Reserve your spot or get more info.



35th Annual Boardman Chamber
DCA Banquet
March 7, 2025
6:00 pm to 9:00 pm
SAGE Event Center

Upcoming Chamber Member Events



SAGE SATURDAYS
Salt Painting, Slime, & more!
JANUARY 4TH 2024
10AM-1PM
SAGE CENTER
101 OLSON RD
BOARDMAN, OR
ACTIVITIES FOR AGES 3-10
For more information:
www.visitsege.com
(541) 481-7242

**CITY OF BOARDMAN
ORDINANCE 1-2025**

**AN ORDINANCE TO AMEND THE BOARDMAN ZONING MAP
REDUCING THE BPA TRANSMISSION EASEMENTSUBDISTRICT AND
ADDING LAND TO THE COMMERCIAL ZONE SOUTH OF THE BPA
TRANSMISSION LINE ON THE SUBJECT PROPERTY AND
ADDING LAND TO THE COMMERCIAL – TOURIST COMMERCIAL ZONE
NORTH OF THE BPA TRANSMISSION LINE ON THE SUBJECT PROPERTY**

WHEREAS, the City of Boardman has an adopted Zoning Map; and,

WHEREAS, The City of Boardman has acquired the subject property and is working to create development options on land south of Interstate 84; and,

WHEREAS, the current boundary of the BPA Transmission Line Easement Subdistrict is limiting where it is applied beyond the established easement area; and,

WHEREAS, the Boardman Planning Commission held a public hearing on November 21, 2024, to consider the adoption of the proposed amendment to the Boardman Zoning Map and based on comments from the Oregon Department of Transportation continued the Public Hearing; and

WHEREAS, the Boardman Planning Commission held a second public hearing on December 19, 2024, to review the Trip Generation Letter completed by Anderson Perry as the City's engineer firm in response to the comment from the Oregon Department of Transportation; and

WHEREAS, the Boardman Planning Commission considered the Trip Generation Letter and the potential impacts that could be generated by this proposed amendment to the Zoning Map and adopted the following findings:

- The Planning Commission finds that the process utilized to review and recommend this proposed Zone Change is compliant with the Statewide Planning Goal and the City's Comprehensive Plan Goal 1 and that the two Planning Commission public hearings held to consider this request allowed for citizen involvement. The City Council public hearing will also provide an opportunity for citizen involvement.
- The Planning Commission finds that the process utilized to review and recommend this proposed Zone Change is compliant with the Statewide Planning Goal and the City's Comprehensive Plan Goal 2 and that the standards applied along with the additional analysis provided by the Trip Generation Letter meet the standards for review.
- The Planning Commission finds that the public facilities, including the transportation network, are sufficient for development that would occur based on this proposed Zone Change. The requirements of the Main Street Interchange Area Management

Plan to create an expanded road network are being implemented (SE Front and SE 1st have been completed with SW Front and SW 1st under design).

- The Planning Commission finds that, based on the included TGL, applications for development on the property proposed for a change in zoning, will be required to complete a Traffic Impact Analysis. That requirement will identify the improvements needed.

WHEREAS, the City of Boardman Planning Commission has forwarded the Findings of Fact and the proposed Zoning Map amendment to the City Council with a “do adopt” recommendation; and

WHEREAS, the Boardman City Council held a public hearing on January 7, 2025, to consider the adoption of the Findings of Fact and the amended Zoning Map. Also considered was additional comment submitted by the Oregon Department of Transportation which outlined concerns about their facilities based upon this Zoning Map amendment; and

WHEREAS, city planning staff outlined for the City Council that the Trip Generation Letter identified worst case scenarios for each of the future parcels that can be created from the subject property. The analysis by city planning staff also found that current provisions in the Boardman Development Code and requirements in the Main Street Interchange Area Management Plan which are further supported by design recommendations in the Downtown Development Plan require most development that could occur on the subject property to be subject to a Traffic Impact Analysis under most development scenarios addressing the concerns raised by the Oregon Department of Transportation; and

WHEREAS, city planning staff outlined that, based on city ownership of the subject property, future development can be directed or accomplished in a way that would require potential mitigation that would be identified as part of the development process; and

WHEREAS, the Boardman City Council considered the Planning Commission’s “do adopt” recommendation and the comment submitted by the Oregon Department of Transportation and approved the amendment to the Boardman Zoning Map by a 6 to 1 vote reducing the area of BPA Transmission Line easement converting property to the north to Commercial – Tourist Commercial and property to the south to Commercial.

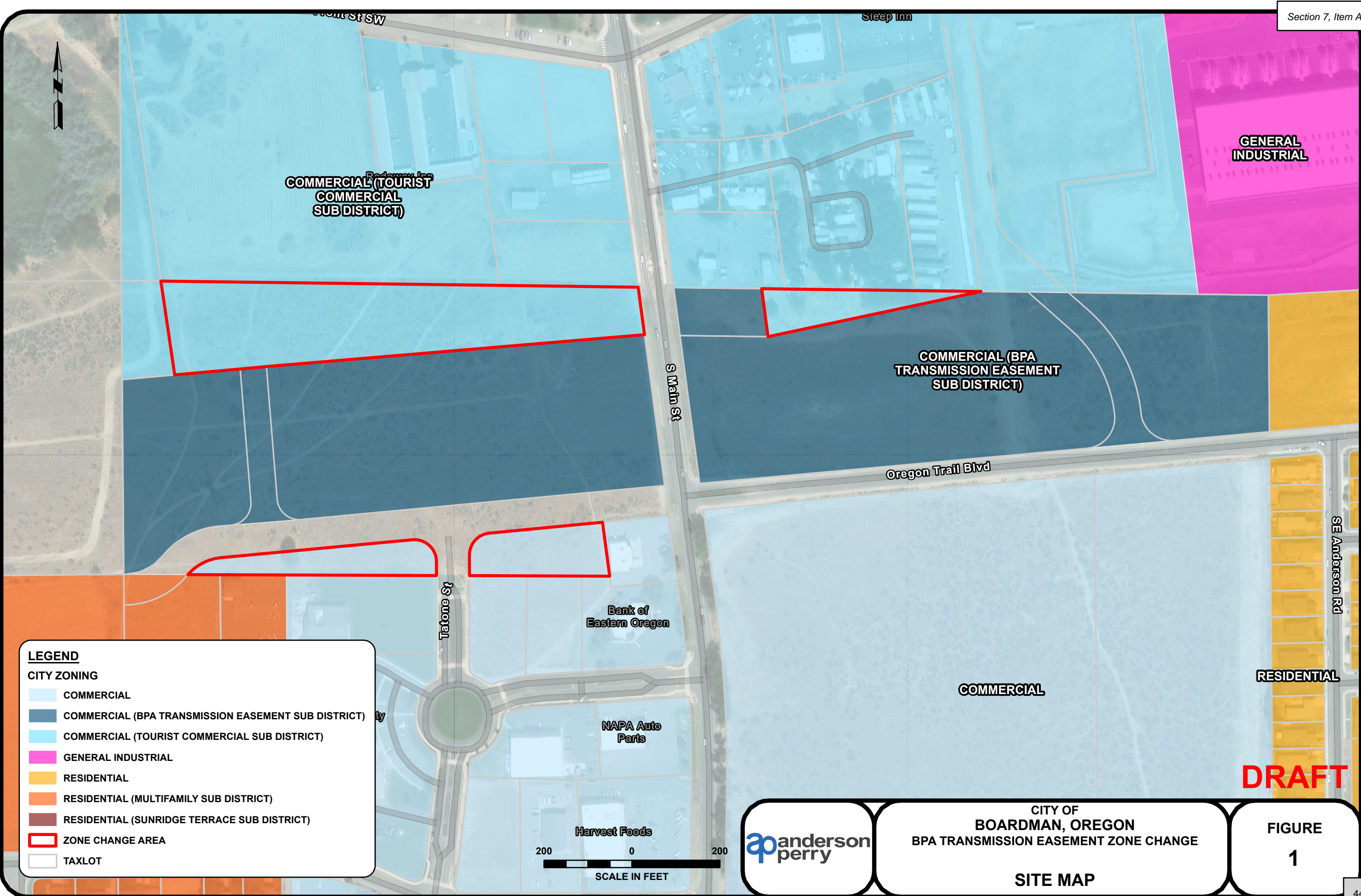
NOW THEREFORE BE IT ORDAINED that the City of Boardman approves the amended Zoning Map attached as Exhibit A and the Planning Commission Findings of Fact (to also include the letter received from the Oregon Department of Transportation dated December 31, 2024, and the email in support from Hardeep Singh dated December 27, 2024) attached as Exhibit B. The approved change will be effective 30 days after adoption of this Ordinance.

Passed by the Council and approved by the Mayor on this 4th day of February 2025.

Paul Keefer – Mayor

Amanda Mickles – City Clerk

\\apa\p\gis\GIS Dept\Active Projects\APGIS Clients\Boardman\439-76 (024) Planning Services - Zoning Change Update\ArcGIS Pro Projects\439-76 Planning Services Zoning Change Update.aprx, Figure 11 x 17 Landscape, 1/7/2025 3:24 PM, jmerill



FINAL FINDINGS OF FACT
PLANNING COMMISSION
AMENDMENT LND24-000011
AMENDED DECEMBER 13, 2024

REQUEST: To accomplish a minor amendment to the City of Boardman Zoning Map reducing the area of Bonneville Power Administration (BPA) Transmission Line easement to be only within the BPA easement area and to increase the Commercial – Highway SubDistrict on the north and Commercial on the south.

APPLICANT: City of Boardman
Planning Official
Post Office Box 229
200 City Center Circle
Boardman, Oregon 97818

- I. **GENERAL INFORMATION:** The current Boardman Zoning Map identifies a small area of the land under the BPA transmission lines zoned BPA Transmission Line Easement. At this point that zoning only extends a small distance to both the east and west of South Main Street. Over time as an emerging vision for “park blocks” to be developed under the BPA transmission line that zoning could be extended to both the east and west, but only after the code language is amended. It is also the intent to apply this zoning only within the easement boundary of the BPA transmission line easement. This endeavor is to redefine the current application of the zoning to be only within the easement boundary allowing the property that would be rezoned to be eligible for development.
- II. **PROCEDURE:** This amendment is being processed using Type IV procedures found within the Boardman Development Code. The Type IV process requires a hearing before the Planning Commission with a recommendation to the City Council. The final hearing will occur before the City Council.
- III. **APPROVAL CRITERIA:** The request has been filed under the BDC Chapter 4.1 Types of Applications and Review Procedures, more specifically 4.1.600 Type VI Procedures (Legislative). The criteria are identified below in **bold** type with responses in regular type.

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

1. Approval of the request is consistent with the Statewide Planning Goals.
The Statewide Planning Goals applicable to this request are Goal 1, Citizen Involvement and Goal 2, Coordination.

Goal 1 requires the City to “develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” Because the proposed legislative amendment will be heard by both the Planning Commission and the City Council, there will be at least two opportunities for public comment to the proposed change. Additionally, owners of adjoining property have received notice of this proposed action. This is

consistent with the City’s acknowledged citizen involvement program. (Goal 1, Policy 4: The Planning Commission is officially designated as the Citizen Involvement Committee.)

Goal 2 requires the City to adopt a comprehensive plan and implement the plan through its development code and by extension other planning level documents including the Zoning Map. The proposed amendment is consistent with and will support the comprehensive plan relative to employments lands. (Goal 2, Policy 3: The City has adopted the City of Broadman Development Code, a unified zoning and subdivision land use code to facilitate the development process and implement the land use goals of the City as outlined in the Comprehensive Plan.)

For these reasons, the criterion is met.

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

The Boardman Comprehensive Plan (BCP) has a variety of policies that support the proposed amendment and the process used to achieve it. Goal 1 policies support citizen involvement and the public hearing process. Goal 1, Policy 4, designates the Planning Commission as the City’s official Citizen Involvement Committee. Therefore, review by the Planning Commission ensures compliance with the comprehensive plan.

While none of the Goal 2 Policies are specifically applicable to this action, staff assert that the land use planning process required through Goal 2 is supported with the update of the Zoning Map and that the adoption of these changes further supports that action. The desired result is a Zoning Map that provides for the addition of employment lands and refines the limitations of the BPA Transmission Line Easement.

For these reasons, the criterion is met.

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

The area of the change is along South Main Street and north of both the current and anticipated future expansion of Oregon Trail Boulevard. Public facilities and services are available in this area and this minor map amendment should not impact service delivery. The 2009 Main Street Interchange Area Management Plan is applicable to any development that would occur in this area with road and infrastructure improvements that have recently been installed (SE Front and 1st project) and others that are under design (SW Front and 1st project based on development).

For these reasons, the criterion is met.


The City has received a comment letter from the Oregon Department of Transportation that is included. Based on that comment, the City has completed a Trip Generation Letter (TGL), also attached. The TGL utilized the ITE Cde for a Variety Store, a reasonable proxy for anticipated development on Parcel B. The other parcels analyzed most likely would not see development at that level although specific plans for the land have not been finalized.

Planning staff recommend approval of the proposed change in zoning without further action. When development occurs the Boardman Development Code requires a review of potential trip generation with staff regularly requiring TGLs to ascertain potential impacts. A Variety Store on any of the proposed parcels, as evaluated, would require a TGL and, based on this analysis, will trigger a Traffic Impact Analysis to determine impacts based on the development type and scope.

- | | | |
|-------|--|--|
| IV. | LEGAL NOTICE PUBLISHED: | October 30, 2024
East Oregonian |
| V. | AFFECTED LANDOWNER NOTICE: | November 1, 2024
List of recipients on file at City Hall. |
| VI. | DLCD 35-DAY NOTICE: | October 17, 2024 |
| VII. | AGENCIES NOTIFIED: | Dawn Hert, Department of Land Conservation and Development; Teresa Penninger and Rich Lani, Oregon Department of Transportation; Michael Hughes and Marty Broadbent, Boardman Fire; Rick Stokoe, Boardman Police; Emily Roberts, Morrow County Health District; George Shimer, Boardman Parks and Recreation District. |
| VIII. | HEARING DATES: | Planning Commission
November 21, 2024
December 19, 2024
Council Chambers
Boardman City Hall
200 City Center Circle
Boardman, Oregon 97818

City Council
January 7, 2025
Council Chambers
Boardman City Hall
200 City Center Circle
Boardman, Oregon 97818 |
| IX. | PLANNING OFFICIAL RECOMMENDATION: | The Planning Official recommends the Planning Commission forward the request to the City Council with a ‘do adopt’ recommendation based on the following findings. |

- The Planning Commission finds that the process utilized to review and recommend this proposed Zone Change is compliant with the Statewide Planning Goal and the City's Comprehensive Plan Goal 1 and that the two Planning Commission public hearings held to consider this request allowed for citizen involvement. The City Council public hearing will also provide an opportunity for citizen involvement.
- The Planning Commission finds that the process utilized to review and recommend this proposed Zone Change is compliant with the Statewide Planning Goal and the City's Comprehensive Plan Goal 2 and that the standards applied along with the additional analysis provided by the Trip Generation Letter meet the standards for review.
- The Planning Commission finds that the public facilities, including the transportation network, are sufficient for development that would occur based on this proposed Zone Change. The requirements of the Main Street Interchange Area Management Plan to create an expanded road network are being implemented (SE Front and SE 1st have been completed with SW Front and SW 1st under design).
- The Planning Commission finds that, based on the included TGL, applications for development on the property proposed for a change in zoning, will be required to complete a Traffic Impact Analysis. That requirement will identify the improvements needed.



 Zack Barresse, Chair
 Planning Commission

19-DEC-2024

 Date

ATTACHMENTS:

- Vicinity Map
- Assessor's Map with area of change identified
- Comment Letter, Oregon Department of Transportation, Dated October 28, 2024
- Trip Generation Letter, Anderson Perry, Dated December 11, 2024

Section 7, Item A.



Taxlots

49

Cancelled
700 THRU 709
800
900
1000
1100
1101
1102
1200
1300
1400
1500
1600

Section 7, Item A.

Revised: 07/25

04N25E[



Oregon

Tina Kotek, Governor

Department of Transportation
Region 5, District 12
1327 SE 3rd Street
Pendleton, OR 97801

October 28, 2024

Carla McLane, City Planner VIA EMAIL: mclanec@cityofboardman.com
City of Boardman
200 City Center Circle
P O Box 229
Boardman, OR 97818

Subject: Zoning Map Amendment of 5 acres from BPA Transmission Line Easement Subdistrict to Commercial – Highway Subdistrict on the north and Commercial on the south

The Oregon Department of Transportation (ODOT) has jurisdiction of Interstate 84, including responsibility for managing access within the corridor. The proposed property is in the vicinity of Interstate 84/Main Street Interchange. ODOT is committed to preserving the function of the Interchange and public infrastructure investments as the area infills and redevelops.

At a minimum for a rezone, we recommend a Traffic Generation Report (TGR) which shows the before and after change in trip generation from BPA Transmission Line Subdistrict to the proposed zone(s) be conducted. If the TGR shows an increase in traffic over 400 or between 400 and 1000 Average Daily Trips (ADT), then following Oregon Highway Plan Action 1F.5, there are different thresholds for Annual ADT and highway configurations that will need to be evaluated, or the increase is over 1000 ADT, a Traffic Impact Analysis (TIA) would be recommended to evaluate if there is a significant affect.

Ensuring the transportation system is managed effectively to support multi-modal choices in accordance with the City's Transportation System Plan as well as the 2009 Boardman Main Street Interchange Management Plan is necessary to satisfy requirements of the ORS 660-012 Transportation Planning Rule.

ODOT welcomes the opportunity to meet with the City regarding future development plans and the timing of a TIA. Please enter this letter into the record of the proceedings and provide me with a copy of the decision. Thank you for the opportunity to comment on this proposal.

Rich Lani
District 12 Manager

CJS

cc: Ken Patterson, ODOT Region 5 Manager
David Boyd, Regional Access Management Engineer
Tom Lapp, District 12



1901 N. Fir Street, P.O. Box 1107
La Grande, OR 97850
(541) 963-8309
www.andersonperry.com

Engineering

Surveying

Natural Resources

Cultural Resources

GIS

December 11, 2024

Carla McLane, City Planner
City of Boardman, Oregon
P.O. Box 229 / 200 City Center Circle
Boardman, Oregon 97818

RE: Bonneville Power Administration (BPA) Transmission Line Trip Generation Analysis

Dear Carla:

This letter is intended to provide preliminary data regarding the potential impact from future development in the proposed rezoning area of the BPA property in Boardman, Oregon.

Project/Site Description

The BPA Transmission Line Easement property is located on Tax Lots 04N25E16B00100 and 04N25E16B00102. The property is located adjacent to the Oregon Trail Boulevard corridor near the South Main Street intersection. Location and vicinity maps for the property are shown on Figure 1, and Figure 2 is a projected site map for the property.

Figure 2 shows the developable areas of the proposed rezoned parcels and the proposed right-of-way (ROW) for S.W. 1st Street, Burlington Road, and W. Oregon Trail Boulevard, which are planned for future development. Although specific developments have not been identified, the ROW dissects the parcels, defining specific parcels for potential future development. As such, the City is working to subdivide the parcels.

Certain assumptions are required to assign the Institute of Transportation Engineers (ITE) code and independent variable to obtain hypothetical trip generation data. Of the areas shown on Figure 2, it is assumed that a building size equivalent to 25 percent of the parcel area can be reasonably constructed when accounting for setbacks, parking lots, landscaping, etc. This is likely a conservative approach due to the somewhat nonconventional lot geometry created by the ROW dissection of the parcels paired with the dissection of the BPA ROW.

Furthermore, the proposed rezoning will be to properties zoned as commercial and commercial highway, where land uses can range from lodging, office, retail, or services. For this analysis, ITE code 814 - Variety Store was used to compile trip generation data for parcels A, C, D, and E; and ITE code 821 - Strip Retail Plaza (less than 40,000) was used for parcel B. It is likely that actual trip generation values will be less than what has been estimated due the rural setting of the City of Boardman, and development type may differ from what was assumed.

Carla McLane
December 11, 2024
Page -2-

Trip Generation Data

The trip generation data are based on the ITE Trip Generation Manual, 11th Edition (September 2021) land use Variety Store (814) and Strip Retail Plaza (821). The trip generation results with associated generation equations or average rates are shown on Tables 1 through 5. The site trips were calculated using the ITE TripGen Web-based App for the average weekday and the weekday PM peak hour.

TABLE 1
ITE TRIP GENERATION - VARIETY STORE (PARCEL A)
BPA TRANSMISSION LINE EASEMENT REZONING DEVELOPMENT

Land Use (ITE Code)	Variety Store (814)
Independent Variable (IV)	1,000 square feet (sq. ft.)
IV Value	7.6
Average Daily Trips (ADT)	484
Generation Equation	$ADT = 83.39(IV) + 539.33$
Peak Hour Trips (PHT)	PM Peak Hour
In	28
Out	28
Total PHT	56
Generation Equation	$Ln(PHT) = 0.81Ln(IV) + 2.92$

TABLE 2
ITE TRIP GENERATION - RETAIL STORE (PARCEL B)
BPA TRANSMISSION LINE EASEMENT REZONING DEVELOPMENT

Land Use (ITE Code)	Strip Retail Plaza Store (821)
IV	1,000 sq. ft.
IV Value	26.1
ADT	1,762
Average Rate Equation	$ADT = 67.52(IV)$
PHT	PM Peak Hour
In	130
Out	111
Total PHT	241
Average Rate Equation	$PHT = 5.19(IV)$

Carla McLane
December 11, 2024
Page -3-

TABLE 3
ITE TRIP GENERATION - VARIETY STORE (PARCEL C)
BPA TRANSMISSION LINE EASEMENT REZONING DEVELOPMENT

Land Use (ITE Code)	Variety Store (814)
IV	1,000 sq. ft.
IV Value	6.5
ADT	414
Average Rate Equation	ADT = 63.66(IV)
PHT	PM Peak Hour
In	24
Out	24
Total PHT	48
Average Rate Equation	PHT = 6.70(IV)

TABLE 4
ITE TRIP GENERATION - VARIETY STORE (PARCEL D)
BPA TRANSMISSION LINE EASEMENT REZONING DEVELOPMENT

Land Use (ITE Code)	Variety Store (814)
IV	1,000 sq. ft.
IV Value	8.2
ADT	522
Average Rate Equation	ADT = 179(IV)
PHT	PM Peak Hour
In	30
Out	31
Total PHT	61
Average Rate Equation	PHT = 15.08(IV)

TABLE 5
ITE TRIP GENERATION - VARIETY STORE (PARCEL E)
BPA TRANSMISSION LINE EASEMENT REZONING DEVELOPMENT

Land Use (ITE Code)	Variety Store (814)
IV	1,000 sq. ft.
IV Value	8.2
ADT	522
Average Rate Equation	ADT = 179(IV)
PHT	PM Peak Hour
In	30
Out	31
Total PHT	61
Average Rate Equation	PHT = 15.08(IV)

Carla McLane
December 11, 2024
Page -4-

According to the data generated, the hypothetical development affecting the rezoning area of the BPA Transmission Line property is anticipated to generate 3,704 vehicle trips during a typical weekday and 467 during the weekday PM peak hour.

Conclusion

The data from the ITE Trip Generation Web-based App lacks information for rural or small town settings; therefore, the data presented are based on development within an urban/suburban setting. It is believed that the calculated ADT of 3,704 is skewed because of the use of the urban/suburban setting, and the true ADT is likely to be lower. Despite the uncertainty in the data, the proposed development may generate an ADT greater than 1,000; therefore, in accordance with the findings of the analysis, the proposed project will require a Traffic Impact Analysis based on the criteria in the Oregon Highway Plan Action 1F.5 and the City of Boardman Development Code Chapter 4.10, Section 4.10.200 to evaluate if there is a significant effect and to determine whether mitigation is needed to minimize impacts to transportation facilities.

Sincerely,

ANDERSON PERRY & ASSOCIATES, INC.

By 

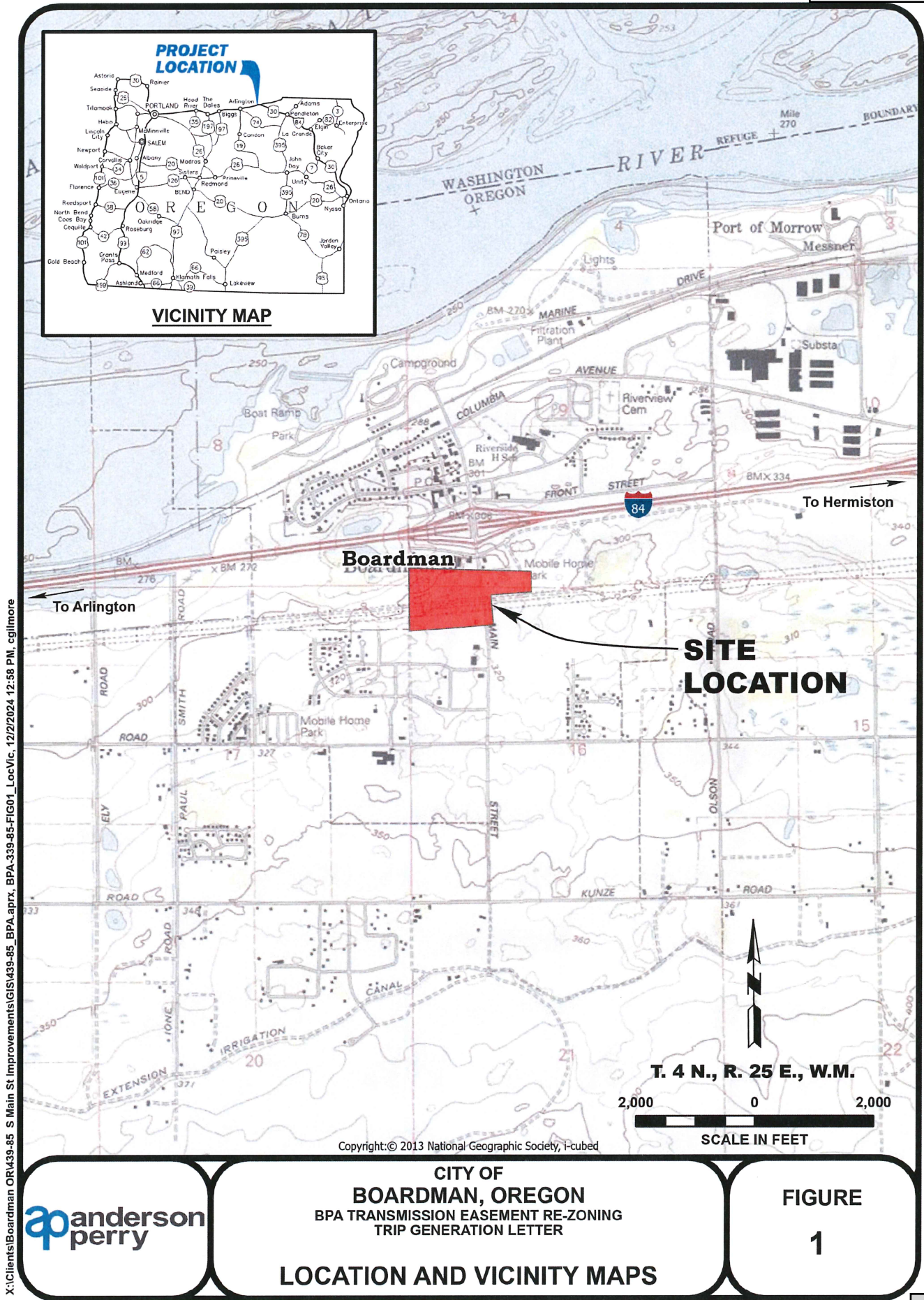
Daniel Park, Engineering Technician

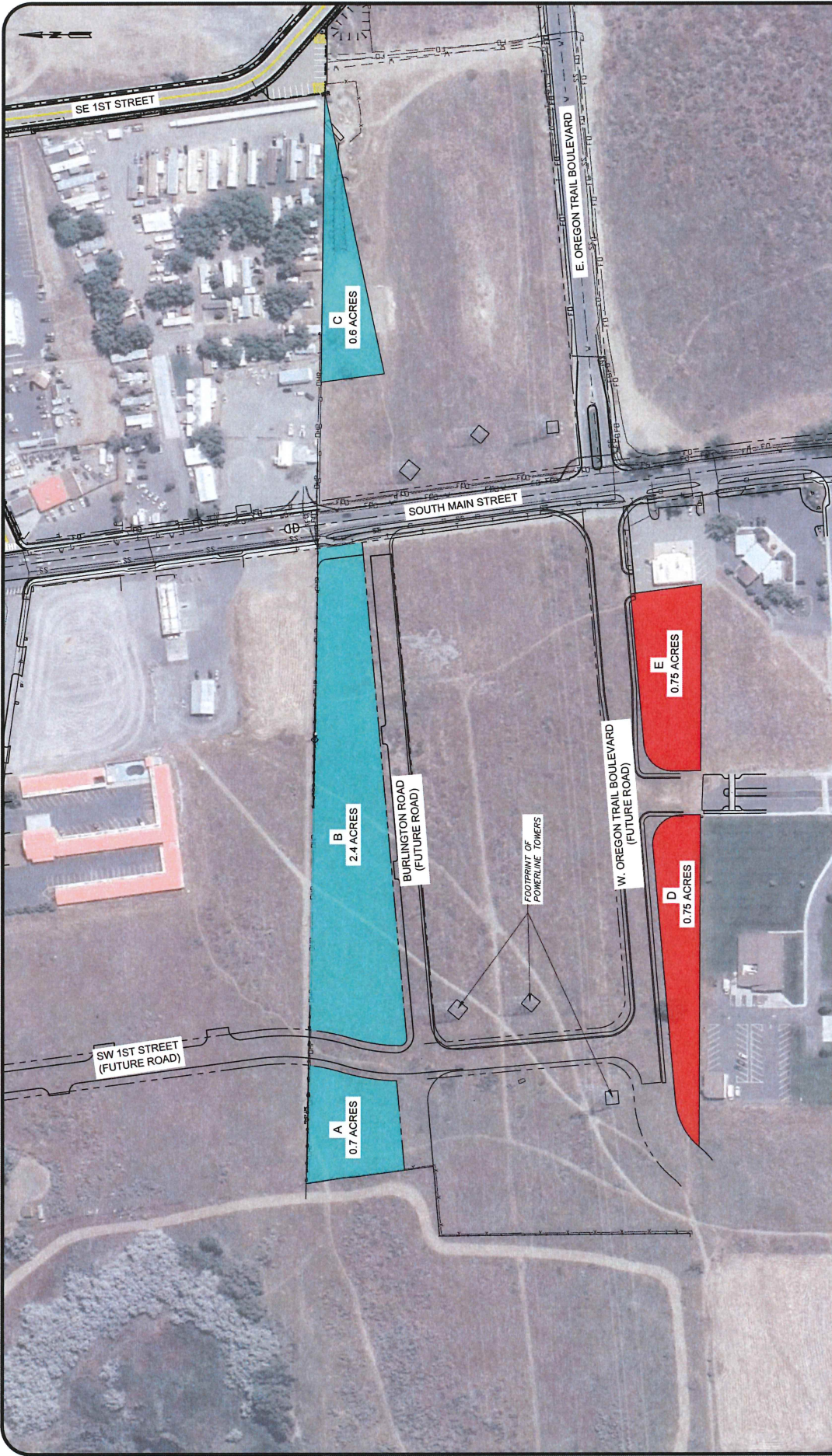
DP/ct

Enclosures

cc: Mike Lees, AP
File No. 439-85-002

McLaneTripGenLtr_Boardman_439-85-002.docx





LEGEND



PROPOSED RE-ZONING TO COMMERCIAL HIGHWAY SUB-DISTRICT
PROPOSED RE-ZONING TO COMMERCIAL



CITY OF
BOARDMAN, OREGON
BPA TRANSMISSION EASEMENT RE-ZONING
TRIP GENERATION LETTER

SITE MAP

FIGURE
2



Oregon

Tina Kotek, Governor

Department of Transportation

Region 5

3012 Island Avenue
LaGrande, OR 97850

December 31, 2024

Carla McLane, City Planner VIA EMAIL: mclanec@cityofboardman.com
City of Boardman
200 City Center Circle
P.O. Box 229
Boardman, OR 97818

Subject: LND24-000011 Proposed Zoning Map Amendment of 5 acres from BPA
Transmission Line Easement Subdistrict to Commercial-Highway Subdistrict
on the north and Commercial on the south – ODOT Follow-Up Recommendations

The Oregon Department of Transportation (ODOT) submitted formal comments on October 28, 2024 (see Attachment) recommending the City require the applicant provide a Traffic Generation Report which shows the before and after change in trip generation from BPA Transmission Line Easement Subdistrict to Commercial-Highway Subdistrict on the north and Commercial on the south. City Preliminary Findings of Fact identify a Trip Generation Letter (TGL) was conducted; however, this is the first time ODOT has seen the TGL. The TGL identifies a Traffic Impact Analysis (TIA) is needed.

ODOT is concerned that City Staff are only proposing a TIA at the development stage. A TIA is typically required to determine if there is a significant affect to the transportation system caused by the zone change, which does not appear to have been done. If a significant affect is created, the City should identify that the zone change is consistent with existing planning documents, including the City's adopted Transportation System Plan (TSP) and the adopted Main Street Interchange Area Management Plan (IAMP), or identify solutions to be incorporated into those planning documents.

In addition, ODOT recommends the City assign responsibility for the development to mitigate impacts and share costs for financing the improvements consistent with the City's adopted TSP and Main Street IAMP. Ensuring the transportation system is managed effectively to support multi-modal choices in accordance with the City Transportation System Plan and Main Street IAMP are necessary to satisfy requirements of the ORS 660-012 Transportation Planning Rule (TPR).

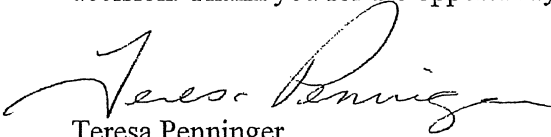
ODOT is committed to preserving the function of the state highway system and public infrastructure investments as the area infills and redevelopments to satisfy requirements of the

Carla McLane, City Planner

Page 2

December 31, 2024

TPR. Please enter this letter into the record of the proceedings and provide me with a copy of the decision. Thank you for the opportunity to comment on this proposal.



Teresa Penninger

Region Planning and Business Manager

Attachment: ODOT October 28, 2024 Letter

CJS

cc: Ken Patterson, ODOT Region 5 Manager

Rich Lani, District 12 Manager

Paul Howland, District 12

David Boyd, Region Access Management Engineer

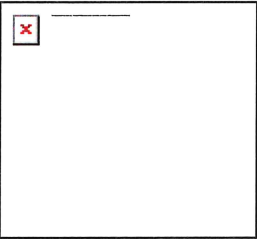
Carla McLane

From: Hardeep Singh <hsingh@igdistribution.net>
Sent: Friday, December 27, 2024 11:54 AM
To: Carla McLane
Subject: Boardman Zoning Map Amendment LND24-000011





Carla

We fully support the amending the zoning map reducing the area of BPA lines. This will help bring necessary commercial activities to the city while also address the traffic on Main Street.

Thank you



Hardeep Singh
Managing Partner
UNITY PARTNERS
Shaping Visions, Pioneering Success

 [425-268-2088](tel:425-268-2088)
 Hsingh@unitypartners.info
 www.unitypartners.info
 636 N Colorado Street, Suite 24 Kennewick, WA 99336

CITY OF BOARDMAN
RESOLUTION 4-2025

A RESOLUTION DECLARING CITY OF BOARDMAN
PERSONAL PROPERTY AS EXCESS

WHEREAS, the City of Boardman owns and operates equipment and vehicles; and

WHEREAS, certain equipment which may not have effective use remaining has become excess to the needs for which it was acquired and utilized; and

WHEREAS, in the interest of cost efficiency, equipment which the expense of repair/renovation exceeds the value of the equipment to the operations of the City, is judged by the City Council to best be disposed of.

NOW, THEREFORE BE IT RESOLVED, that the items listed in Exhibit A currently owned and operated by the City of Boardman is declared EXCESS and shall forthwith be disposed.

BE IT FURTHER RESOLVED, the City Council authorizes the City Administration to dispose of the property through the donation to not for profit agencies, acceptance of bids, direct sale with prospective purchaser(s), or a combination thereof.

Passed by the Boardman City Council this 4th day of February 2025.

CITY OF BOARDMAN

Mayor – Paul Keefer

Council President – Ethan Salata

Councilor – Cristina Cuevas

Councilor – Karen Pettigrew

Councilor – Brenda Profitt

Councilor– Heather Baumgartner

Councilor – Richard Rockwell

ATTEST:

Amanda Mickles – City Clerk

Resolution 4-2025 Exhibit A

City Hall

Qty	Item
11	Panasonic KX-NT680 Phones
1	51"x51" etched glass
1	72"x59" etched glass

Water Building

Qty	Item
1	28" Pipe - 110 ft
1	300 Line Control
1	6" Pipe - 19 ft
1	Breaker Panel - 125 amp
1	Breaker Panel - 120/208
1	Breaker Panel - 277/480
1	Desk - Metal
2	GE 8000 Line Motor Control
6	GE Switchboards
2	Pump - 100 HP
2	Pump - 150 HP
2	Pump - 200 HP
5	Q Mark Heaters
1	Transformer
4	VFO
1	Water Plant Control Panel 25CPI

Old City Shop

Qty	Item
1	10" Meter
2	Cabinet
1	Cabinet - Office
3	Chair - Black Customer
2	Chair - Guest
1	Chair - Office
5	Chair - Plastic
16	Chair - Red Customer
1	Computer raised desk accessory
2	Desk
1	Desk - Brown Office
1	Desk - L Shaped
1	Desk - Metal
1	Desk - Wood 2'x5'
1	Desk - Wood 3'x7'
1	FM15 Floor Scrubber
1	Pro Station Power Cleaner
1	Pump - 50 HP
3	Pump - 75 HP
2	Shelf - Metal 5 Metal Units
2	Table - Rectangle
1	Table - Round 29"
1	Table - Round 40"
1	TV - Panasonic
1	TV - Sony
1	TV - Vtel

CITY OF BOARDMAN
RESOLUTION 5-2025

A RESOLUTION REPEALING CITY OF BOARDMAN FEE SCHEDULES

WHEREAS, the City Council has the authority to establish fees for all city services by the adoption of resolution, ordinance, or code; and

WHEREAS, the City Council has deemed it necessary and proper for the City to periodically review and revise fees; and

WHEREAS, these fees have historically been adopted by a variety of resolutions, ordinances, or code; and

WHEREAS, the City is striving to streamline the process to set and adopt fees that would be compiled in a Master Fee Schedule that would then be reviewed and adopted; and

WHEREAS, the process to compile the Master Fee Schedule will require for specified fees and costs to be extracted from code language and ordinances; and

WHEREAS, the Master Fee Schedule adopted by Resolution 15-2023 did not go through the process of extracting the specified fees from code language and ordinances, and does not meet the definition of Master Fee Schedule.

NOW, THEREFORE BE IT RESOLVED, by the Boardman City Council, that the consolidated fee schedule adopted by Resolution 15-2023 is hereby repealed in its entirety.

Passed by the Boardman City Council this 4th day of February 2025.

CITY OF BOARDMAN

Mayor – Paul Keefer

Council President – Ethan Salata

Councilor – Cristina Cuevas

Councilor – Karen Pettigrew

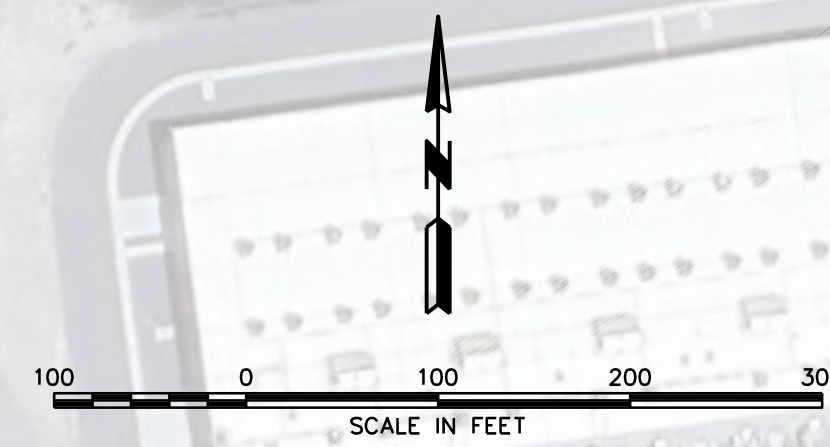
Councilor – Brenda Profit

Councilor– Heather Baumgartner

Councilor – Richard Rockwell

ATTEST:

Amanda Mickles – City Clerk

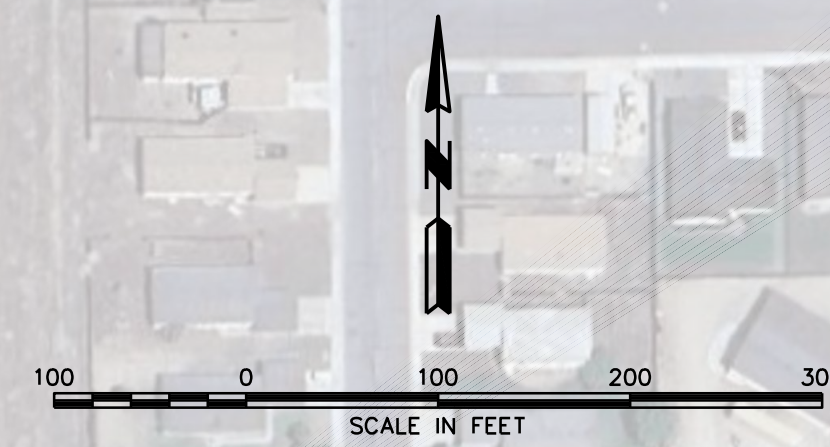


CITY OF
BOARDMAN, OREGON
S MAIN STREET IMPROVEMENTS - 2025



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CITY OF
BOARDMAN, OREGON
S MAIN STREET IMPROVEMENTS - 2025



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BOARDMAN POLICE DEPARTMENT
PATROL STATISTICS (UNAUDITED)
CALENDER YEAR 2025

Statistics	Jan.	Feb.	Mar.	Apr.	May	Jun.	July	Aug.	Sep.	Oct.	Nov.	Dec.	Annual Total
Total Incidents	445												
Calls for Service	163												
Officer Initiated Incidents	282												
Traffic stops	157												
Other OIA Incidents	125												
Bus/Building Checks	7												
Veh/Ped check	59												
Total Officer Reports	51												
CIS Converstion	0												
Crash	3												
Felony	7												
Information Case	17												
Misdemeanor	18												
Violation	0												
Voided	3												
Unclaissified Reports	3												
Total Misdemeanor & Felony Arrest	18												
Misdemeanor Arrests	14												
Felony Arrests	4												
Total Citations	17												
Code	0												
Criminal	7												
Violation	16												
Unclassified	0												
FI's	1												

Note: Stats are from the 23rd of prior month to 22nd of current month.

Note: Calender year end summary report will project slight different totals due to RIMS variations,.

2024	Jan '24	Feb '24	Mar 1 to Mar 27	Mar 28 to Apr 22	Apr 23 to May 22	May 23 to June 22	June 23 to July 22	July 23 to Aug 22	Aug 23 to Sept 22	Sept 23 to Oct 22	Oct 22 to Nov 22	Nov 23 to Dec 22	Section 12, Item B.	Total
													to Jan 22	

Total Permits Sold	26	23	26	33	28	39	42	46	80	67	142	66	28	501
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Boardman

Permits Sold	6	8	4	7	14	21	26	23	36	28	29	14	11	221
Manufactured Placement Permit	0	0	0	0	1	1	0	1	0	0	1	0	0	4
New Home Construction	1	0	0	0	1	5	5	7	11	5	6	4	4	48
Multi Family Units	0	0	0	0	0	0	0	0	0	4	0	0	0	4

Morrow County (Excludes 97818)

Permits Sold	10	8	10	8	0	10	7	10	33	10	22	13	8	139
Manufactured Placement Permit	1	1	0	0	0	0	0	0	0	1	1	1	0	4
New Home Construction	1	0	0	1	0	1	0	0	0	1	2	0	3	8
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Morrow County - 97818

Permits Sold	12	7	39	33	44	34	11	15	1	10	54	36	1	285
Manufactured Placement Permit	0	0	0	0	0	1	0	0	0	1	0	0	0	2
New Home Construction	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Irrigon

Permits Sold	3	2	5	2	3	4	0	1	7	2	15	1	1	43
Manufactured Placement Permit	0	0	0	0	0	1	0	0	0	0	0	0	0	1
New Home Construction	0	2	0	0	2	0	0	0	2	0	0	0	0	6
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0

State Electrical

	1	1	4	4	1	0	0	3	4	3	13	1	1	35
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Gilliam County

Permits Sold	7	5	7	16	11	4	9	12	4	14	9	1	6	98
Manufactured Placement Permit	2	0	0	2	1	1	2	1	0	0	0	0	0	7
New Home Construction	0	0	0	2	0	0	0	0	0	0	0	0	0	2
Multi - Family (units)	0	0	0	0	6	0	0	0	0	0	0	0	0	6

Public Works Report

Jan-25

17	Locates (mark water and sewer lines for customers prior to digging)
11	Work Orders
4	New Meter Installs
170	New Radio Reads Installed

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Meters
2024	0	0	2	2	0	0	4	8	0	0	0	0	16
2025	4	0	0	0	0	0	0	0	0	0	0	0	4

Besides daily work routines, Public Works also completed the following:

1.Pond

Transitioned operations to an alternate pond due to overfilling in the primary pond.

2.Smart Points

Dedicated the month of January to progressing the installation and completion of smart points across the city.

3.Leaks

Addressed a chlorine leak in the old water building.
Responded to and repaired a water leak at BVE.

4.Stormwater Maintenance

Cleaned all city storm drains and bioswales to ensure proper water flow and reduce flooding risks.

5.Sewer System Maintenance

Flushed and rodded city manholes to clear obstructions.
Resolved a sewer blockage at 130 NW Columbia Avenue.
Resolved a sewer backup at 748 Adams Avenue.

6.Water System Maintenance

Replaced four setters to improve system efficiency and reliability.

7.Christmas Tree Pickup

Collected and disposed of approximately 29 Christmas trees, occurring every Monday and Tuesday throughout January.

8.Infrastructure

Installed a new eye wash station at the Police Department.

Repaired fences at Col 2.

Serviced F350

Serviced PD vehicle's

9.Seasonal Cleanup

Removed all Christmas decorations throughout the city.

MEMORANDUM

To: Mayor Keefer and members of the City Council
Cc: Brandon Hammond, City Manager
From: Carla McLane, Planning Official
Date: January 27, 2025
RE: Planning Department Monthly Update

Strategic Planning Program: Work in all these areas continues. As I write this a Public Advisory Committee, or PAC, meeting was held last Thursday, January 23, for the Comprehensive Plan and Boardman Development Code update with another PAC for the Transportation System Plan (TSP) this week on January 29. There are also dueling Open Houses to be held the evening of January 29 from 6:00 pm to 8:00 pm in support of the TSP and the Parks Master Plan (PMP). While the TSP and PMP contractors are in town they are also coordinating several focused outreach efforts to employers, at local daycares, and at the schools. You can follow all of this at [this location](#) on the City’s website.

- Transportation System Plan (TSP):** As shared above by the time the City Council meets in February both a PAC meeting and an Open House will have occurred. At the PAC meeting Technical Memorandums #4 and #5 will have been discussed which has a focus on current conditions and future no-build conditions. It is also important to note that Technical Memorandums 1 through 3 have been finalized and are now housed under the PAC Meeting #1 tab on the city’s Strategic Planning TSP page. You can follow the TSP PAC [here](#).
- Economic Opportunity Analysis (EOA):** Background work by the consultant team has been ongoing. I have been told they have a solid draft of the Building Lands Inventory, an important input in both the EOA and the Housing Needs Analysis discussed just below. A tentative plan has been developed for the first PAC meeting that will be held in February. Appointment Letters and a Doodle Poll to set that meeting will be happening this week of January 27. You can follow the EOA PAC [here](#).
- Housing Needs Analysis (HNA):** This activity is still on hold for a bit longer.
- Parks Master Plan (PMP):** As discussed above the consultant team will be in Boardman on January 29 and 30 for Open House and other focus group activities. The next PAC is currently slated for May of this year. You can follow the PMP PAC [here](#).
- Boardman Development Code (BDC) and Comprehensive Plan (CP):** Just last week on Thursday, January 23, the first PAC meeting was held. It was well attended with some great discussion among the PAC members, staff, and the consultant team. The initial focus will be on the Comprehensive Plan and the policies it will contain with work

implementing those policies as part of the Boardman Development Code to follow. You can follow the CP/BDC PAC [here](#).

- **Strategic Planning:** I am not going to share much here this month as the Workshop scheduled as part of this month's City Council meeting will provide a great summary of where this front-end project is at. The Workshop is also scheduled to be a joint session with the Planning Commission, providing both bodies a summary of the survey results and suggested goals for the coming years.
- **System Development Charge (SDC) Update:** This remains in a bit of a holding pattern as other projects are getting underway.

Other Programmatic work: Work is also progressing on other projects with a planning focus. Those include the:

- **Boardman Municipal Code (BMC):** The Right-of-Way License provisions are provided separately as part of the Planning Official update. As shared last month our intent with this is to allow for some final questions this month and then adopt next. Please reach out prior to the City Council meeting with those questions.

Work is continuing at the staff level on the proposed Addressing Ordinance. The final draft of the Business License ordinance is provided as part of the City Manager report. Shipping Containers will be part of a presentation at the City Council meeting. Finally, Drainage Swales are on hold as we continue to investigate various legal implications associated with a potential maintenance ordinance. Any questions can be directed to Brandon.

- **Tower Road:** Tomorrow evening, January 28, our requested Land Partition for the city's property will be considered by the Morrow County Planning Commission. I should be able to provide an update at the City Council meeting. Once that is complete other work will begin but will no longer be a city staff led process.
- **Park Blocks – East and West:** Work continues with the Zone Change Adopting Ordinance on this agenda. Land partitions continue with the east side nearing completion. The west side partition will be initiated in the next several weeks. Once the land partitions are complete city staff will initiate the process to surplus those portions that are deemed excess.
- **Code Enforcement and Animal Control Program:**

Planning Reviews and Approvals: My intent here will be to add Planning Department actions that end in an approval for development. I will be cautious to protect the City Council's role as the appeal body for any local decisions. And if there haven't been any decisions this section may be blank.

- ✓ **Homes, homes, and more homes:** Homes continue although we see the typical winter slow down.

Initial work to clear the Chaparral Phase II property for installation of infrastructure is beginning that will eventually provide 65 buildable home lots with lot 66 to be dedicated to the City for development of the Park Block concept.

- ✓ **Commercial Development:**

- Design work is continuing on the Silver Garden hotel and restaurant project that was approved at the end of Southwest Front where the future SW 1st Street will be built.
- The Planning Commission did approve the development of a Circle K with 16 gas pumps to be combined with a Burger King at the SW corner of South Main and Southwest Front.



MEMORANDUM

To: Mayor Keefer and members of the City Council
cc: Brandon Hammond, City Manager
From: Carla McLane, Planning Official
Date: January 28, 2025
RE: Right-of-Way Licenses – Final Draft

We are nearly there. Provided with this memorandum is 1) the ROW Ordinance Draft that provides a new chapter for Utility Use of the Rights-of-Way with some minor changes to the Excavations chapter and 2) amendments to the Underground Wiring Control District to create consistency. Our intent is to have this on the March City Council agenda for adoption.

There are three minor items that we are working on to bring this to conclusion as follows:

- Confirming with our land use attorney group which enforcement provisions are best used in this situation (we have some duplicate enforcement provisions which is another topic for another day). We have a placeholder in the attached drafts but that could change in the version presented for adoption.
- We want to work towards a Master Fee Schedule. In working towards that we do not want to create more work by inserting fees into this Municipal Code chapter. A separate resolution will be provided at adoption in March for the associated fees. The drafts presented this month are drafted to support this move.
- A final aspect that is outstanding are 'design standards' for installation within a right-of-way that would only be applicable to small-cell installations. The Development Code does not regulate activities in the right-of-way and we did not want to goober up the ROW License chapter either. We are going to borrow from the City of Ashland and will present those as well in March along side the other items that are included here. Once we have a draft it will be provided to you well before the March meeting for your individual review. It may also be added to this meeting packet although after initial publication on Tuesday, January 28, 2025.

Do reach out should you have any questions or want to discuss this in more detail.

CITY OF BOARDMAN
ORDINANCE __-2025

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE BOARDMAN
MUNICIPAL CODE ADDING TITLE 12, CHAPTER 12.16 UTILITY USE OF THE
RIGHTS-OF-WAY

WHEREAS, the City of Boardman has the authority pursuant to its Charter and the Oregon Constitution and statutes to manage its rights-of-way and to receive compensation for use of the rights-of-way consistent with applicable state and federal law; and

WHEREAS, the City has identified the need to establish uniform requirements for use of the rights-of-way by utilities, including requiring licenses rather than individually negotiated franchise agreements, to better ensure transparent, consistent and efficient management of the public rights-of-way; and

WHEREAS, the adoption of Chapter 12.16 requires related conforming amendments to Chapter 12.08 Excavations; and

WHEREAS, the City finds it is in the public interest to enact the updates to the Municipal Code as set forth in this Ordinance.

NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:

Section 1. Boardman Municipal Code Title 12 shall be amended to add Chapter 12.16 as set forth in Exhibit A.

Section 2. Boardman Municipal Code Chapter 12.08.050 shall be amended as follows (additions in underline; deletions in ~~striketrough~~):

12.08.010 - Permit required.

No person, firm or corporation shall excavate, cut, break, dig up, damage in any manner, undermine or tunnel under a public street or alley without first securing a permit and depositing security as provided in this chapter and Boardman Municipal Code Chapter 12.16.

12.08.050 - Utilities.

Cuts or excavations in the city streets made by a franchised ~~public utility~~ operator shall be subject to Boardman Municipal Code Chapter 12.16. ~~repaired within a reasonable time according to the standards set out in this chapter, including the placement of~~

~~a temporary patch within twenty-four (24) hours as provided in Section 12.08.040. If the utility fails to repair after written notice by the city, the city may make the repairs and restore the street and charge the costs to the utility at the prevailing rate for the work in the city, plus ten (10) percent to cover administration.~~

Section 3. This Ordinance shall become effective on the 30th day after its adoption.

Passed by the Council and approved by the Mayor this ____ day of _____, 2025.

Paul Keefer – Mayor

Amanda Mickles – City Clerk

EXHIBIT A

12.16.010 – Jurisdiction and management of the public rights-of-way.

- A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the city Charter and state law.
- B. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the public right-of-way. The city has jurisdiction and regulatory management of each public right-of-way whether the legal interest in the public right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- C. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use public rights-of-way by licenses, franchises and permits.
- D. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the public right-of-way, and does not obligate the city to maintain or repair any part of the public right-of-way.
- E. The city retains the right and privilege to cut or move any utility facilities located within the public rights-of-way in the city, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency.

12.16.020 – Regulatory fees and compensation not a tax.

- A. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the public rights-of-way provided for in this chapter, are separate from, and in addition to, any and all federal, state, local, and city charges as may be levied, imposed, or due from a utility operator or provider, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.
- B. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners.
- C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

12.16.030 – Definitions.

For the purpose of this code the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning.

- A. “Antenna” means the same as defined in 47 C.F.R. § 1.6002(b), as may be amended or superseded, which defines the term to mean an apparatus designed for the purpose of emitting radio frequencies (RF) to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15.
- B. “Antenna Equipment” means the same as defined 47 C.F.R. § 1.6002(c), as may be amended or superseded, which defines the term to mean equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
- C. “Antenna Facility” means the same as defined in 47 C.F.R. § 1.6002(d), as may be amended or superseded, which defines the term to mean an antenna and associated antenna equipment.
- D. “Cable service” is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.
- E. “City” means the city of Boardman, an Oregon municipal corporation, and individuals authorized to act on the city’s behalf.
- F. “City council” means the elected governing body of the city of Boardman, Oregon.
- G. “City property” means and includes all real property owned by the city, other than public rights-of-way and public utility easements as those are defined in this chapter, and all property held in a proprietary capacity by the city, which are not subject to public right-of-way licensing or franchising as provided in this code.
- H. “Collocate” or “Collocation” means mounting or installing an antenna facility on a preexisting pole or structure.
- I. “Communications services” means any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself. “Communications service” includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) public communications systems; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act of 1996, Pub. L. 104–104, 110 Stat. 56 (1996).
- J. “Days” means calendar days unless otherwise specified.

- K. “Decorative Pole” means a pole that is specially designed and placed for aesthetic purposes.
- L. “Emergency” means a circumstance, as determined by the city, in which immediate work to utility facilities is necessary to restore lost service or prevent immediate harm to persons or property.
- M. “Federal Communications Commission” means the federal administrative agency, or its lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.
- N. “Franchise” means an agreement between the city and a utility operator which grants a privilege to use public rights-of-way within the city for a dedicated purpose and for specific compensation.
- O. “Grantee” or “licensee” means the person to which a franchise or license is granted by the city.
- P. “Person” means an individual, corporation, company, association, joint stock company or association, firm, partnership, limited liability company or governmental entity.
- Q. “Public communications system” means any system owned or operated by a government entity or entities for its exclusive use for internal communications or communications with other government entities, and includes services provided by the State of Oregon pursuant to ORS 283.140. “Public communications system” does not include any system used for sale or resale, including trade, barter or other exchange of value, of communications services or capacity on the system, directly or indirectly, to any person.
- R. “Public rights-of-way” means and includes the streets, roads, highways, bridges, alleys, sidewalks, public utility easements, and all other public ways or areas, including the subsurface under and air space over these areas, that are generally open to the public for vehicular and pedestrian travel, but does not include parks, parkland or other city property. This definition applies only to the extent of the city’s right, title, interest or authority to grant a license or franchise to occupy and use such areas for utility facilities.
- S. “Public utility easement” means any easement granted to or owned by the city and acquired, established, dedicated or devoted for public utility purposes. “Public utility easement” does not include an easement solely for the construction, reconstruction, operation, maintenance, inspection and repair of city facilities, or where the proposed use by the utility operator is inconsistent with the terms of any easement granted to the city.
- T. “Small wireless facility” means the same as defined in 47 C.F.R § 1.6002(l), as may be amended or superseded, which defines the term to mean antenna facilities that meet the following conditions:
 - 1. The facilities (i) are mounted on structures 50 feet or less in height including the antennas, or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) do not extend existing structures on

- which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and,
2. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; and,
 3. All other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and,
 4. The facilities do not require antenna structure registration under 47 C.F.R. Part 17; and
 5. The facilities are not located on Tribal lands, as defined under 36 C.F.R. 800.16(x); and
 6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).
- U. “State” means the state of Oregon.
- V. “Utility facilities” or “facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located or to be located under, on, or above the surface of the ground within the public right-of-way in the city and used or to be used for the purpose of providing utility services.
- W. “Utility operator” means any person who owns, operates or controls a utility facility within the public rights-of-way in the city.
- X. “Utility services” means the provision, by means of utility facilities permanently located within, under or above the public rights-of-way, whether or not such facilities are owned by the service provider, of electricity, natural gas, communications services, cable services, water, sewer or storm sewer to or from customers within the corporate boundaries of the city, or the transmission of any of these services through the city whether or not customers within the city receive those transmissions or services.
- Y. “Work” means the construction, demolition, installation, replacement, repair, maintenance, or relocation of any utility facility, including but not limited to any excavation and restoration required in association with such construction, demolition, installation, replacement, repair, maintenance, or relocation.

12.16.040 – Construction standards.

- A. General. No person shall commence or continue with any work or operation of utility facilities within any portion of the public rights-of-way except as provided in this chapter.
- B. Construction Codes. Utility facilities shall be constructed, installed, operated and maintained in accordance with, and permittees shall at all times comply with, all applicable federal, state and local laws, codes, ordinances, rules and regulations, including the National Electrical Code and the National Electrical Safety Code and the requirements of the city’s applicable design and construction standards.
- C. Construction Permits.

1. Except as provided in subsection C.2 or as otherwise agreed to in writing by the city, no person shall construct or install any utility facilities or perform any work within any portion of the public rights-of-way without first obtaining all applicable construction permits and paying the construction permit fees established pursuant to subsection G of this section.
 2. In the event of an emergency, a utility operator with a license pursuant to this chapter or a valid franchise agreement, or the utility operator's contractor, may perform work on its utility facilities without first obtaining a permit from the city; provided, that, to the extent reasonably feasible, it attempts to notify the city prior to commencing the emergency work and in any event applies for a permit from the city and pays all applicable permit fees as soon as reasonably practicable, but not more than 48 hours after commencing the emergency work.
 3. No permit shall be issued for the construction or installation of utility facilities or any work within the public rights-of-way unless the utility operator has first applied for and received a license pursuant to section 12.16.060 or holds a valid franchise from the city.
- D. Permit Applications. Applications for construction permits shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:
1. That the construction, installation or other work in the public rights-of-way related to utility facilities will be in accordance with all applicable laws, codes, ordinances, rules and regulations and the license or franchise agreement.
 2. The location and route of all utility facilities to be installed above ground, including on existing utility poles.
 3. The location and route of all new utility facilities on or in the public rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public rights-of-way. Existing facilities shall be differentiated on the plans from new construction.
 4. The location of all of applicant's existing underground utility facilities, including conduits, ducts, pipes, mains and installations which are within the public rights-of-way along the underground route proposed by the applicant. A cross-section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or public right-of-way.
 5. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public rights-of-way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.
 6. The applicant has an adequate traffic control plan to protect bicyclists, pedestrians, construction personnel, and vehicular traffic, and to warn and safeguard the public against injury or damage resulting from the work.

7. To the extent the proposed utility facility involves collocation, (i) a structural report performed by a duly licensed engineer demonstrating that the pole or structure will structurally support the additional load and meet any applicable spacing requirements, or that describes how the pole or structure will be modified to meet such requirements; and (ii) a copy of the authorization for use of the property from the pole or structure owner on which the antenna facility will be placed or attached.
 8. To the extent the proposed utility facility includes antenna facilities or a new pole, accurate visual depictions or representations of the proposed new facilities.
 9. To the extent the proposed utility facility includes antenna facilities, reports or similar documentation confirming that the proposed antenna facilities are in compliance with all applicable FCC regulations relating to radio frequency emissions.
 10. Whether the proposed work is subject to ministerial review or administrative review as provided in section 12.16.040.H and I.
- E. Applicant's Verification. All permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical laws, codes, ordinances, rules and regulations.
- F. Construction Schedule. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the city.
- G. Construction Permit Fee. Prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount determined by resolution of the city council.
- H. Issuance of Permit.
1. Ministerial Review. For applications the city manager or their designee determines to be permitted uses subject to ministerial review, the city manager or their designee shall issue a permit authorizing construction or installation of the utility facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as he or she may deem necessary or appropriate, provided that the proposed facility:
 - a. Complies with the provisions of this chapter and the license or franchise;
 - b. Does not materially interfere with sight lines or clear zones for transportation or pedestrians;
 - c. Complies with the Americans with Disabilities Act or similar federal, state, or local laws, standards and regulations regarding pedestrian access or movement;
 - d. Complies with all applicable FCC regulations and guidelines for human exposure to RF emissions and will not result in RF exposures that

- exceed the FCC's maximum permissible exposure level for the general population;
- e. Is designed by qualified, licensed persons to provide the maximum protection that is technically feasible to prevent electrical and fire hazards; and
 - f. Complies with city codes, standards and regulations, including, without limitation, the city's public works construction standards, building and electrical codes, and any other codes, rules, or laws that the city determines are applicable.
2. Permits Subject to Ministerial Review The following uses within the public rights-of-way shall be permitted uses subject to ministerial review.
- a. Installation of a utility facility where the installation is installed underground or is exempt from underground placement as provided in Boardman Municipal Code 13.12.030.
 - b. Collocation of a small wireless facility that complies with the City's small wireless facilities design standards without any deviations, including deviations allowed pursuant to the deviation provisions of the design standards.
 - c. Collocation of a small wireless facility, including modification or replacement of a pole for collocation of a small wireless facility, where the collocation, modification or replacement qualifies as an eligible facilities request as defined in 47 C.F.R. § 1.6100(b)(3), as may be amended or superseded, provided that the city manager or their designee may include conditions with the permit to ensure that the collocation, modification or replacement is consistent with applicable provisions of this chapter and the city's small wireless facilities design standards to the extent consistent with applicable law.
 - d. Placement of a new, modified, or replacement pole to be used for collocation of a small wireless facility that (i) does not modify or replace a decorative pole; and (ii) complies with the city's small wireless facilities design standards without any deviations, including deviations allowed pursuant to the deviation provisions of the design standards.
3. Administrative Review. For applications subject to administrative review, the city manager or their designee may issue a permit authorizing construction of the utility facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate, if the city manager or their designee determines in his or her sole discretion that:
- a. The proposed utility facility complies with the provisions of subsection H.1.a-f of this section 12.16.040, except to the extent deviations are expressly granted in writing by the city manager or their designee;
 - b. The proposed utility facility, as proposed or with the conditions imposed by the city manager or their designee, will comply with all

applicable city design standards, or the city manager or their designee has expressly granted in writing a deviation from the city design standards or determined that a deviation from the design standards shall be allowed pursuant to the deviation process in the city's small wireless facilities design standards;

- c. The proposed utility facility would violate the underground location requirements provided in Boardman Municipal Code 13.12.030, but a deviation is appropriate because:
 - (i) The topography is such, due to terrain, rock, etc., as to make compliance physically impractical;
 - (ii) Underground installation is economically not feasible; or
 - (iii) The utility lines are of such voltage, size or capacity that underground installation is not feasible;
- d. The proposed utility facility, as proposed or with the conditions imposed by the city manager or their designee, will comply with all applicable city design standards, or the city manager or their designee has determined that the proposed facility avoids the intangible public harm of unsightly or out-of-character deployments and the negative impact of the proposed facility on the surrounding uses and public facilities is minimized; and/or
- e. The denial of the permit will prohibit or effectively prohibit the provision of telecommunications service or personal wireless service.

The city manager or designee may grant deviations for applicable design standards where the city manager or designee determines, in their sole discretion, that (a) strict compliance with the standards is not technically feasible; (b) the applicant's proposed facility provides equivalent or superior public safety and/or aesthetic value when compared to strict compliance with applicable standards; and/or (c) denial of the permit violates or may violate applicable laws and regulations.

- 4. Permits Subject to Administrative Review. All uses of the public rights-of-way for utility facilities other than those set forth in subsection H.2 of this section 12.16.040, including uses described in subsection H.2 that do not fully comply with the city's applicable design and/or public works standards without a deviation, shall be subject to administrative review as provided in subsection 12.16.040.H.4.
- 5. Use of Consultants. Where deemed reasonably necessary by the city, the city may retain the services of professional consultants to assist the city in carrying out its duties in reviewing and making decisions on permit applications. The applicant shall be responsible for payment of all the actual costs incurred by the city for such services. The city shall provide the applicant with a detailed invoice of time spent and the nature of the review, and the applicant shall submit payment to the city within 30 days of receipt of the invoice.

- I. Design Standards.
 - 1. Maximum Size of Permitted Use. No person may install, modify, or replace small wireless facilities on a pole in the public rights-of-way that exceeds the height limits contained in small wireless facilities design standards, or install, modify or replace a pole in the public rights-of-way with a new pole that will be more than 10 percent taller than other adjacent poles, unless the city manager or their designee approves the installation, modification or replacement after administrative review.
 - 2. Decorative Poles. No person may attach any utility facilities or collocate an antenna facility on a decorative pole, or replace a decorative pole, including with a new decorative pole, unless the city manager or their designee approves the attachment, collocation or replacement after administrative review.
 - 3. Notwithstanding any other provision of this chapter, the city manager shall have the authority to waive any provision of this chapter if the city manager determines in his or her sole discretion that the denial of an application would prohibit or effectively prohibit the provision of telecommunications services or personal wireless services in violation of the Telecommunications Act of 1996. An applicant may appeal the denial of a request for a waiver to the city council, whose decision shall be final.
- J. Notice of Construction. Except in the case of an emergency, the permittee shall notify the city not less than two working days in advance of any work in the public rights-of-way.
- K. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements.
- L. Noncomplying Work. All work that does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this code, shall be promptly removed or corrected at the sole cost and expense of the permittee.
- M. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the public rights-of-way and other public and private property. All construction work within the public rights-of-way, including restoration, must be completed within 120 days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved pursuant to the schedule submitted and approved by the appropriate city official as provided in subsection F of this section.
- N. As-Built Drawings. If requested by the city, the permittee shall furnish the city with two complete sets of plans in a format acceptable to the city drawn to scale and certified to the city as accurately depicting the location of all utility facilities constructed pursuant to the permit. These plans shall be submitted to the public

works director or designee within 60 days after completion of construction, in a format acceptable to the city.

O. Restoration of Public Rights-of-Way.

1. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights-of-way or city property, it shall, at its own cost and expense, promptly remove any obstructions therefrom and, unless otherwise directed by the city, restore such public rights-of-way or property to the same or better condition as existed before the work was undertaken, in accordance with applicable federal, state and local laws, codes, ordinances, rules and regulations as determined by the public works director or designee.
2. If weather or other conditions do not permit the complete restoration required by this section, the permittee shall temporarily restore the affected public rights-of-way or property. Such temporary restoration shall be at the permittee's sole cost and expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule shall be subject to approval by the city.
3. If the permittee fails to restore any portion of the public rights-of-way or property as required in this chapter, the license and the permit issued by the city, the city shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding 30 days to restore the public rights-of-way or property. If, after said notice, the permittee fails to restore the public rights-of-way or property to as good a condition as existed before the work was undertaken or as otherwise directed by the city pursuant to this subsection O, the city shall cause such restoration to be made at the sole cost and expense of the permittee.
4. A permittee or other person acting on its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such public rights-of-way or property.

P. Performance and Completion Bond. Unless otherwise agreed to by the city, a performance bond or other form of surety acceptable to the city equal to at least 100 percent of the estimated cost of permittee's work within the public rights-of-way in the city shall be provided before work is commenced.

1. The surety shall remain in force until 60 days after substantial completion of the work, as determined in writing by the city, including restoration of public rights-of-way and other property affected by the construction.
2. The surety shall guarantee, to the satisfaction of the city:
 - a. Timely completion of construction;
 - b. Construction in compliance with applicable plans, permits, technical codes and standards;

- c. Proper location of the facilities as specified by the city;
- d. Restoration of the public rights-of-way and other property affected by the construction; and
- e. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

12.16.050 – Location of utility facilities.

- A. Facilities. Upon request, each grantee shall provide the city with an accurate map or maps, in a format acceptable to the city, certifying the location of all of its utility facilities within the public rights-of-way in the city.
- B. Location of Facilities. All facilities shall be located underground as provided in Boardman Municipal Code 13.12.030, except as provided therein or in this subsection B. This requirement shall not apply to the installation of facilities used for transmission of electric energy at nominal voltages in excess of 35,000 volts, or to antennas, pedestals, cabinets or other equipment of any utility operator where underground operation is not technically feasible and the city, in its sole discretion, has approved an above-ground location. If a grantee proposes to install an antenna facility in an area where all wireline utility facilities in the public rights-of-way are underground, the city and grantee shall work to find a location for such antenna facility that is technically feasible and avoids the intangible public harm of unsightly or out-of-character deployments.
- C. Interference with the Public Rights-of-Way. No grantee may locate or maintain its utility facilities so as to unreasonably interfere with the use of the public rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. All use of public rights-of-way shall be consistent with city codes, ordinances, rules and regulations.
- D. Relocation or Removal of Facilities.
 - 1. When requested to do so in writing by the city, a utility operator shall, at no cost or expense to the city, temporarily or permanently remove, relocate, change or alter the position of any utility facility within a public right-of-way, including relocation of aerial facilities underground; provided that underground relocation shall not be required for facilities for which underground operation is not technically feasible and the city, in its sole discretion, has approved the continued use of the above-ground location.
 - 2. The city will cooperate with the utility operator in securing alternate locations in the public rights-of-way; provided that the city shall bear no responsibility or cost to secure any alternate location either within or outside the public rights-of-way, or otherwise compensate or assist the utility operator in relocation of the facilities.
 - 3. The city shall coordinate the schedule for relocation of utility facilities and shall provide written notice of the time by which the utility operator must remove, relocate, change, alter or underground its facilities, which shall not be less than 30 days except as provided in subsection D.4 of this section. If a

utility operator fails to remove, relocate, change, alter or underground any utility facility as required by the city, the utility operator shall pay all costs and expenses incurred by the city due to such failure, including but not limited to costs related to project delays, and the city may cause the utility facility to be removed, relocated, changed, altered or undergrounded at the utility operator's sole cost and expense using qualified workers in accordance with applicable state and federal laws and regulations. The utility operator shall reimburse the city within 30 days of receipt of an invoice from the city.

4. In the event of a public health or safety emergency, as determined by the city, the city may require a utility operator to immediately remove, relocate, change or alter the position of any utility facility within a public right-of-way. The city retains the right and privilege to cut or remove, relocate, change or alter the position of any utility facility within a public right-of-way, without notice, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency, as determined by the city. The city will use qualified personnel or contractors consistent with applicable state and federal safety laws and regulations to the extent reasonably practicable without impeding the city's response to the emergency.

E. Removal of Unauthorized and Abandoned Facilities.

1. Within 30 days following written notice from the city, any utility operator or other person that owns, operates or controls any unauthorized utility facility or related appurtenances within the public rights-of-way in the city shall, at its own cost and expense, remove such facilities or appurtenances from the public rights-of-way in the city. If a utility operator or other person fails to remove any abandoned facilities or appurtenances, the utility operator or person shall pay all costs and expenses incurred by the city due to such failure, including but not limited to costs related to project delays, and the city may cause the utility facility or appurtenances to be removed at the utility operator's or other person's sole cost and expense using qualified workers in accordance with applicable state and federal laws and regulations. The utility operator or person shall reimburse the city within 30 days of receipt of an invoice from the city.
2. A utility facility is unauthorized and subject to removal in the following circumstances:
 - a. One year after the expiration, revocation or termination of the grantee's license or franchise without renewal thereof.
 - b. Upon abandonment of a utility facility within the public rights-of-way in the city. All or any portion of a utility facility will be considered abandoned when it is deactivated, out of service, or not used for its authorized purpose for a period of 90 days or longer. A utility facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.

- c. If the utility facility was constructed or installed without the appropriate prior authority at the time of installation.
 - d. If the utility facility was constructed or installed at a location not permitted by the utility operator's license or franchise, or the permit issued pursuant to this chapter.
- F. Relocation or Removal by City. The city shall not be liable to any utility operator for any damage to utility facilities, or for any consequential losses resulting directly or indirectly therefrom, by the city or its contractor in removing, relocating or altering the facilities pursuant to this section, or resulting from the utility operator's failure to remove, relocate, alter or underground its facilities as required by this section, unless such damage arises solely and directly from the city's negligence or willful misconduct.
- G. Coordination of Construction Activities. All grantees are required to make a good faith effort to cooperate with the city in coordinating construction activities in the public rights-of-way.
 - 1. By January 1st of each year, grantees shall provide the city with a schedule of their proposed construction activities in, around or that may affect the public rights-of-way.
 - 2. If requested by the city, each grantee shall meet with the city annually or as determined by the city, to schedule and coordinate construction in the public rights-of-way. At that time, city will provide available information on plans for local, state, and/or federal construction projects.
 - 3. All construction locations, activities and schedules shall be coordinated, as ordered by the public works director or designee, to minimize public inconvenience, disruption or damage.

12.16.060 – Utility license.

- A. Utility License. Every person that owns, operates or controls utility facilities as of the effective date of this chapter shall apply for a license from the city within 30 days of the later of:
 - 1. The effective date of this chapter, or
 - 2. The expiration of a valid franchise agreement granted by the city, unless a new franchise agreement is granted by the city pursuant to subsection K of this section.
- B. Application. The license application shall be on a form provided by the city, and shall be accompanied by any additional documents required by the application or the city to identify the applicant, its legal status, including its authorization to do business in Oregon, a description of the utility facilities in the public rights-of-way or to be installed in the public rights-of-way, a description of type of utility service provided or to be provided by the applicant, if any, and other information reasonably necessary to determine the applicant's ability to comply with the terms of this chapter.

- C. Application Fee. The application shall be accompanied by a nonrefundable application fee or deposit set by resolution of the city council.
- D. Determination by the City. The city shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial. The application shall be evaluated based upon the provisions of this chapter, the continuing capacity of the public rights-of-way to accommodate the applicant's proposed utility facilities and the applicable federal, state and local laws, rules, regulations and policies.
- E. Scope of Grant.
 - 1. A license shall authorize the licensee, subject to the provisions of the city codes, including this Chapter, and other applicable provisions of state or federal law, as amended from time to time, to construct, place, maintain, upgrade, repair and operate utility facilities in the public rights-of-way for the term of the license for the provision of the utility service(s) authorized in the license. In the event the licensee, or another person using the licensee's facilities, offers different utility service(s) than those authorized in the license, the licensee shall inform the city of such changes no later than 30 days after the provision of such services.
 - 2. No license granted pursuant to this chapter shall convey any right, title or interest in the public rights-of-way, but shall be deemed a non-exclusive grant to use and occupy the public rights-of-way for the limited purposes and term provided in this chapter. The license is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances and claims of title of record that may affect the public rights-of-way.
 - 3. No license granted pursuant to this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights-of-way for utility facilities, delivery of utility services or any other purpose. The city expressly reserves the right to grant licenses, franchises or other rights to other persons, as well as the city's right to use the public rights-of-way, for similar or different purposes.
 - 4. Neither the issuance of the license nor any provisions contained therein shall constitute a waiver or bar to the exercise of any governmental right or power, including, without limitation, the police power or regulatory power of the city.
- F. Term. Subject to the revocation and termination provisions in subsection J of this section, a utility license granted hereunder shall be in effect for a term of five years.
- G. Multiple Services.
 - 1. A utility operator that provides or transmits or allows the provision or transmission of utility services and non-utility services over its utility facilities is subject to the license and fee requirements of this chapter for the portion of the utility facilities and extent of utility services delivered by the utility operator over those facilities.

2. A utility operator that provides or transmits more than one utility service to customers in the city is not required to obtain a separate license or franchise for each utility service, but is required to pay the rights-of-way use fees due for each utility service the utility operator provides.
- H. **Renewal Applications.** A licensee that desires to renew its license under this code shall, not less than 30 days but no more than 180 days before expiration of the current license, submit an application with the city, including all information required in section 12.16.060.B and the application fee required in section 12.16.060.C. The city shall review the application as required by section 12.16.060.D and grant or deny the license within 90 days of submission of the application. If the city determines that the licensee is in violation of the terms of this chapter at the time it submits its application, the city may require that the licensee cure the violation or submit a detailed plan to cure the violation within a reasonable period of time, as determined by the city, before the city will consider the application and/or grant the license. If the city requires the licensee to cure or submit a plan to cure a violation, the city will grant or deny the license application within 90 days of confirming that the violation has been cured or of accepting the licensee's plan to cure the violation.
- I. **Assignments or Transfers of System or License.** Except as otherwise provided by applicable State and federal law, ownership or control of a majority interest in utility facilities or a license may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the city.
1. Licensee and the proposed assignee or transferee of the license or facilities shall agree, in writing, to assume and abide by all of the provisions of the license.
 2. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the utility facilities pursuant to this code and otherwise meets the criteria for all license applicants set forth in section 12.16.060.D.
 3. Unless expressly prohibited by applicable state or federal law, the licensee shall reimburse the city for all direct and indirect fees, costs and expenses reasonably incurred by the city in considering a request to transfer or assign a utility license.
 4. Any transfer or assignment of a utility license or utility facilities without prior approval of the city under this code shall be void and is cause for revocation of the license.
- J. **Revocation or Termination of License.**
1. The city may, subject to applicable notice and cure provisions of this subsection J, revoke a license to use or occupy the public rights-of-way in the city for one or more of the following reasons:
 - a. Construction or operation in the city or in the public rights-of-way in the city without applicable permit(s);

- b. Construction or operation at an unauthorized location;
 - c. Failure to comply with subsection I of this section with respect to sale, transfer or assignment of utility facilities or a license;
 - d. Misrepresentation by or on behalf of a grantee in any application to the city;
 - e. Abandonment of utility facilities in the public rights-of-way;
 - f. Failure to relocate or remove facilities as required in this chapter;
 - g. Failure to pay taxes, compensation, fees or costs when and as due the city under this code;
 - h. Insolvency or bankruptcy of the grantee;
 - i. Violation of material provisions of this code; and/or
 - j. Violation of the material terms of the license.
2. Notice and Duty to Cure. In the event that the city believes that grounds exist for revocation of a license, the city shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding 30 days, to furnish evidence that:
- a. Corrective action has been taken, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
 - b. Rebuts the alleged violation or noncompliance; and/or
 - c. It would be in the public interest to impose some penalty or sanction less than revocation.
3. Public Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the city of its compliance with the license or with this code, the city staff shall refer the apparent violation or noncompliance to the city council. The city council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.
4. Standards for Revocation or Lesser Sanctions. If persuaded that the grantee has violated or failed to comply with material provisions of this code, or of a license, the city council shall determine whether to revoke the license, or to establish some lesser sanction and cure, considering the nature, circumstances, extent, and gravity of the violation as reflected by one or more of the following factors. Whether:
- a. The misconduct was egregious;
 - b. Substantial harm resulted;
 - c. The violation was intentional;
 - d. There is a history of prior violations of the same or other requirements;
 - e. There is a history of overall compliance;
 - f. The violation was voluntarily disclosed, admitted or cured;
 - g. Grantee has failed to cure the violation after notice.

5. The provisions of this subsection J are in addition to, and in no way limit, the other penalties provided in this chapter and any other remedies the city may have at law or in equity.
- K. Franchise Agreements. If the public interest warrants, as determined by the city in its sole discretion, the city and utility operator may enter into a written franchise agreement that includes terms that clarify, enhance, expand, waive or vary the provisions of this chapter, consistent with applicable state and federal law. The franchise may conflict with the terms of this chapter with the review and approval of city council. The franchisee shall be subject to the provisions of this chapter to the extent such provisions are not in conflict with the express provisions of any such franchise. In the event of a conflict between the express provisions of a franchise and this chapter, the franchise shall control.

12.16.070 – License terms.

- A. Maintenance. The utility operator shall be solely responsible for any repairs or maintenance required to keep its facilities in a clean, safe and code-compliant condition. The operator, at its sole cost and expense, shall repair any damage to its facilities within: (1) 30 days after the permittee discovers or receives notice (written or verbal) that such damage exists or (2) immediately if such repairs are necessary to preserve life or property. If, after notice from the city of the need for repair or maintenance as required in this subsection, a utility operator fails to repair and maintain utility facilities as requested by the city and by the date reasonably established by the city, the city may perform such repair or maintenance using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations at the utility operator's sole cost and expense. Within 30 days of receipt of a detailed invoice from the city, the utility operator shall reimburse the city the full invoiced amount.
- B. Reservation of City Rights. Nothing in the license shall be construed to prevent the city from grading, paving, repairing and/or altering any public rights-of-way, constructing, laying down, repairing, relocating or removing city facilities or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any city facilities. If any of licensee's utility facilities interfere with the construction, repair, relocation, replacement, alteration or removal of any public rights-of-way, public work, city utility, city improvement or city facility, licensee's facilities shall be removed or relocated as provided in section 12.16.050.
- C. Damage to Grantee's Facilities. Unless directly and proximately caused by negligence or willful misconduct by the city, the city shall not be liable for any damage to or loss of any utility facility within the public rights-of-way in the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public rights-of-way by or on behalf of the city, or for any consequential losses resulting directly or indirectly therefrom.

- D. **Duty to Provide Information.** Within 30 days of a written request from the city, each grantee shall furnish the city with the following:
1. Information sufficient to demonstrate that grantee has complied with all requirements of the license and this code, including but not limited to payment of any applicable fees.
 2. Any books, records, maps, and other documents maintained by the grantee with respect to its facilities within the public rights-of-way that the city may request.
- E. **Compensation for City Property.** If any right is granted, by lease or other manner, to use and occupy city property for the installation of utility facilities, the compensation to be paid for such use shall be fixed by the city. No license issued pursuant to this chapter shall grant any right, license or authority to install utility facilities or otherwise use or occupy city property.
- F. **Cable Franchise.** Utility operators providing cable service shall be subject to the separate cable franchise requirements of the city and other applicable authority, subject to applicable law.
- G. **Leased Capacity.** A grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers; provided that (i) the use of the utility facilities does not require or involve any additional equipment owned or operated by the lessee to be installed in or on the facility (unless the lessee has obtained a ROW license or franchise from the city); and (ii) the grantee provides the city with the name and business address of any lessee within 30 days of the effective date of the lease or other agreement to provide capacity or bandwidth.
- H. **Grantee Insurance.**
1. Each grantee shall, as a condition of the license, secure and maintain the following liability insurance policies insuring both the grantee and the city, and its elected and appointed officers, officials, agents and employees as coinsured:
 - a. Comprehensive general liability insurance with limits of not less than:
 - i. Three million dollars (\$3,000,000) for bodily injury or death to each person;
 - ii. Three million dollars (\$3,000,000) for property damage resulting from any one accident; and;
 - iii. Three million dollars (\$3,000,000) for all other types of liability.
 - b. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars (\$1,000,000) for each person and three million dollars (\$3,000,000) for each accident.
 - c. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000).
 - d. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000).

2. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon. The insurance shall be without prejudice to coverage otherwise existing.
3. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the license, and such other period of time during which the grantee is operating without a license, or is engaged in the removal of its utility facilities.
4. Each such insurance policy shall contain the following endorsement:
It is hereby understood and agreed that this policy may not be canceled or materially altered, nor the intention not to renew be stated, until 30 days after receipt by the City, by registered mail, of a written notice addressed to the City of such intent to cancel or not to renew.
5. Prior to said cancellation or material alteration, the grantee shall obtain and furnish to the city evidence that the grantee continues to meet the requirements of this section.
6. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the city.
7. A grantee shall maintain on file with the city a certificate of insurance, or proof of self-insurance acceptable to the city, certifying the coverage required above.
- I. General Indemnification. To the fullest extent permitted by law, each grantee shall defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all damages, losses, costs and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from, or alleged to arise out of or result from, the negligent, careless or wrongful acts, or any acts, omissions, failures to act or misconduct, of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its utility facilities, and/or in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this code or by a license granted pursuant to this code.
- J. Performance Surety. Unless otherwise agreed to in writing by the city, before a license granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the city, as security for the full and complete performance of a license granted under this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance bond or surety required for construction of facilities.

12.16.080 – Rights-of-Way use fees.

- A. Every person that owns, operates or controls utility facilities in the city shall pay the rights-of-way use fee in the amount determined by resolution of the city council.
- B. Fees required by this section shall be reduced by any franchise fees, but in no case shall be less than zero dollars (\$0).
- C. No acceptance of any payment shall be construed as accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the city may have for further or additional sums payable.
- D. Unless otherwise agreed to in writing by the city, the fees set forth under this section shall be paid quarterly, in arrears, within 45 days after the end of each calendar quarter. Each payment shall be accompanied by an accounting of the basis for the calculation of the amount payable on a remittance form provided by the city. The utility operator shall provide to the city any additional reports or information the city deems necessary to ensure compliance with this section. Any person who fails to remit any fees when due under this section shall pay interest at the rate of one and one-half percent (1.5%) per month or fractions thereof, without proration for portions of a month, on the total amount due, from the date on which the payment first became delinquent, until received by the city.
- E. The calculation of the fees required by this section shall be subject to all applicable limitations imposed by federal or state law in effect and as may be subsequently amended.
- F. The city reserves the right to enact other fees and taxes applicable to person(s) subject to this Chapter. Unless expressly permitted by the city in enacting such fee or tax, or required by applicable state or federal law, no person may deduct, offset, or otherwise reduce or avoid the obligation to pay any lawfully enacted fees or taxes based on the payment of the fees required under this Chapter.
- G. Within 30 days of a written request from the city, or as otherwise agreed to in writing by the city, every utility operator shall furnish the city, at no cost to the city, information sufficient to demonstrate compliance with this section. If the city's review or audit of the books, records and other documents or information of the utility operator demonstrates that the utility operator has underpaid the rights-of-way use fee by three percent (3%) or more, the utility operator shall reimburse the city for the cost of the review or audit, in addition to any interest and penalties owed under this chapter. Any underpayment, including any interest, penalties or audit cost reimbursement, shall be paid within 30 days of the city's notice to the utility operator of such underpayment. The utility operator shall maintain records subject to this subsection for not less than six years.
- H. Rights-of-way usage fees not received by the city on or before the due date are subject to the penalties in the amount determined by resolution of the city council, which shall be addition to and not in lieu of any other penalties or remedies available to the city.

12.16.090 – General provisions.

- A. **Governing Law.** Any license granted under this chapter is subject to the provisions of the Constitution and laws of the United States, and the state of Oregon and the ordinances and Charter of the city.
- B. **Severability and Preemption.** If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this code is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the code shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant and portion of this code shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this code, then the provision shall be read to be preempted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the city.
- C. **Penalties.** Any person violating any of the provisions of this chapter is liable for a citation for a Class B violation consistent with Boardman Municipal Code Chapter 1.16.
- D. **Other Remedies.** Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter.
- E. **Compliance with Laws.** Any grantee under this code shall comply with all federal and state laws, rules and regulations, including regulations of any administrative agency thereof, as well as all codes, ordinances, resolutions, rules and regulations of the city heretofore or hereafter adopted or established during the entire term any license granted under this code, which are relevant and relate to the construction, maintenance and operation of a utility system or the provision of utility services.
- F. **Application to Existing Ordinance and Agreements.** To the extent that this chapter is not in conflict with and can be implemented with existing ordinances and franchise agreements, this code shall apply to all existing ordinances and franchise agreements for use of the public right-of-way for utility facilities.

CITY OF BOARDMAN
ORDINANCE __-2025

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE BOARDMAN
MUNICIPAL CODE ADDING CHAPTER 13.12 UNDERGROUND WIRING
CONTROL DISTRICT

WHEREAS, since 1976, the City of Boardman has required all utilities in the City to be installed underground pursuant to the Underground Wiring Control District established in what is now Boardman Municipal Code Chapter 13.12; and

WHEREAS, the City desires to maintain the Underground Wiring Control District with updates to clarify the obligations of developers, property owners and utilities; and

WHEREAS, the City has enacted Ordinance __-2025, adopting a new Chapter 12.16 of the Boardman Municipal Code, relating to utility facilities in the rights-of-way, which requires related conforming amendments to Chapter 13.12; and

WHEREAS, the City finds it is in the public interest to enact the updates to the Municipal Code as set forth in this Ordinance.

NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:

- Section 1.

Boardman Municipal Code Chapter 13.12 shall be amended as provided in Exhibit A.
- Section 2.

This Ordinance shall become effective on the 30th day after its adoption.

Passed by the Council and approved by the Mayor this ____ day of _____, 2025.

Paul Keefer – Mayor

Amanda Mickles – City Clerk

EXHIBIT A

13.12.010 - Findings.

The council finds that a program for the establishment of an underground wiring control district is highly desirable to beautify the city and to promote its orderly development; that the underground wiring shall be required for installation of underground utility facilities in the city, except as hereinafter provided; that such a program is in the public interest and will allow property owners who must provide on-premises facilities to make such plans as are necessary to take the underground service; that such a program is in conformity with ORS Chapter 221, which provides that the city may prescribe by ordinance the character of service to be furnished by any public utility and the conditions upon which such utility may be permitted to occupy the ~~streets-public rights-of-way~~ and public property within the city; and that such an underground wiring program is necessary in such area in order to protect and promote the public health, safety and welfare.

(Prior code § 3-2.1)

13.12.020 - Boundaries.

The underground wiring control district shall mean and include the entire city of Boardman.

(Prior code § 3-2.2)

13.12.030 - Overhead wires prohibited.

It is unlawful for any person to erect, construct or maintain on or over the surface of any of the ~~streets-public rights-of-way, as defined in Boardman Municipal Code 12.16.030,~~ in the underground wiring control district any wires, poles, cables, appliances, or apparatus of any kind, on, through, or by means of which electric current is transmitted or which is used for operating to provide any ~~telephone, telegraph~~ telecommunications, television, cable television-cable, messenger, or other communications service, electric light or power, ~~system~~ or for any other purpose, ~~excepting~~ as hereinafter provided specifically and by variance procedures.

(Prior code § 3-2.3)

13.12.040 - Subdivision utilities.

A. Wire utilities to subdivisions and lots ~~which~~, in addition to being underground as ~~above~~ provided for in section 13.12.030, shall be in common trenches ~~and at the rear of lots where practicable, and~~ where easements are provided by the subdivider or property owner of not less than ten (10) feet in width for installation and maintenance. ~~That the~~ The property owner and possessor of the property shall be obligated to maintain the easement and shall be prohibited from placing permanent improvements and improvements that would interfere with ~~the~~ access to the utilities for service and maintenance.

~~B. It is the duty of the city building inspector to enforce the building restrictions on the utility easement right of way. Should the enforcement of a developer or utility believe the building restrictions on the right of way be in this Chapter are impractical, such substitution shall be sufficient for the developer or utility to may obtain request a variance upon application as provided in section 13.12.070.~~
(Prior code § 3-2.3A)

~~13.12.050 — Utilities in Rights-of-Way Application for permit.~~

~~The provisions of this Chapter shall apply to Any every person owning granted a franchise, license or privilege to erect, construct, or maintain any wires or facilities in the public rights-of-way or on public property. wires, cables, poles, appliances or apparatus on, over, or by means of which electric current is transmitted or used for any purpose on, over, and along any of the streets, public property, or parts thereof in the underground wiring control district, shall file with the clerk of the city a written application for a permit to install and maintain such wires, cables, appliances, and apparatus in conduits, subways or trenches beneath the surface of the streets and public property, or such parts thereof as may be required, together with an agreement to promptly repave and repair any of the streets, public property, or portions thereof that may be disturbed or undermined by such applicant, either upon original construction or installation of wires underground or upon repairing, altering, or maintaining the same thereafter.~~

~~(Prior code § 3-2.4)~~

~~13.12.060 — Designation of space by council. —~~

~~Upon the filing of such application, the council will designate that portion, or those portions, of space in such streets, public property, or parts thereof in the underground wiring control district that such applicant shall use. No person shall have any right or privilege to use any part or parts of such streets or public property in the district except as designated by the council.~~

~~(Prior code § 3-2.5)~~

~~13.12.070 — Filing plans and specifications. —~~

~~Within a reasonable time after space in such streets or public property has been designated, such applicant shall file with the clerk for approval by the council, plans and specifications for a system of underground conduits, subways or trenches for wires, cables, and appliances, including the necessary manholes, service boxes and transformer enclosures, and in addition thereto shall file a map showing the general route and location of such conduits, subways or trenches.~~

~~(Prior code § 3-2.6)~~

~~13.12.080 — Permits. —~~

~~If the plans, specifications, and map of the general route of underground utility installations are satisfactory, the council will approve the same and thereupon issue to such applicant a permit to enter upon the streets, public property, or parts thereof, in the~~

~~district to make such excavation therein as may be necessary for the construction of conduits, subways or trenches, the laying of wires, cables and appliances therein, and for building manholes or service boxes underground within the space theretofore designated for the applicant.~~

~~(Prior code § 3-2.7)~~

~~13.12.090 – Repair of streets.——~~

~~Upon the installation and completion of such underground system of wires, cables and appliances, the person installing the same shall put the surface of the parts of such streets or public property which were disturbed in as good order and condition as the same were prior thereto.~~

~~(Prior code § 3-2.8)~~

~~13.12.100 – Excavation and restoration of streets.——~~

~~A. It is unlawful to make any excavation in any of the streets in the district for the purposes mentioned herein without such permit from the council. However, in case of an emergency, when service to subscribers or customers is interrupted by accident and immediate repairs are necessary, such repairs may be begun without such permit after notice to the department of public works. B. All excavations for the purpose of placing wires or cables under such streets and public property, or for the purpose of making repairs, additions and changes thereto, and all work upon pavements and the foundations thereof where excavations are made shall be under the supervision of the department of public works and only after notice to such department.~~

~~(Prior code § 3-2.9)~~

~~13.12.110 – Use of sidewalk space and building fronts.~~

~~Any person owning or operating underground wires, cables, conduits, or subways in compliance with this chapter may connect the same at the side lines of the street, and to that end may use such space under the streets and sidewalks as may be necessary or convenient, and may also have access to all area ways under sidewalks, and may place and maintain such wires, cables, and appliances in proper conduits in and through such area ways or spaces. If wires or cables are run up the sides or in front of any building, such wires or cables shall be placed in proper tubes so as to prevent danger to life or property. No wire, cable, or the supports therefor shall cross any window or opening in any building.~~

~~(Prior code § 3-2.10)~~

~~13.12.120 – Location maps.——~~

~~Every person to whom a permit has been granted pursuant to this chapter shall, upon completion of the installation of underground wires, cables, and appliances, file with the clerk of the city a map showing the location of the conduits, subways, trenches, wires, cables, manholes, and service boxes under such streets, public property or parts thereof in the underground wiring control district. The clerk shall thereupon record such~~

~~maps in a book kept for such purpose and shall enter in appropriate indexes the name of the owner of such conduits or subways with a reference to the volume and page where such map is recorded.~~

~~(Prior code § 3-2.11)~~

13.12.060130 - Exemptions.

The provisions of this chapter with respect to underground utility construction or installation shall not apply to the following:

A. Wires, poles and appliances for lighting the ~~streets~~ public rights-of-way of the city under contract with the city, or under private contracts, connected with wires or cables in such conduits, subways, or trenches, but all such wires for street lighting above the surface of the public rights-of-way ~~streets~~ shall be placed inside or on the outside of poles used in connection with such street lighting and shall be connected underground from the foot or base of such respective poles directly with the nearest wires or cables placed in such conduits, subways or trenches. Such wires for street lighting if put on the outside of such poles shall be placed in proper tubes so as not to be dangerous to life or property, excepting, however, wires above the ground connecting such poles and the wires thereof with the electric lamp, or lamps, used on such pole.

B. Wires, cables and appliances for electric signs, advertisements, and decorative lighting, connected with wires or cables in such conduits, subways or trenches; but all such wires for electric signs, advertisements, and decorative lighting shall be carried from or connected with the building. If such wires are placed on the sides or front of any such building, they shall be placed in proper tubes so as not to be dangerous to life or property, and such wires shall be connected underground from the foundations or basement of such respective buildings directly with the nearest wires or cables placed in such conduits, subways or trenches. No such wire for electric signs, advertisements, or decorative lighting shall cross any ~~street~~ public rights-of-way above ground.

C. Enclosed electric transformers and pedestals used in connection with underground wiring and mounted on the surface of the ~~streets~~ public rights-of-way and public property, provided that the city reserves the right to approve the location of such facilities and to require underground placement where technically feasible.

D. Those installations of utilities ~~presently~~ completed ~~as of the effective date providing for overhead wiring shall not be subject to the provisions~~ of this chapter. However, this chapter does not preclude such installations from being subject to future ordinances.

~~E. Feeder Lines. That line that serves the system but not a specific customer. Feeder lines to be placed underground by council order shall be put underground at the expense of the city by crediting franchise fees in the amount of the actual cost differential between overhead and underground installation.~~

~~(Prior code § 3-2.12)~~

13.12.~~070140~~ - Variances.

A. Variances with the provisions of this chapter for subdivisions and lots may be allowed as a Class C variance upon written application under the provisions of the Boardman Development Code at Chapter 5.1 Variances. ~~for the same being first made to the city planning commission. Within ten (10) days thereof the city planning commission shall then make a recommendation to the city council concerning the requested variances. It shall then be the duty of the city council to grant or deny a request for variance on or before the next regular council meeting.~~

B. ~~Variances shall be allowed upon a finding by the city council that:~~

- ~~1. The topography is such, due to terrain, rock, etc., as to make compliance physically impractical;~~
- ~~2. It is economically not feasible;~~
- ~~3. The size, shape or design of the plat or subdivision does not lend itself to underground or rear lot placement; or~~
- ~~4. The utility lines are of such voltage, size or capacity that common trenching, underground or back lot installation is not feasible.~~

Variances for utilities that are not installed as part of a subdivision, lot, or new development shall be considered through the administrative review process provided in Boardman Municipal Code Chapter 12.16.

(Prior code § 3-2.12A)

13.12.~~080150~~ - Joint use of conduits permitted.

Nothing in this chapter shall be construed to prevent or impair any agreement between or among any persons affected by this chapter designed to provide for joint ownership, control, or use of conduits, subways or trenches.

(Prior code § 3-2.13)

~~13.12.160 - Control of electrical currents.~~

~~It is the duty of all persons using or employing electrical currents to provide and put in use such means and appliances as will, as far as practicable, control and effectually contain such currents in their proper channels and on their own wires, cables and other structures so as to prevent injury to pipes and other structures belonging to the city or to any other person; to repair and renew such means and appliances; and from time to time to change and improve the same as may be necessary to accomplish such purpose, all at his or her charge and expense, and at his or her own risk, selecting and adopting such means and appliances as shall prevent injury to the pipes and other structures belonging to the city as aforesaid, or to any other person.~~

(Prior code § 3-2.14)

13.12.~~090170~~ - Traffic signal installations.

The provisions of this chapter relating to underground wiring shall not be applicable to traffic signal installations made and maintained by the city. When deemed appropriate by the city engineer, agreements may be made with private property owners permitting attachment of such traffic signal installations to privately owned buildings, and the

council may direct entry into or to approve agreements relating thereto, such agreements having first been approved as to form by the city attorney.

(Prior code § 3-2.15)

13.12. ~~100~~180 - Violation.

Any person violating any of the provisions of this chapter is liable for a citation for a Class B violation consistent with Boardman Municipal Code Chapter 1.16.~~Violation of this chapter shall constitute the creation of a nuisance and the procedure for abating the same and the penalties shall be as provided in Sections 8.04.200 through 8.04.220 of this code.~~

(Prior code § 3-2.16)

City Manager January Report

The following January report will give an overview of the objectives accomplished this past month, as well as future plans:

1. The city would like to engage a local videographer to develop an informational summary of the strategic and master planning process that the city is currently undertaking.
2. The date located on the personnel policy footer was incorrect. This Scrivner's error was corrected through a "revised date in footer."
3. For the past several months the council has been working to develop a business license ordinance. Through the many work sessions and various input from city staff a rough draft has been created. I would like to propose a community input event to be held on March 18th.
4. In May of 2020 the citizens of Boardman passed a general obligation bond that funded improvements to the city's water and wastewater systems. This project will enable the city to certificate its full water right of 36 CFS from the Columbia River. A ribbon cutting ceremony has been scheduled for February 26th at 2pm. This will dedicate the newly designed water building in honor of Barry Beyeler.
5. Morrow County Board of Commissioners decided to begin the process of producing a long-range capital improvement plan for Morrow County facilities. Their goal is to compile needed and desired capital projects, prioritize them and obtain cost estimates. They are requesting each city in the county to provide input prior to their February 19 meeting.
6. Safety Update:
 - a. *Our January kickoff for annual trainings began on the 1st. These training courses consist of generalized health and safety, as well as workplace guidelines.*
 - b. *Councilor annual online training videos will begin February 1st.*
 - c. *In-person trainings have been scheduled for our staff which include emergency response and table top discussions.*
7. Community Outreach....(This will be a regular section that I will include with each report. This is a way for myself and the council to keep in mind the importance of ongoing outreach to our community and highlight what has been done and will be upcoming for the future.)

- | | |
|---|-----------------------------------|
| A. County Planning Dept. | H. CREZ II and III |
| B. Financial Consultant | I. Public Works Consultant |
| C. Port Commission Mtg | J. Development Companies |
| D. S. Main Community Mtg | K. Port of Morrow |
| E. Safety Committee | L. Morrow County Transportation |
| F. Industrial Symbiosis | M. Urban Renewal Consultant |
| G. Boardman Community Development Association | N. Strategic Planning Consultants |
| | O. Day at the Capital |

CAPITAL IMPROVEMENT PROJECTS
2024-25

General	PROGRESS	Cost Estimate
BPA Greenspace	In Design	\$440,000
Surplus Old City Shop	Complete	\$75,000
Planning		
Strategic Planning	In Process	\$50,000
Economic Opportunity Analysis	PAC Appointment	\$60,000
Transportation System Plan	In Process	Grant Funded
Parks Master Plan	In Process	\$40,000
Development Code	PAC Selection	\$150,000
Municipal Code	In-House	-----
Housing Need Analysis	Waiting for state final requirements	
Public Works		
Maintenance Shop	In Construction	\$350,000
Streets/Sidewalk		
SE Front St	Complete	\$1,500,000
Wilson & Faler Sidewalk	Complete	\$400,000
S Main	Developing scope	\$2,500,000
Water/Wastewater		
Bio Solids Removal	Summer 2025	\$1,250,000
Headworks Screen & Septage Receiving Station	Ordered headworks	\$1,050,000
NW Columbia Ave	Complete	\$1,300,000

MEMORANDUM

To: Mayor Keefer and members of the City Council
 cc: Brandon Hammond, City Manager
 From: Carla McLane, Planning Official
 Date: January 28, 2025
 RE: Business License – Municipal Code Draft

Staff appreciated the discussion at the January Workshop concerning the variety of proposed amendments to the City's Municipal Code. Based on that conversation the next version of the Business License provisions to be added to the Municipal Code are attached. The following were identified as needed changes to the City's last draft:

- ✓ Conditions – the City of Veneta had “Conditions” that were representative of additions to consider.
- ✓ Safety – there was concern that appropriate safety measures were not included that would protect citizens, the walking and driving public, and public infrastructure.
- ✓ Add application – there was discussion about an application form.
- ✓ 1 license for multiple businesses operated by a single individual.

Here are the changes or reasons for not including the item listed:

- Conditions: The Veneta “conditions” have been incorporated nearly verbatim changing registration to license and Veneta to Boardman. These were added to 5.04.060 Application Review changing the section name to Application Review and Conditions. Because one of the Conditions requires posting of the license the very last section, 5.04.110 Posting and Display of License, was removed to limit duplication and potential confusion or inconsistent requirements.
- Safety: In the first paragraph there was and is the following statement: “...in a manner comporting with the public health, safety, and general welfare...” There are also some safety components in the “conditions” that have been incorporated from the Veneta ordinance under 5.04.060 Application Review and Conditions.
- Add application: The application will be web based through Citizenserve. There won't be a paper application form if we are going paperless.
- 1 license for multiple businesses: This change is found in a couple of places as follows: 1) 5.04.030.B Businesses or Activities Required to be Licensed; 2) 5.04.050.M Application Requirements; 3) 5.04.070.D Fee Schedule.

City staff are also proposing a Community Meeting or Open House on the afternoon of March 18 to share the Business License proposed language with the community at large and the business community specifically.

Title 5 – BUSINESS REGULATIONS

CHAPTER 5.04 – BUSINESS LICENSE REGULATIONS

Sections:

- 5.04.010 – Purpose and Scope.
- 5.04.020 – Definitions.
- 5.04.030 – Businesses or Activities Required to be Licensed.
- 5.04.040 – Exemptions.
- 5.04.050 – Application Requirements.
- 5.04.060 – Application Review and Conditions.
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5.04.010 – Purpose and Scope.

This Chapter is enacted to ensure that each business is conducted in compliance with applicable federal, state, and local laws, regulations and ordinances and in a manner comporting with the public health, safety, and general welfare; and to obtain valuable information for emergency responders, planning and building personnel, and economic development.

The regulations of the chapter are not intended to permit any violation of the provisions of any other law or regulation and apply to activities within the City of Boardman, including City-owned and leased property.

These regulations shall not apply to sales conducted by municipal, government, religious, charitable, educational, or other similar organizations, provided that the sale is conducted on premises owned or leased by the applicant for the regular conduct of its business or affairs. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

5.04.020 – Definitions.

“Business” means any activity, trade, profession, occupation, or pursuit operated, engaged, conducted, or carried on for profit, gain, livelihood, or any other purpose, regardless of the form under which the activity, trade, profession, occupation, or pursuit is operated, engaged, conducted, or carried on within the City.

“Business License” is an annual or period specific license, issued by the City Manager which is required for persons and entities conducting business for profit within the City.

“Business License Administrator” is the City appointed authority for reviewing, approving, or denying business license applications.

5.04.030 – Businesses or Activities Required to be Licensed.

- A. It shall be unlawful for any person to conduct business within the City without first having obtained the necessary license for the current year as provided under this chapter.
- B. A person engaged in business in more than one location, or operating more than one business, shall make a separate application for each business but only be required to pay only a single license fee.
- C. If more than one business is conducted on the same premises, each owned and operated by

different individuals, each business must obtain a separate license.

- D. A person representing him or herself or exhibiting any sign or advertisement that he or she is engaged in a business within the City of which a license fee is levied by this Chapter shall be deemed to be engaged in such business and shall be liable for the payment of such license fee and will be subject to the penalties for failure to comply with the requirements of this Chapter.
- E. The City may require proof of state registration. An applicant shall possess any county or state license or permit required or shall be awaiting final approval by the state before a City license will be issued.
- F. No person shall do business within the City as the employee, agent, or representative of another person unless either the principal or the employee, agent or representative has a current, valid City business license for the business, no matter where the principal offices of that business are situated.
- G. Home occupations, as permitted uses or conditional uses in the Boardman Development Code, shall be required to obtain any necessary license in accordance with the provisions of this chapter.
- H. Bed and Breakfast, Vacation Rentals, and Short-Term Rental uses, meeting the applicable provisions of the Boardman Development Code, shall be required to obtain a business license in accordance with the provisions of this chapter. They may also be subject to the payment of the Transient Room Tax.

5.04.040 – Exemptions.

The following are exempt from the licensing requirements:

- A. A service business operated by a person under the age of 18, such as a lawn mowing business, a newspaper delivery business, a lemonade stand, and the like.
- B. Individuals who work only on the premises of, and as part of, a licensed business that includes the activity of the individual. Examples include barbers, beauticians, medical care providers, attorneys, accountants, realtors, and others who perform services as part of the overall licensed business. This exemption does not apply if the overall business operation has not obtained a business license.
- C. Garage sales, yard sales and other similar activity conducted, carried on or operated by an individual, provided, however, such exemption will not apply if either of the following conditions are met:
 - 1. The individual conducts, carries on, or operates more than five such sales within any calendar year; or
 - 2. Any one such sale has a duration of more than 72 consecutive hours.
- D. Rental of just one dwelling unit for periods of 30 consecutive days or more.
- E. Activities that qualify as hobbies or passive holding of property for investment purposes under the United States Internal Revenue Code.
- F. Persons providing day care services for children in the person's home and in compliance with state law.
- G. Any person who goes into the home of a child to give care during the temporary absence of the parent, legal guardian, or custodian.
- H. Merchants who exclusively or primarily sell to, deliver to, and/or solicit orders from local retailers, businesses, governments, schools, and/or wholesale firms.
- I. The occasional sales of goods and/or services by local school students related to their school and/or school activities, and/or fundraising sales by local service clubs, groups, and/or charitable nonprofit organizations.
- J. Any political group seeking funds or membership.
- K. The following must obtain a business license but are exempt from payment of the license fee:
 - 1. Any entity registered with the Oregon Secretary of State as a not-for-profit corporation.
 - 2. Any business exempt from paying local business license fees or taxes by Federal or State

constitution or law.

3. Any business exempt from paying property tax.

5.04.050 – Application Requirements.

Each person desiring to engage in doing business must apply for a license to operate, engage, conduct, or carry on the business on such forms and in such manner as the Business License Administrator may prescribe. Applications are submitted online via the City of Boardman website, through an online application portal. The application must be accompanied by the applicable license fee as established in the City of Boardman Fee Schedule. The application submitted through the online portal shall include the following information:

- A. The date of the application;
- B. The name and physical address of the business, the address where the business will be located or have its office within the City, and the address of the principal office of such business;
- C. A brief description of the nature of the business, including its primary or predominant business activity;
- D. The date that business operations will commence;
- E. The name and address of the applicant and, if the applicant is an entity, the name and address of the authorized agent applying on behalf of the applicant;
- F. The average number of persons regularly employed;
- G. The person who may be contacted in case of an emergency and the phone number at which that person may be reached;
- H. The types of hazardous materials, if any, regularly maintained on the premises as defined under ORS 466.605;
- I. Identify any local, state, or federal licenses, certificates, registrations, or permits that are required for the business and submit those licenses, certificates, registrations or permits as part of the application;
- J. A verification by signature of the applicant, or authorized agent submitting the application on behalf of the applicant, of the following:
 1. The information stated in the application is true, accurate and complete;
 2. The business complies with all applicable federal, state, and local laws, regulations, and ordinances;
 3. The applicant or authorized agent has read, understands, and agrees to abide by this Chapter; and
 4. If the applicant is an entity, the authorized agent has the requisite power and authority to sign and submit the application on behalf of the applicant;
- K. A notice that the application is a public record, and that the City will exempt from disclosure only information of a sensitive and confidential nature to the extent required by the Oregon Public Records Law (ORS 192.410-192.505) and other applicable laws; and
- L. Any other information necessary to enable the Business License Administrator or designee to review the application to determine whether the application should be approved.
- M. Once the application is received the application fee will be requested and shall be paid prior to any license under this chapter will be issued except as modified by provisions above at 5.04.030.B.
- N. The following business types may be requested to provide additional information as part of their application for a business license:
 1. Merchant Police
 2. Detective Business
 3. Pawnbrokers
 4. Antique Dealers, Precious Metal and Gem Dealers, Scrap Metal Dealers, and Secondhand

Dealers

5. Taxicab or UBER ridership operations

5.04.060 – Application Review and Conditions.

The Business License Administrator may refer each application to the persons or departments designated by the Business License Administrator for review. The license may not be issued if the business as described in the application would not comply with this Title, or other City Codes. Issuance of the license itself does not mean the applicant has complied with all Federal or State laws, and if it is later determined that the applicant has failed to comply with any Federal or State law and fails to correct such violation within thirty (30) days the applicant's license may be revoked as described herein.

The following conditions may be applied to any business license.

- A. Business licenses issued by the City of Boardman must be openly displayed in the place of business or in the case of an itinerant business a copy shall be kept on the person of each individual solicitor.
- B. Temporary businesses not subject to obtaining a temporary use permit shall provide written proof of permission to operate from a specific location, signed by the owner of the building or property from which the temporary business will be operated. Temporary businesses lasting more than two days also require a temporary use permit.
- C. Business licenses are not transferable.
- D. Conduct of business operations shall conform to statements made in the application and with any special conditions of operation imposed upon the business by the city or other regulatory agency.
- E. Business operators and/or customers shall not obstruct traffic along any sidewalk, bike path, or street unless granted by the city through a right-of-way permit, land use permit, or other written approval.
- F. Neither the acceptance of the license fee by the city nor the issuance of the applicable business license shall be construed to constitute a permit to engage in any activity otherwise prohibited by federal, state, or local law, or a waiver of any regulatory licensing requirement imposed by federal, state, or local law.
- G. Employees working for itinerant businesses are:
 1. Limited to operating between the hours of 9:00 a.m. and 7:00 p.m.
 2. Prohibited from entering upon private property that has been posted “no trespassing” or “no soliciting.”
 3. Prohibited from continuing to solicit a person who has declined a request.
- H. The city officials responsible for administering the business license process are directed and empowered to investigate and examine all places of licensed businesses at any and all reasonable times for the purpose of determining whether such place of business is in compliance with all city codes and is safe, sanitary, and suitable for the business so registered or for which such application is made. In the event it is determined by such officers or their agents that such place of business is dangerous to public health or safety, likely to become a menace, or is in violation of city codes, a report of such determination and the reasons therefor shall be made in writing to the city manager. Such investigation shall not be used in the initial approval or denial of a business license, although the report shall be considered in the evaluation of a business license renewal application, to the extent the report bears upon the accuracy of the application contents.

5.04.070 – Fee Schedule

- A. An annual license fee is imposed on the act of doing business within the city. The City Council will annually establish the fees provided for in this chapter as part of the Master Fee Schedule.
- B. Fees are due at the time of the initial application. Renewal fees are due annually by January 15 of

the respective year.

- C. Nothing contained in this chapter shall vest any right in a license as a contract obligation on the part of the city as the amount of the fee. The fees required by this Title may be increased or decreased, additional fees may be imposed, and classifications may be changed.
- D. A person operating more than one business shall apply for all businesses but will only be required to pay the license fee once annually as required under A. through C. above.

5.04.080 – Approval Process.

Approval of Application.

- A. The Business License Administrator shall issue a decision on an application for a license within 30 days of the submission of a complete application and required fee upon a finding that the applicant has submitted all the necessary application material, met all the requirements of this Title, and complied with applicable federal, state, and local laws.
- B. The Business License Administrator shall issue a license renewal upon finding that the applicant has submitted all of the necessary application material, met all the requirements of this Title, and complied with applicable federal, state, and local law.
- C. If an application for a new license is approved, the Business License Administrator shall notify the applicant through the online application portal. The notice shall state any conditions or limitations placed on the license as a condition of maintaining the license which the Business License Administrator or other review staff deems necessary to protect the public health, safety, or welfare which is required by this Title and applicable federal, state, or local law.

5.04.090 – Denial, Suspension, or Revocation.

- A. Denial, Suspension, or Revocation of Application. The Business License Administrator may deny, suspend, or revoke a license issued under this Title upon finding that:
 - 1. The licensee fails to meet the requirements of, or is doing business in violation of this Title and/or federal, state, or local laws;
 - 2. The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the applications, related materials, or license;
 - 3. The applicant's past or present violation of law presents a reasonable doubt about their ability to perform the licensed activity without endangering property or the public health or safety;
 - 4. The information supplied for the review does not indicate that the applicant has the special knowledge or skill required to perform the licensed activity; or
 - 5. The licensed activity would endanger property or the public health or safety.
- B. Notice. The Business License Administrator shall provide written notice to the applicant or licensee of the denial, suspension, or revocation. The notice shall state the reason for the action taken and shall inform the applicant or licensee of the right to appeal under 5.04.100 of this Title. For suspensions or revocations, the notice shall be given at least 15 days before the action becomes effective. If the violation ends within 15 days, the Business License Administrator may discontinue the suspension or revocation proceedings.
- C. Reapplication. A person whose application for a business license that has been denied, suspended, or revoked, may, after 90 days from the date of the denial, suspension, or revocation, apply for a license or reinstatement upon payment of the application fee and submission of a complete application.
- D. Disqualification. A person whose application for any license under this Title that has been denied or whose license has been revoked for a total of two times within one year, or who has a total of four denials, suspensions, or revocations, shall be disqualified from applying for a license or reinstatement for a period of two years from the date of the final denial, suspension, or revocation.

- E. Summary Suspension. Upon determining that a licensed activity presents an immediate danger to a person or property, the Business License Administrator or designee may summarily suspend the license for the activity. The suspension takes effect immediately upon notice of the suspension being received by the licensee or being delivered to the licensee business address as stated on the application for the license being suspended. Such a notice shall state the reason for the suspension and inform the licensee of the provisions for appeal as outlined in 5.04.150.

5.04.100 – Appeal.

In the event an applicant for a license under this Title is denied such license, or in the event a license is suspended or revoked, the applicant or licensee shall have the right to appeal.

- A. The written notice of appeal to the City Manager shall be filed with the Business License Administrator within 14 days after the license denial, suspension, or revocation.
- B. The appeal shall state:
 - 1. The name and address of the applicant;
 - 2. The nature of the determination being appealed;
 - 3. The reason the determination is incorrect; and
 - 4. What the correct determination of the appeal should be.
- C. The City Manager or designee shall review and decide regarding the appeal within 15 days of filing.
- D. Final appeal, if filed by the applicant, shall be filed with the City Manager's office to be heard by the Boardman City Council. The Boardman City Council will hear the appeal at the next regular meeting of the City Council for which there is adequate time to include the appeal information in the Council Packet. The decision of the City Council on the appeal shall be final and conclusive.