



CITY COUNCIL MEETING W/ EXECUTIVE SESSION

October 07, 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.](#) TSP Joint City/County Workshop August 26, 2025

[B.](#) Council Meeting Minutes September 2, 2025

5. FINANCIAL REPORT

[A.](#) Finance Report August 2025

6. PUBLIC COMMENT

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

[B.](#) Prearranged Presentation - Jonathan Tallman, The Real 'Missing Housing' Funds: Where They Are—and How to Unlock Them for Boardman

7. ACTION ITEMS - ORDINANCES

[A.](#) Ordinance 7-2025 Amending the Boardman Development Code Adding Shipping Container Standards

In accordance with City of Boardman Charter of 2024 Section 4.2 b, the Boardman Mayor, City Councilors, and City Staff will assemble on this date to consider Ordinance 7-2025 an Ordinance to amend the Boardman Development Code adding definitions and standards for shipping containers to be used for storage in all zones and occupiable space in commercial and industrial use zones.

[B.](#) Ordinance 9-2025 Amending the Boardman Municipal Code Title 5 Business Regulations

In accordance with City of Boardman Charter of 2024 Section 4.2 b, the Boardman Mayor, City Councilors, and City Staff will assemble on this date to consider Ordinance 9-2025 an ordinance amending the Boardman Municipal Code Title 5 Business Regulations to add provisions to regulate Transient Merchants.

8. ACTION ITEMS - RESOLUTIONS

[A.](#) Resolution 24-2025 Park Naming

9. ACTION ITEMS - OTHER BUSINESS

[A.](#) Appoint CREZ II Members

Currently Appointed: Karen Pettigrew, Paul Keefer, Alt: Heather Baumgartner

B. Appoint CREZ III Members

Currently Appointed: Karen Pettigrew, Paul Keefer, Heather Baumgartner, Alt: Vacant

C. Housing Advisory Committee - Comprehensive Real Estate Development Master Plan

D. Housing Advisory Committee - Moderate Income Revolving Loan Fund

E. City Attorney Services

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 Department Report

E. Committee Reports

F. City Manager

G. Councilors

H. Mayor

13. EXECUTIVE SESSION

- A.** 192.660 (2)(d) The purpose of this executive session is for the City Council members to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

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.



TSP JOINT CITY/COUNTY WORKSHOP

August 26, 2025 at 5:30 PM

Port of Morrow, 2 E Marine Drive,
Boardman, OR

MINUTES

1. CALL TO ORDER

Mayor Keefer called the meeting to order at 5:31 PM.

2. FLAG SALUTE

3. MAYOR'S WELCOME – Timestamp 3:21

A. Mayor Keefer asked for a roll call and offered welcoming remarks.

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

Boardman Planning Commissioners Present: Commissioner Mike Connell, Commissioner Ragna TenEyck (arrived at 5:38 PM), Commissioner Sam Irons, Commissioner David Jones

Morrow County Board of Commissioners Present: Commissioner David Sykes, Commissioner Jeff Wenholtz, Commissioner Gus Peterson

Morrow County Planning Commissioners Present: Commissioner Stacie Ekstrom, Commissioner Karl Smith, Commissioner Tripp Finch, Commissioner Stephen Henthorn, Commissioner Norma Ayala

4. DISCUSSION – Timestamp 5:32

A. The purpose of the work session is to present and take comments on a preliminary DRAFT of the Boardman Transportation System Plan (TSP). The work session feedback will be instrumental in the preparation of the Final DRAFT TSP before the formal adoption process beginning in October 2025.

Planning Official Carla McLane introduced the Transportation System Plan consultant Matt Hugart, Kittelson & Associates to provide an update and answer questions of the public officials.

5. PUBLIC COMMENT - Timestamp 1:15:55

Jonathan Tallman, Boardman, OR

6. ADJOURNMENT

Mayor Keefer adjourned the meeting at 6:53 PM

Paul Keefer, Mayor

Amanda Mickles, City Clerk



CITY COUNCIL MEETING W/EXECUTIVE SESSION

September 02, 2025 at 7:00 PM
Boardman City Hall Council Chambers
MINUTES

1. CALL TO ORDER

Audio was muted until timestamp 2:27.

Mayor Keefer called the meeting to order at 7:00 PM. Mayor Keefer stated that Ordinance 8-2025 will be tabled to allow for further discussion and information to be provided to the Council.

2. FLAG SALUTE

3. ROLL CALL/EXCUSED ABSENCES

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Brenda Proffitt (arrived 8:05 PM), Councilor Cristina Cuevas, Councilor Richard Rockwell, Councilor Karen Pettigrew

Councilors Absent: Councilor Ethan Salata

4. APPROVAL OF MINUTES

A. City Council Workshop, August 5, 2025

Motion to approve the minutes of August 5, 2025 City Council Workshop as presented.

Motion made by Councilor Rockwell, Seconded by Councilor Cuevas.

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

B. City Council Meeting, August 5, 2025 – Timestamp 2:27

Motion to approve the minutes of August 5, 2025 City Council Meeting as presented.

Motion made by Councilor Cuevas, Seconded by Councilor Baumgartner.

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

5. FINANCIAL REPORT

A. Financial Report - July 2025 – Timestamp 2:49

Finance Director Barajas gave the financial report.

6. PUBLIC COMMENT

A. Prearranged Presentation - Capital Improvement Plan – Timestamp 7:14

Mike Lees, City Engineer with Anderson Perry gave an update.

B. Report Only - Chamber/BCDA July 2025 Report – Timestamp 16:13

7. ACTION ITEMS - ORDINANCES

- A. Ordinance 7-2025 Amending the Boardman Development Code Adding Shipping Container Standards – Timestamp 18:12

Motion to approve the reading by title only of Ordinance 7-2025 Amending the Boardman Development Code Adding Shipping Container Standards.

Motion made by Councilor Rockwell, Seconded by Councilor Cuevas.

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

City Manager Hammond read Ordinance 7-2025 Amending the Boardman Development Code Adding Shipping Container Standards.

8. ACTION ITEMS - RESOLUTIONS

- A. Resolution 23-2025 Public Works Standards General Requirements of the City Standards – Timestamp 21:58

Motion to approve Resolution 23-2025 a resolution adopting City of Boardman Public Works Standards.

Motion made by Councilor Baumgartner, Seconded by Councilor Rockwell.

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

- B. Resolution 24-2025 Park Naming – Timestamp 22:47

Discussion was held and the Council came to a consensus to have this returned to the Parks Master Plan Public Advisory Committee to find new park name options.

- C. Resolution 25-2025 Personnel Policy – Timestamp 37:04

Motion to approve Resolution 25-2025 a resolution adopting a Personnel Policy and repealing Resolution 3-2025.

Motion made by Councilor Rockwell, Seconded by Councilor Baumgartner.

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

9. ACTION ITEMS - OTHER BUSINESS

- A. LOC Business Meeting October 4, 2025 - Voting Delegate – Timestamp 38:47

Motion to appoint Councilor Baumgartner as the voting delegate for the LOC Business Meeting on October 4, 2025.

Motion made by Councilor Rockwell, Seconded by Councilor Cuevas.

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

- B. Appoint CREZ II Members – Timestamp 39:41

Council came to a consensus to wait for a full Council before determining Members.

- C. Appoint CREZ III Members

Council came to a consensus to wait for a full Council before determining Members.

- D. OLCC Local Government Recommendation Liquor License - Sol Azteca LLC – Timestamp 41:12

Motion to approve the OLCC Local Government Recommendation for a liquor license and authorize Police Chief Stokoe to complete the recommendation for Sol Azteca, LLC.

Motion made by Councilor Rockwell, Seconded by Councilor Baumgartner.
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

10. OTHER PUBLIC COMMENT – Timestamp 52:40

Jonathan Tallman, Boardman, OR

11. REPORTS, CORRESPONDENCE, AND DISCUSSION

A. Police Report – Timestamp 1:02:45

Police Chief Stokoe gave his report.

B. Committee Reports - Holiday Decorating Committee – Timestamp 1:03:49

Holiday Decorating Committee Member Natasha Rockwell gave an update.

C. Committee Reports - Housing Advisory Committee – Timestamp 1:06:38

Housing Advisory Committee Member Bobby Barnes gave an update and requested the Council approve \$50,000 for a Comprehensive Real Estate Development Master Plan.

Motion to approve the request for \$50,000 for the Housing Advisory Committee Master Plan.

Motion made by Councilor Rockwell, Seconded by Councilor Baumgartner.
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Proffitt, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

D. Building Department Report – Timestamp 1:13:31

Building Official McIntire gave his report.

E. Planning Department Report – Timestamp 1:29:00

Planning Official McLane gave her report.

F. Public Works Department Report – Timestamp 1:39:01

Public Works Director Drago gave his report.

G. City Manager – Timestamp 1:45:44

City Manager Hammond gave his report.

H. Councilors – Timestamp 1:47:27

Councilors gave comments.

12. EXECUTIVE SESSION – Timestamp 1:54:50

Mayor Keefer paused the regular meeting at 8:56 PM to enter Executive Session.

- A. The purpose of this executive session is for the City Council members to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. ORS 192.660 (2)(i)

13. ACTION ITEMS - OTHER BUSINESS

A. Action Item - City Manager Performance Evaluation

Mayor Keefer resumed the regular meeting at 9:34 PM.

Motion to approve City Manager Hammond's evaluation with adjustments to the formatting so that all comments can be read.

Motion made by Councilor Baumgartner, Seconded by Councilor Rockwell.

Motion to amend motion [to approve City Manager Hammond's evaluation with adjustments to the formatting so that all comments can be read] to include giving City Manager Hammond a 2% deferred comp which is an increase from 1% and have the word coaching added to his contract.

Motion made by Councilor Baumgartner, Seconded by Councilor Rockwell.

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

14. ADJOURNMENT

Mayor Keefer adjourned the meeting at 9:38 PM.

Paul Keefer, Mayor

Amanda Mickles, City Clerk

City of Boardman
Finance Report
As of August 31, 2025

Many of the funds saw large expenditures this month, due to annual premiums that are paid out once a year, such as our liability insurance (\$181,500), workers comp insurance (\$93,600), and our IT services (\$68,500). These costs are allocated to each fund.

General Fund: The Police department had some additional expenses this month, the RIMS annual subscription fee was approximately \$5,700. Three patrol vehicles were paid for, at \$40,200 each, plus \$20,300 for the upfitting of one of the vehicles. The upfitting for the other two were paid in April. Funding received by the Police Department from CREZ was used to fully pay for one of these vehicles. We are still working through the costs associated with the room that suffered water damage, at the Police Department, this past summer. This month, \$9,374 was paid for the installation of an outdoor air conditioner and an electric heater.

General Reserve Fund: The costs listed in this fund are for the greenspace and walking path, by southeast Oregon Trail Boulevard, that is currently being developed.

Water Reserve Fund: The Water Reserve Fund, Sewer Reserve Fund, and Street Reserve Fund shared the cost of the 16' sliding gate installed at the Public Works yard, for a total of \$19,000. This gate was identified by the Department of Environmental Quality as a safety concern, on the last site visit. The installation of the gate meets the requirements, making us compliant with their recommendation. We also paid approximately \$146,600 towards the water system improvements along SW Front Street (and the new loop) and S Main ST. The remainder was for collector well improvements and water system improvements.

Sewer Reserve Fund: The Sewer Reserve had a payment for the Lagoon Bio-Solids Removal design and bid in the amount of \$4,900 and, and approximately \$175,700 for the wastewater system improvements in the greenspace project area.

Street Reserve Fund: Payments were made to Anderson Perry for their work on the following projects: NE Columbia Ave, S Main Street, SW Front St. (aka SW Loop Road improvements), and NE Front Street improvements. The city purchased a new vac truck, known as a Rav0, for \$319,000.

CITY OF BOARDMAN
Monthly Council Financial Statement
Period Ending August 31, 2025
Fiscal Year Elapsed 16.67%

Section 5, Item A.

FISCAL YEAR 2025-2026

REVENUE

EXPENDITURES

		A	B		C	D	E	F	G		H	I	J	
			Revenue			(B+C)	(A-D)	(D/A)			(A-G)	(G/A)	(D-G)	
FUND	CITY	2025-2026	Beginning	Received	Year to Date	Total	Remaining	% of	Expenditures	Year to Date	Unexpended	Expended	Fund	
#	Fund Description	BUDGET	Cash C/Over	This Month	Revenue	Revenue	Expectations	Budget	This Month	Expenditures	Budget	Budget	Balance	#
100	General Government	1,073,010							127,066	214,279	858,731	19.97%		100
110	Public Safety - Police	3,634,175							535,217	750,949	2,883,226	20.66%		110
125	Code Compliance	152,415							14,506	23,584	128,831	15.47%		125
130	Planning	476,075							46,366	120,944	355,131	25.40%		130
180	Facilities	382,100							19,872	84,498	297,602	22.11%		180
195	Non-Departmental	7,312,225							0	0	7,312,225	0.00%		195
100	GENERAL FUND	13,030,000	1,627,329	81,213	876,682	2,504,011	10,525,989	19.22%	743,029	1,198,407	11,835,747	9.20%	1,305,604.78	100
220	WATER FUND	1,779,200	354,770	122,294	254,754	609,524	1,169,676	34.26%	183,555	279,666	1,499,534	15.72%	329,858.31	220
230	SEWER FUND	1,310,250	144,527	81,101	160,255	304,782	1,005,468	23.26%	136,933	215,104	1,095,146	16.42%	89,678.06	230
240	GARBAGE FUND	1,671,000	453,732	97,016	199,655	653,387	1,017,613	39.10%	90,725	185,054	1,485,946	11.07%	468,332.12	240
250	STREET FUND	712,800	452,738	30,728	73,490	526,228	186,572	73.83%	63,426	114,793	598,007	16.10%	411,435.00	250
260	BUILDING FUND	26,423,100	17,000,001	40,335	828,921	17,828,923	8,594,177	67.47%	126,632	718,661	25,704,439	2.72%	17,110,261.97	260
300	GENERAL RESERVE FUND	14,090,000	9,286,602	29,590	60,124	9,346,725	4,743,275	66.34%	136,378	4,739,226	9,350,774	33.64%	4,607,499.01	300
320	WATER RESERVE FUND	2,074,500	1,545,203	38,152	44,407	1,589,609	484,891	76.63%	22,705	180,432	1,894,068	8.70%	1,409,177.96	320
330	SEWER RESERVE FUND	4,825,000	3,237,965	38,815	49,438	3,287,403	1,537,597	68.13%	186,877	327,658	4,497,342	6.79%	2,959,745.42	330
350	STREET RESERVE FUND	19,095,000	12,860,099	42,825	335,018	13,195,117	5,899,883	69.10%	398,560	712,633	18,382,367	3.73%	12,482,484.56	350
415	CONGRESSIONAL CMTY PJCT FUND	1,575,900	1,545,325	5,132	10,202	1,555,527	20,373	98.71%	0	0	1,575,900	0.00%	1,555,526.85	415
418	HOUSING INICIATIVE FUND	1,033,000	0	0	1,000,000	1,000,000	33,000	96.81%	5,000	10,000	1,023,000	0.97%	990,000.00	418
510	GO BOND FUND	1,647,050	264,170	0	2,422	266,593	1,380,457	16.19%	0	0	1,647,050	0.00%	266,592.74	510
CITY TOTAL		89,266,800	48,772,461	607,200	3,895,368	52,667,830	36,598,970	59.00%	2,093,819	8,681,633	80,589,321	9.73%	43,986,196.78	
815	CENTRAL UR DISTRICT	7,946,400	505,558	1,999	4,300	509,859	7,436,541	6.42%	0	0	7,946,400	0.00%	509,859	815
816	NORTH UR DISTRICT	4,314,350	86,875	328	762	87,637	4,226,713	2.03%	0	0	4,314,350	0.00%	87,636.96	816
819	WEST UR DISTRICT	209,125	211,241	412	1,076	212,317	(3,192)	101.53%	0	0	209,125	0.00%	212,317.11	819
URA TOTAL		12,469,875	803,674	2,739	6,138	809,813	11,660,062	6.49%	0	0	12,469,875	0.00%	809,813	
CITY OF BOARDMAN GRAND TOTALS		101,736,675	49,576,136	609,938	3,901,507	53,477,642	48,259,033		2,093,818.53	8,681,632.83	93,059,195.69	9.73%	44,796,009	

CASH REPORT:

	Amount	as of 8/31/25 Interest Rate
Bank of Eastern Oregon Police	\$7,327	4.60%
Banner Bank Checking	\$2,422,868	-
Banner Bank Savings	\$5,749	5.00%
Bank of Eastern Oregon	\$480,334	4.60%
OR Government Pool	\$41,133,973	4.60%
CURD Government Pool	\$350,709	4.60%
WURD Government Pool	\$104,198	4.60%
NURD Government Pool	\$167,379	4.60%
Xpress Online Clearing	\$119,791	-
Bank of Eastern Oregon - Rotschy	\$0	0.10%
Bank of Eastern Oregon - Culbert	\$3,683	0.10%
TOTAL CASH	\$44,796,009	
Cash Clearing - Utilities	\$0.00	
Total	\$44,796,009	

Current Month Net Cash Change (No URA) (1,486,619)

2025-2026 Year to Date Net Cash Change (4,780,126)



Housing market presentation for October 7th meeting

From Jonathan Tallman <1stjohn217llc@gmail.com>

Date Tue 9/30/2025 7:41 AM

To Amanda Mickles <Amanda@cityofboardman.com>; Amanda Mickles <micklesa@cityofboardman.com>;
Brandon Hammond <HammondB@cityofboardman.com>

 6 attachments (4 MB)

2018 State of the market.pdf; IMG_2801.png; IMG_2800.png; IMG_2803.png; IMG_2799.png; IMG_2802.png;

Amanda,

I'm sharing a summary of recent housing and rental market dynamics in Boardman and Hermiston, which highlight how corporate-driven, transient workforce demand is shaping the local real estate environment temporarily.

Key Points:

Population growth is modest – Boardman added just +75 residents in 2019–20 and Morrow County +418 in 2020–21.

Home sales and prices are rising steadily – values climbed ~45% from 2019–22, with average prices now over \$330,000.

Rents are rising far faster – single-family rentals have jumped from ~\$1,500 to 2,500/month; RV spaces that were \$400–500/month are now \$700–900/month. Vacancy is effectively zero.

Driver is transient workforce demand; Amazon's data center construction, electric lines/substations, and other projects have created short-term labor inflows that don't translate into permanent homeownership.

Amazon's \$8M RV park gift to Hermiston (Hermiston Herald, May 15, 2025) reflects the intended to absorb housing demand from transient workers, but also underscores how corporate influence is reshaping housing markets and creating a vacuum where workers increasingly rent out rooms, RV pads, and temporary units at inflated rates.

This divergence between steady home appreciation and surging rents shows why local housing pressures feel disproportionate to population growth. It also highlights the need for careful planning around rental supply, RV accommodations, and permanent housing stock that stays on the market and could be built but there is not long term demand to justify houses being built.

I've attached the supporting data and citations (State of the Market reports, Hermiston Herald article) for reference.

Best regards,

Jonathan Tallman

Key Points:

- **Population growth is modest – Boardman added just + Population & Growth Dynamics**
 - Boardman/Morrow County population growth has been modest:
 - +75 residents in Boardman from 2019–2020 (+1.7%) .
 - +418 residents county-wide from 2020–2021 (+3.4%) .
 - This steady but modest growth does not explain the sharp rent increases you're observing.
 - The real driver: transient job market (Amazon data centers, contractors, data center construction crews) + medical expansions (Good Shepherd hospital per Hermiston Herald).

Home Sales & Prices

State of the Market reports (West Umatilla & North Morrow Counties):

- Homes sold: 492 in 2020 → 511 in 2021 → 559 in 2022 (+9%) .
- Avg. home prices:
 - 2019: \$228,523
 - 2020: \$253,933 (+11%)
 - 2021: \$311,748 (+23%)
 - 2022: \$331,014 (+6%)

Prices have risen strongly but much more slowly than rents.

Rental Prices & Demand

While the state market reports focus on home sales, we can combine with local rental market evidence:

- Rents have surged disproportionately in Boardman because transient workers aren't buying homes — they need short-term rentals, RV parks, and apartments.
 - Market anecdotes from Boardman and surrounding towns show:
 - Single-family rents that were in the \$1,500–2,200 range a few years ago are now closer to \$1,600–1,800.
 - Apartments in Boardman/Hermiston have jumped 25–40% in the last 3–4 years.
 - RV spaces that rented at \$400–500/month are now often \$700–900/month.
 - Demand remains inelastic — meaning even with higher prices, units fill quickly — because workers have stipends or temporary housing allowances covered by corporate projects.
-

Days on Market & Rental Vacancy

- For home sales: DOM dropped to 27 days in 2021, rose slightly to 32 in 2022 → still fast-moving.
- For rentals: Effective vacancy is near 0% in Boardman due to data center and construction inflows.

- Even short-term Airbnb/VRBO and hotel inventory is constrained.
- This keeps upward pressure on monthly rents, regardless of permanent population growth.

Analysis & Takeaway

- Population growth is steady but modest → not enough to explain housing/rent dynamics.
- Home prices have climbed +45% from 2019–2022.
- Rents have climbed even faster — in some cases doubling in the last 5–7 years — because of transient labor demand and lack of rental supply.
- Mismatch:
 - Home sales data = permanent residents (slow, organic growth).
 - Rental demand = transient, corporate-driven (fast, artificial spikes).
- Investor implication:
 - Rental properties and RV parks in Boardman are cash-flow heavy, with rent yields outpacing home value appreciation.
 - But it is a market exposed to corporate cycles (Amazon builds = high rents, pauses = risk of oversupply).
 - The Hermiston City Council has approved an \$8 million donation from Amazon Web Services to build an RV park near Hermiston (by the Eastern Oregon Trade Center) to provide lodging options for transient workers.
 - The city will own the RV park, which Amazon is helping fund.
 - The effect is to absorb some of the overflow housing demand by giving workers a place to live short-term.
 - But by creating more rental capacity under one roof (RV units), it also pulls upward pressure on all forms of rent — rooms, apartments, houses — because it reduces available options and concentrates demand.
 - In short: Amazon's investment in the RV park is both a mitigating measure (adding supply) and a reinforcing force in the rent market, because it legitimizes and centralizes housing for transient workers.

Sources

1. Douglas Barak, "State of the Market" reports (2018–2022) – home sales, prices, DOM, population growth (Morrow & Umatilla counties) .

2. Hermiston Herald – “Good Shepherd makes a splash in Boardman” (Sept. confirmation of local job expansion driving housing pressure.

Section 6, Item B.

3. Local rental listings & anecdotal reports – showing rent increases in Boardman/Hermiston (single-family, apartments, RV pads).

<https://hermistonherald.com/2025/05/15/hermiston-city-council-approves-8m-amazon-gift-for-rv-park-development/>

STATE OF THE MARKET

PRESENTED TO
CBBR
FEBRUARY 20, 2019

BY
DOUGLAS M. BARAK, SRA
CERTIFIED GENERAL APPRAISER

realtor.com

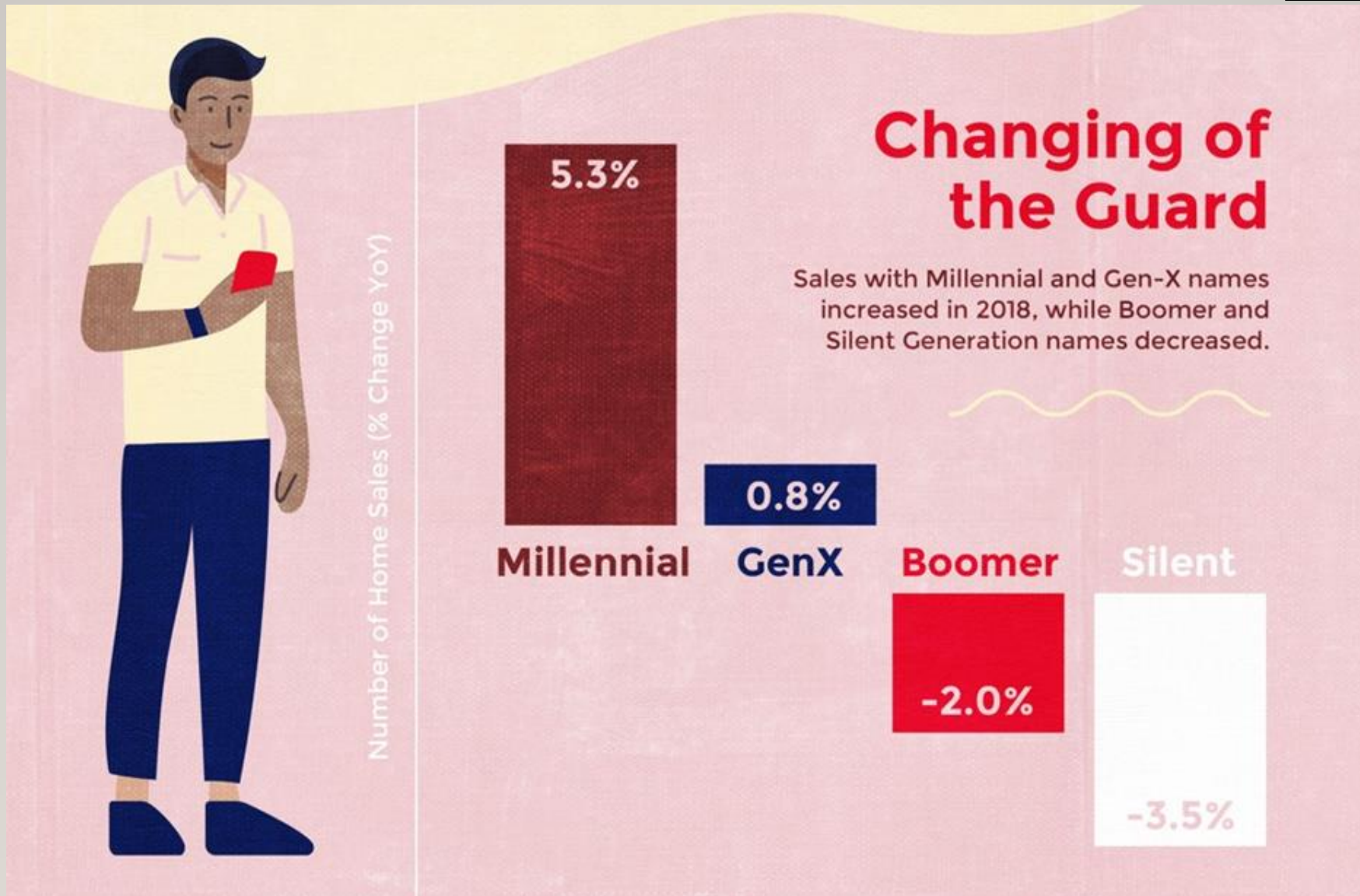
EMERGING BUYERS OF 2019

Millennials, Women & Hispanics

First names associated with women, millennials
and Hispanics saw a significantly faster level
of home sales growth in 2018



Source: Realtor.com





Rising Rates & Home Prices

will overshadow inventory increases, making it more difficult to buy or sell a home next year

+8%

SINGLE-FAMILY HOME
HOUSING STARTS

64.6%

HOMEOWNERSHIP
RATE

+8%

MORTGAGE
PAYMENTS

+2.2%

EXISTING HOME MEDIAN
PRICE APPRECIATION

5.5%

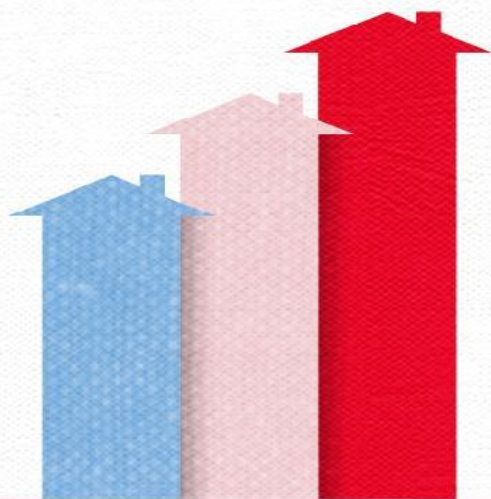
MORTGAGE RATES
AT YEAR'S END

-2%

EXISTING
HOME SALES



2019 KEY HOUSING INDICATORS



INVENTORY GAINS CONTINUE

National inventory increases will remain low in 2019 at less than 7 percent

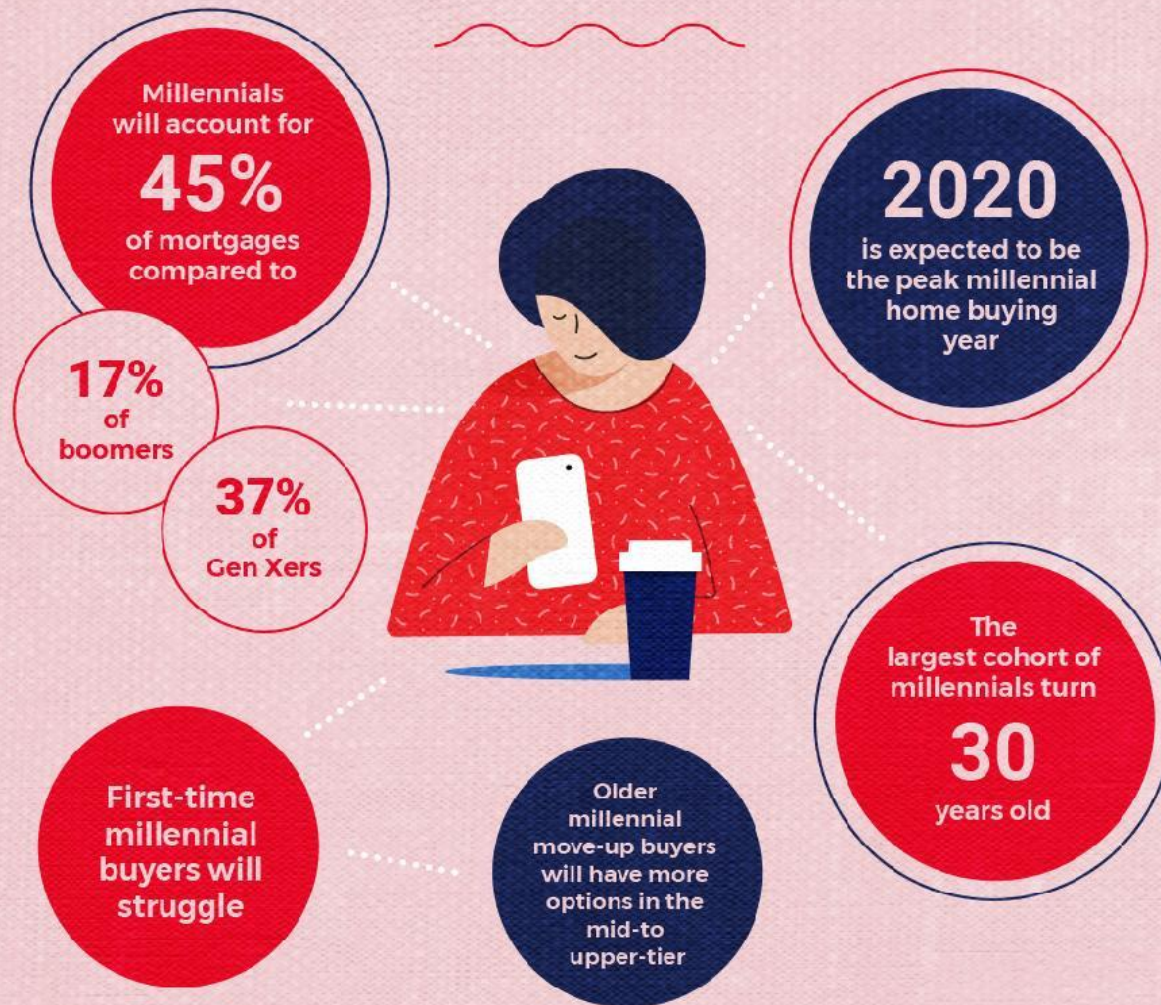
The majority of the inventory gains have been in upscale homes in high-growth markets

LARGEST INCREASES EXPECTED IN

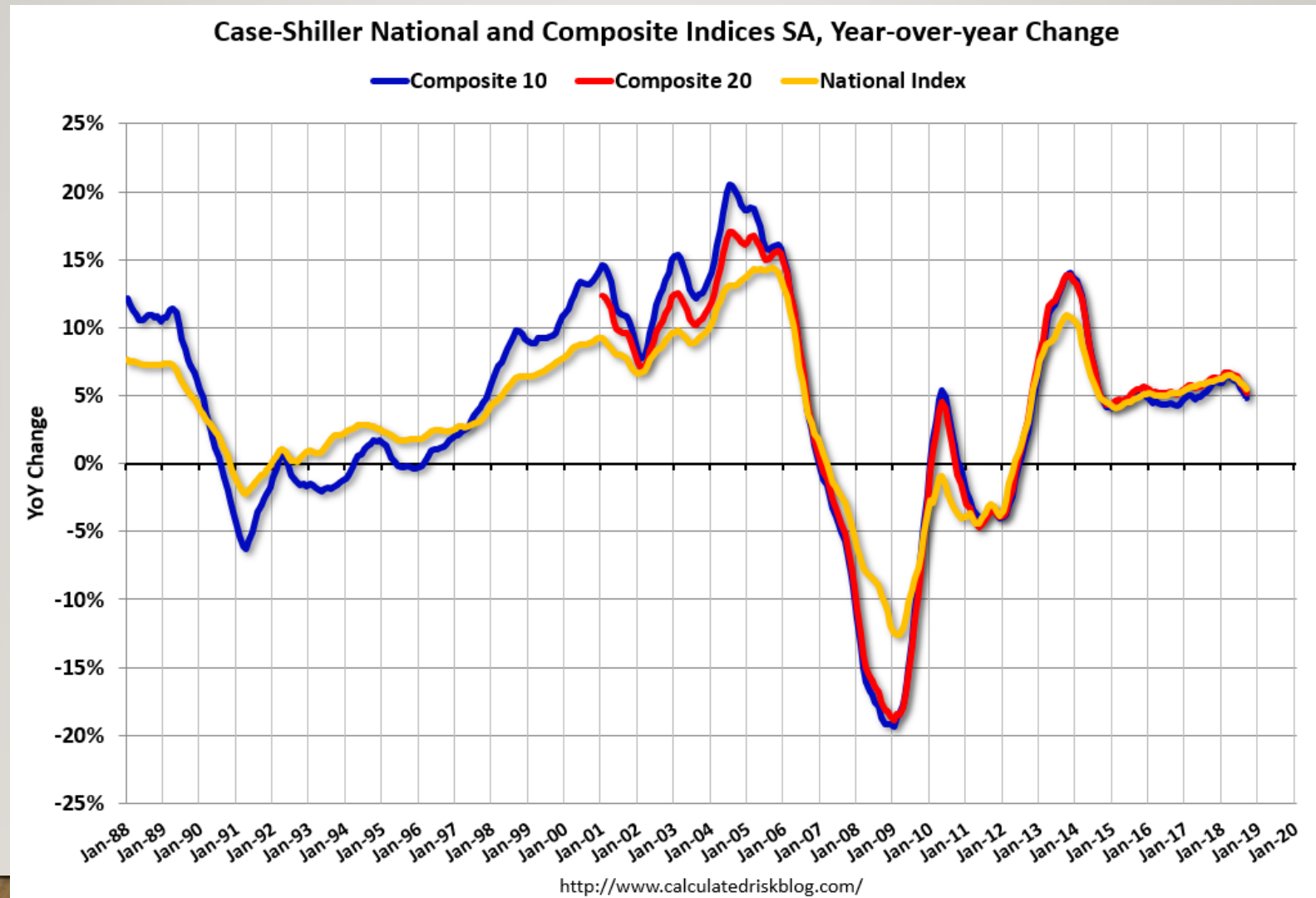
- 📍 San Jose - Sunnyvale - Santa Clara, CA
- 📍 Seattle - Tacoma - Bellevue, WA
- 📍 Worcester, MA-CT
- 📍 Boston - Cambridge - Newton, MA-CT
- 📍 Nashville - Davidson - Murfreesboro - Franklin, TN



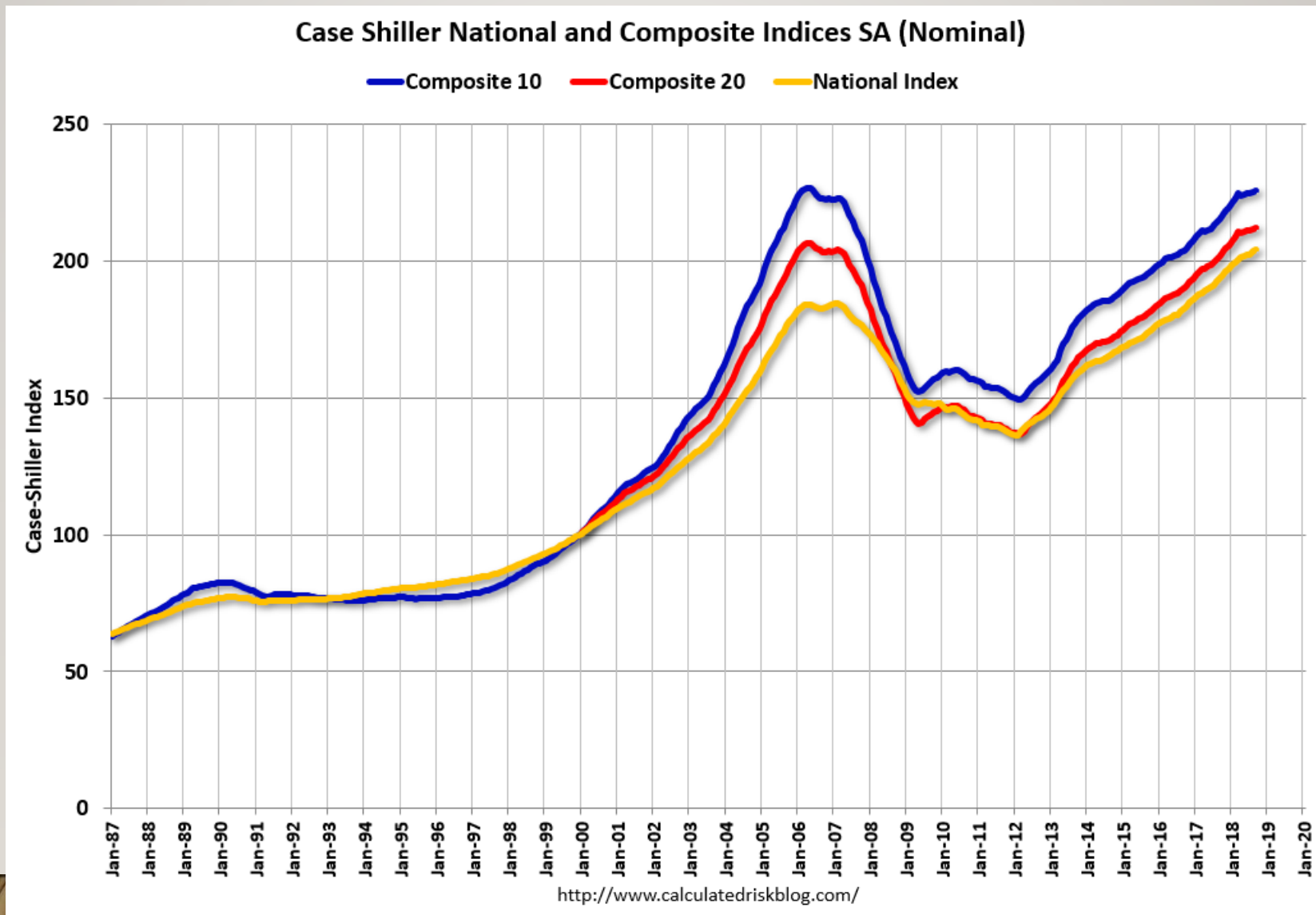
MILLENNIALS PURCHASE THE MOST HOMES



CASE SHILLER HOME PRICE INDEX 2018



CASE-SHILLER US NATIONAL HOME PRICE INDEX

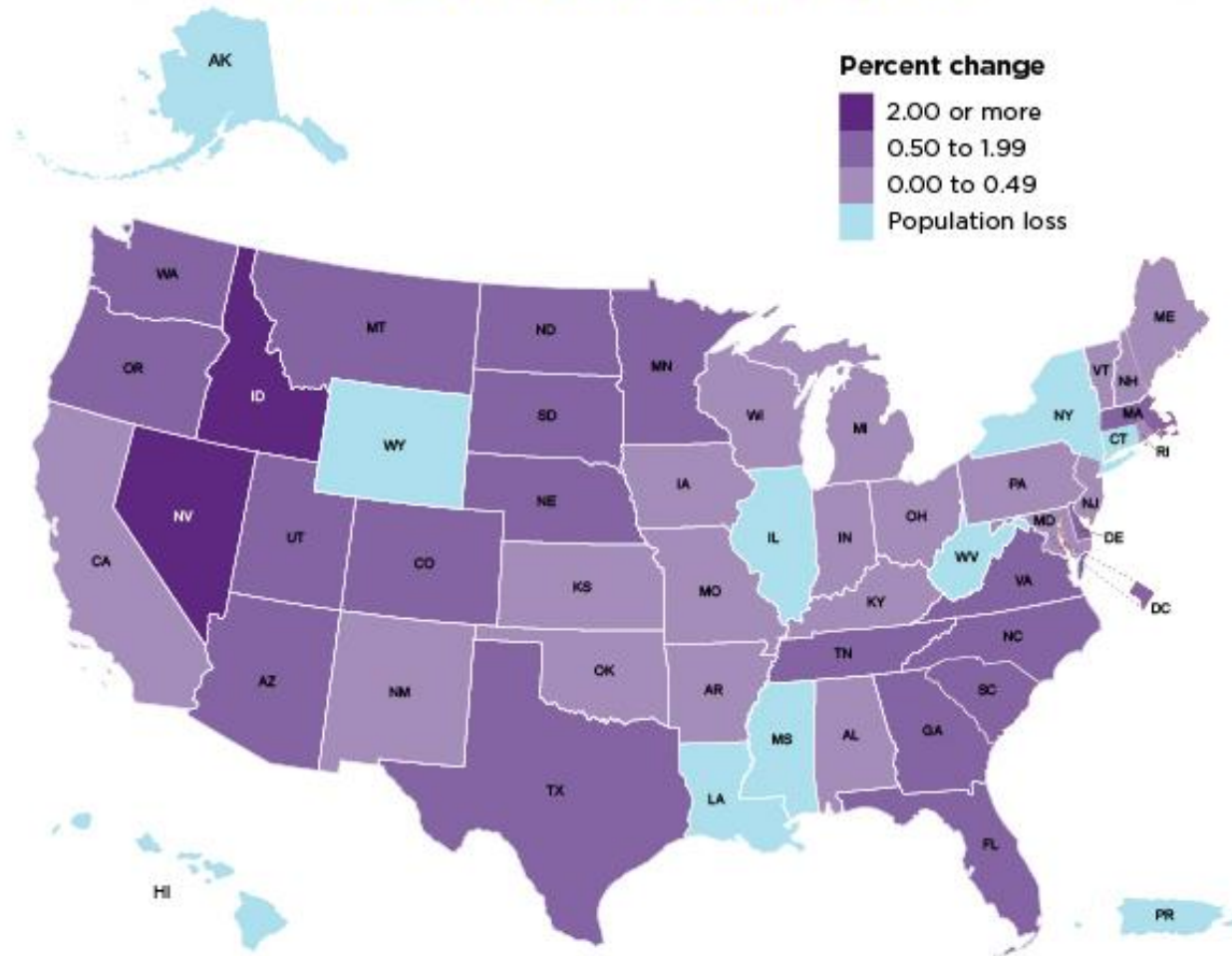


TOP 10 STATES IN POPULATION PERCENTAGE GROWTH 2017-2018

Rank	Name	2010	2017	2018	Percent growth
1	Nevada	2,700,679	2,972,405	3,034,392	2.1
2	Idaho	1,567,657	1,718,904	1,754,208	2.1
3	Utah	2,763,891	3,103,118	3,161,105	1.9
4	Arizona	6,392,288	7,048,876	7,171,646	1.7
5	Florida	18,804,580	20,976,812	21,299,325	1.5
6	Washington	6,724,540	7,425,432	7,535,591	1.5
7	Colorado	5,029,316	5,615,902	5,695,564	1.4
8	Texas	25,146,114	28,322,717	28,701,845	1.3
9	South Carolina	4,625,381	5,021,219	5,084,127	1.3
10	North Carolina	9,535,736	10,270,800	10,383,620	1.1

How Does Your State Stack Up?

Population Change for States (and Puerto Rico)
From July 1, 2017, to July 1, 2018



United States™
Census
Bureau

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
census.gov

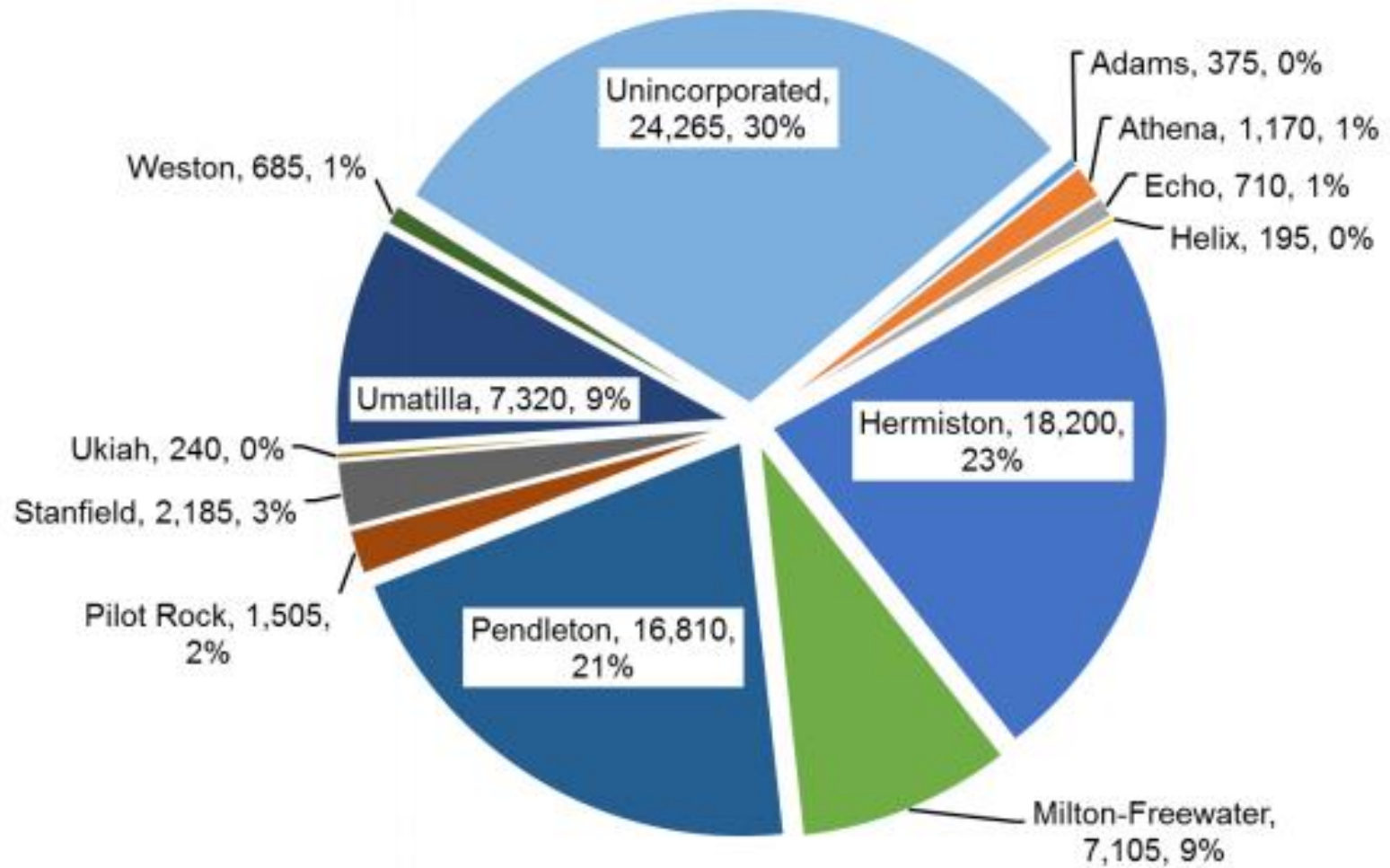
Source: Vintage 2018 Population Estimates
www.census.gov/programs-surveys/popest.html

Population Estimates for Oregon and Umatilla County

	July 1, 2018 Population	July 1, 2017 Population	Net Change	Percent Change
Oregon	4,195,300	4,141,100	54,200	1.3%
Umatilla County	80,765	80,500	265	0.3%
City of Adams	375	375	0	0.0%
City of Athena	1,170	1,175	-5	-0.4%
City of Echo	710	705	5	0.7%
City of Helix	195	195	0	0.0%
City of Hermiston	18,200	17,985	215	1.2%
City of Milton-Freewater	7,105	7,070	35	0.5%
City of Pendleton	16,810	16,890	-80	-0.5%
City of Pilot Rock	1,505	1,505	0	0.0%
City of Stanfield	2,185	2,145	40	1.9%
City of Ukiah	240	245	-5	-2.0%
City of Umatilla	7,320	7,245	75	1.0%
City of Weston	685	685	0	0.0%
Unincorporated	24,265	24,280	-15	-0.1%

Source: Portland State University's Population Research Center

Umatilla County July 1, 2018 Population Estimates Incorporated Cities, Towns and Unincorporated



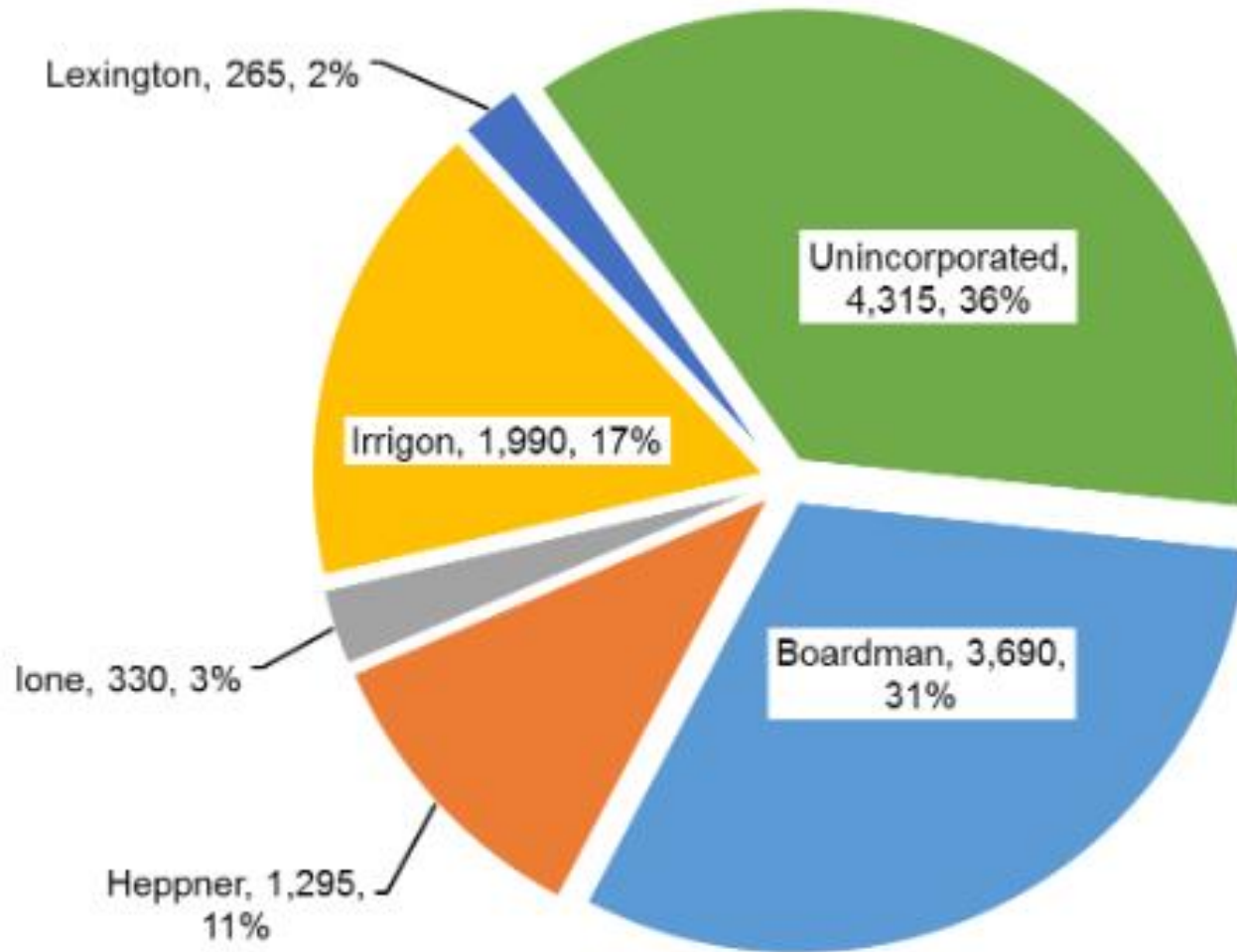
Source: Portland State University's Population Research Center

Population Estimates for Oregon and Morrow County

	July 1, 2018 Population	July 1, 2017 Population	Net Change	Percent Change
Oregon	4,195,300	4,141,100	54,200	1.3%
Morrow County	11,885	11,890	-5	0.0%
City of Boardman	3,690	3,555	135	3.8%
City of Heppner	1,295	1,295	0	0.0%
City of Lone	330	330	0	0.0%
City of Irrigon	1,990	1,975	15	0.8%
City of Lexington	265	255	10	3.9%
Unincorporated	4,315	4,480	-165	-3.7%

Source: Portland State University's Population Research Center

Morrow County July 1, 2018 Population Estimates Incorporated Cities, Towns and Unincorporated

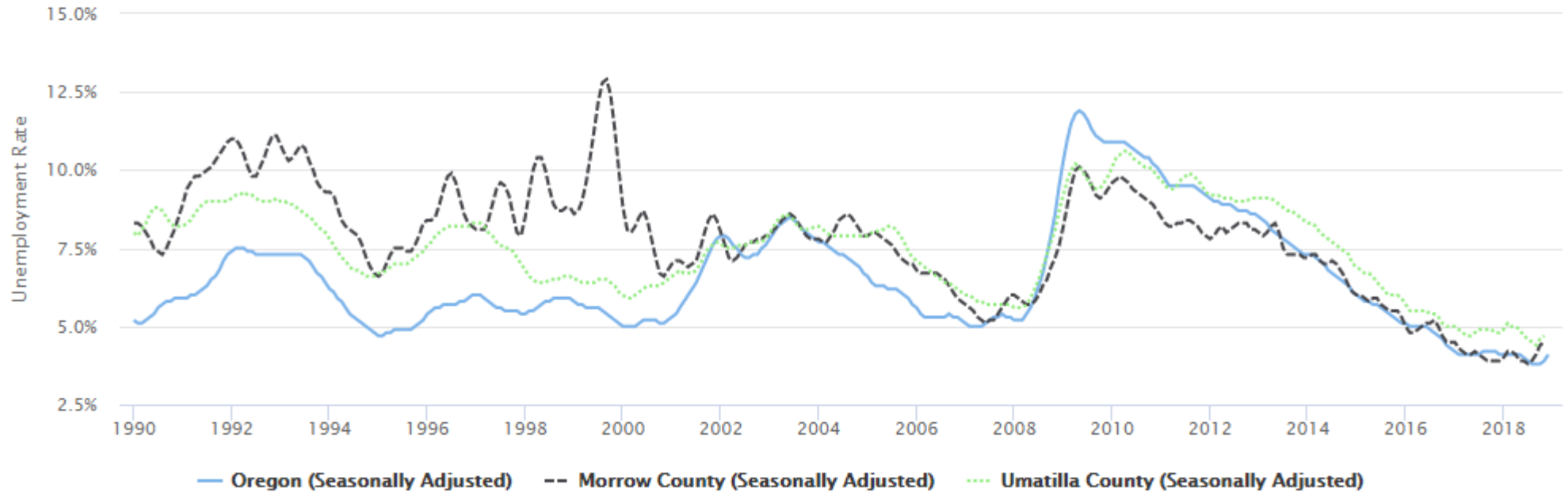


Source: Portland State University's Population Research Center

UNEMPLOYMENT RATES

Local Area Unemployment Statistics

(Unemployment Rate)



Source: Oregon Employment Department Qualityinfo.org

UNEMPLOYMENT RATES			SEASONALLY ADJUSTED
	Dec-18	Nov-18	Dec-17
OREGON	4.1%	3.9%	4.1%
MORROW	4.6%	4.5%	4.2%
UMATILLA	4.9%	4.7%	4.8%

EMPLOYMENT

Section 6, Item B.

Total Nonfarm Payroll NOT Seasonally Adjusted				Change from		% Change From	
	Dec 2018	Nov 2018	Dec 2017	Nov 2018	Dec 2017	Nov 2018	Dec 2017
<u>OREGON</u>	1,929,100	1,932,200	1,900,100	-3,100	29,000	-.0016%	.015%
<u>MORROW COUNTY</u>	5,090	5,080	4,750	10	340	.001	.071
<u>UMATILLA COUNTY</u>	28,150	28,620	28,260	-470	-110	-.016	-.003
SOURCE: Oregon Employment Department							

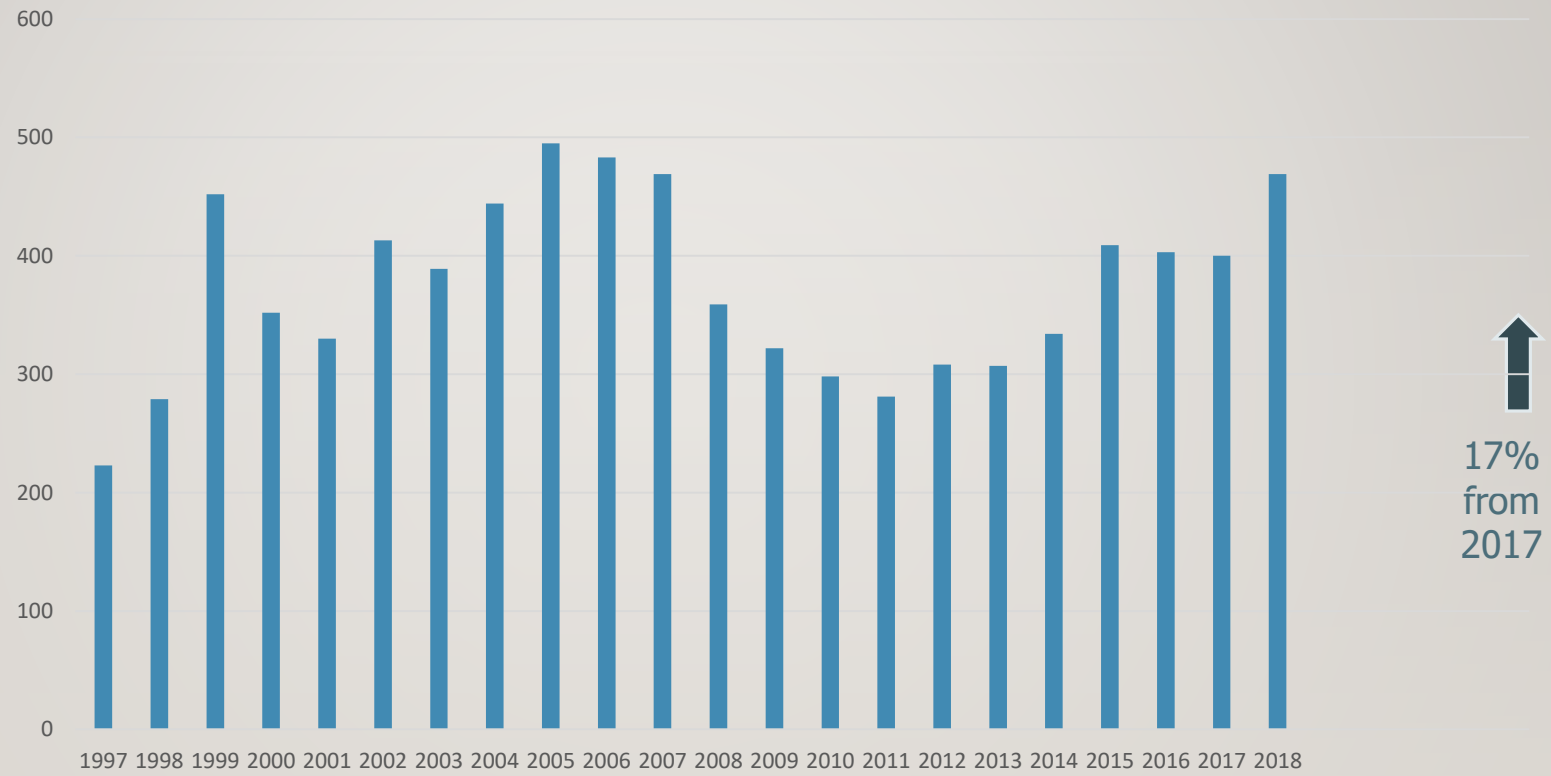
RESIDENTIAL MARKET STATISTICS

WEST UMATILLA & NORTH MORROW COUNTIES

Section 6, Item B.

YEAR	# SOLD	% CHG
1997	223	
1998	279	25%
1999	452	62%
2000	352	-22%
2001	330	-6%
2002	413	25%
2003	389	-6%
2004	444	14%
2005	495	11%
2006	483	-2%
2007	469	-3%
2008	359	-23%
2009	322	-10%
2010	298	-7%
2011	281	-6%
2012	308	10%
2013	307	0%
2014	334	9%
2015	409	22%
2016	403	-1%
2017	400	-1%
2018	469	17%

NUMBER SOLD

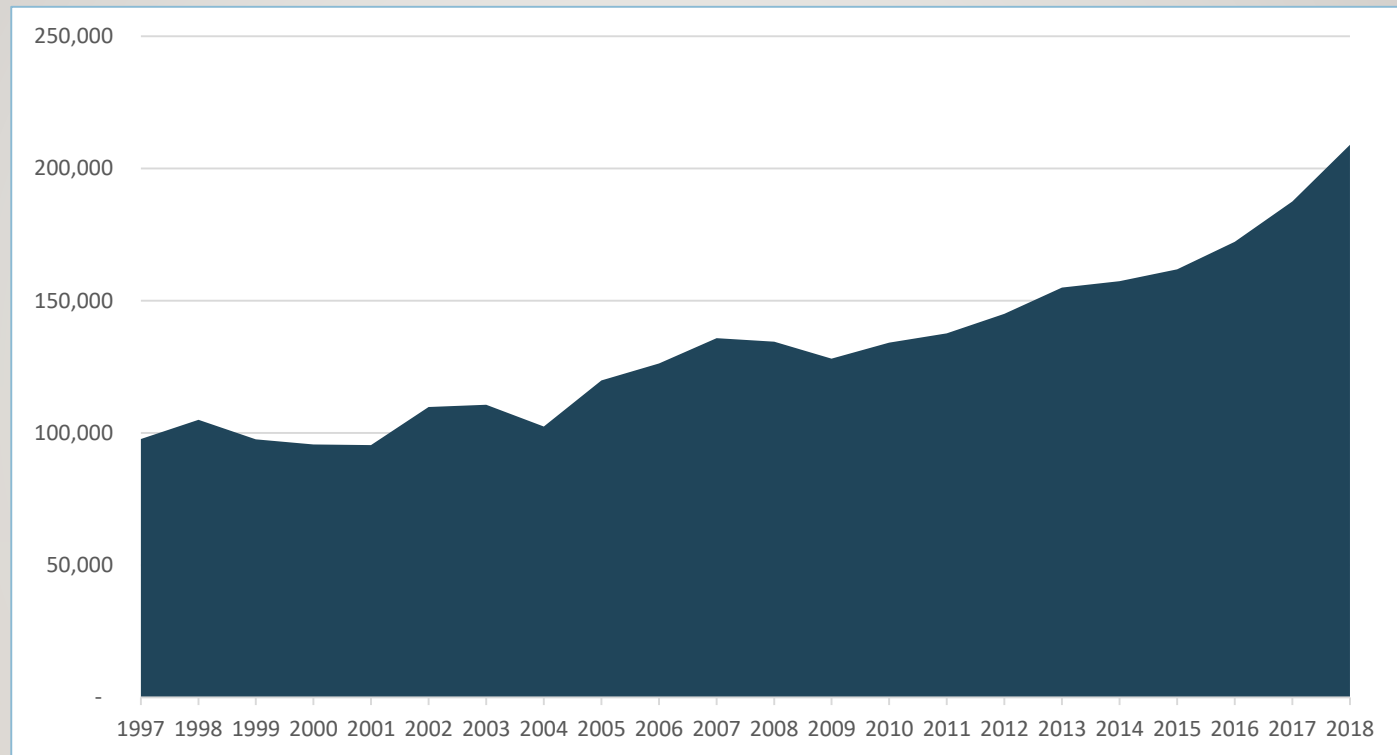


RESIDENTIAL MARKET STATISTICS

WEST UMATILLA & NORTH MORROW COUNTIES

YEAR	# SOLD	% CHG	AVE PRC \$	% CHG
1997	223		97,640	
1998	279	25%	104,944	7%
1999	452	62%	97,612	-7%
2000	352	-22%	95,580	-2%
2001	330	-6%	95,334	0%
2002	413	25%	109,850	15%
2003	389	-6%	110,655	1%
2004	444	14%	102,408	-7%
2005	495	11%	119,879	17%
2006	483	-2%	126,307	5%
2007	469	-3%	135,807	8%
2008	359	-23%	134,507	-1%
2009	322	-10%	128,092	-5%
2010	298	-7%	134,069	5%
2011	281	-6%	137,649	3%
2012	308	10%	145,082	5%
2013	307	0%	154,962	7%
2014	334	9%	157,365	2%
2015	409	22%	161,891	3%
2016	403	-1%	172,214	6%
2017	400	-1%	187,514	9%
2018	469	17%	208,948	11%

AVERAGE PRICE

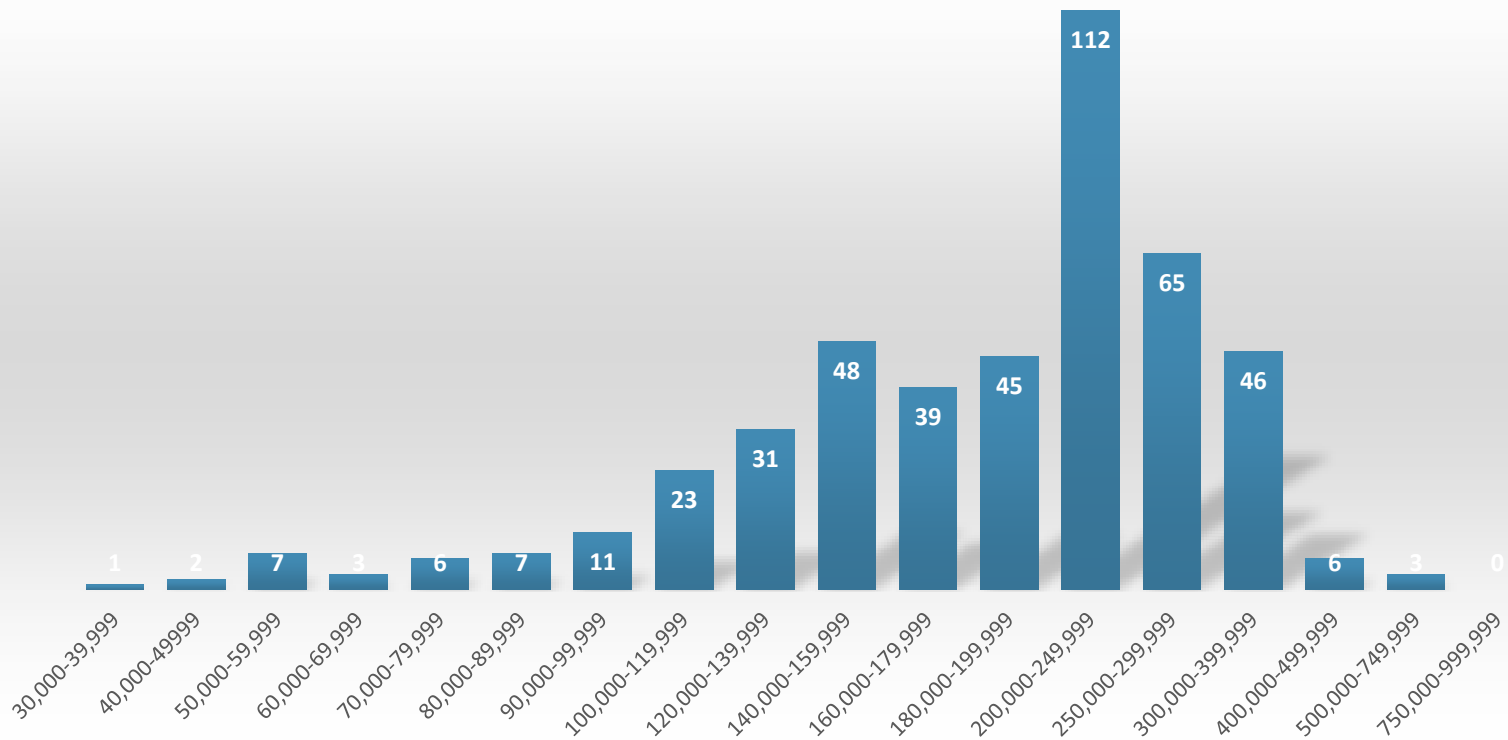


11%
from
2017

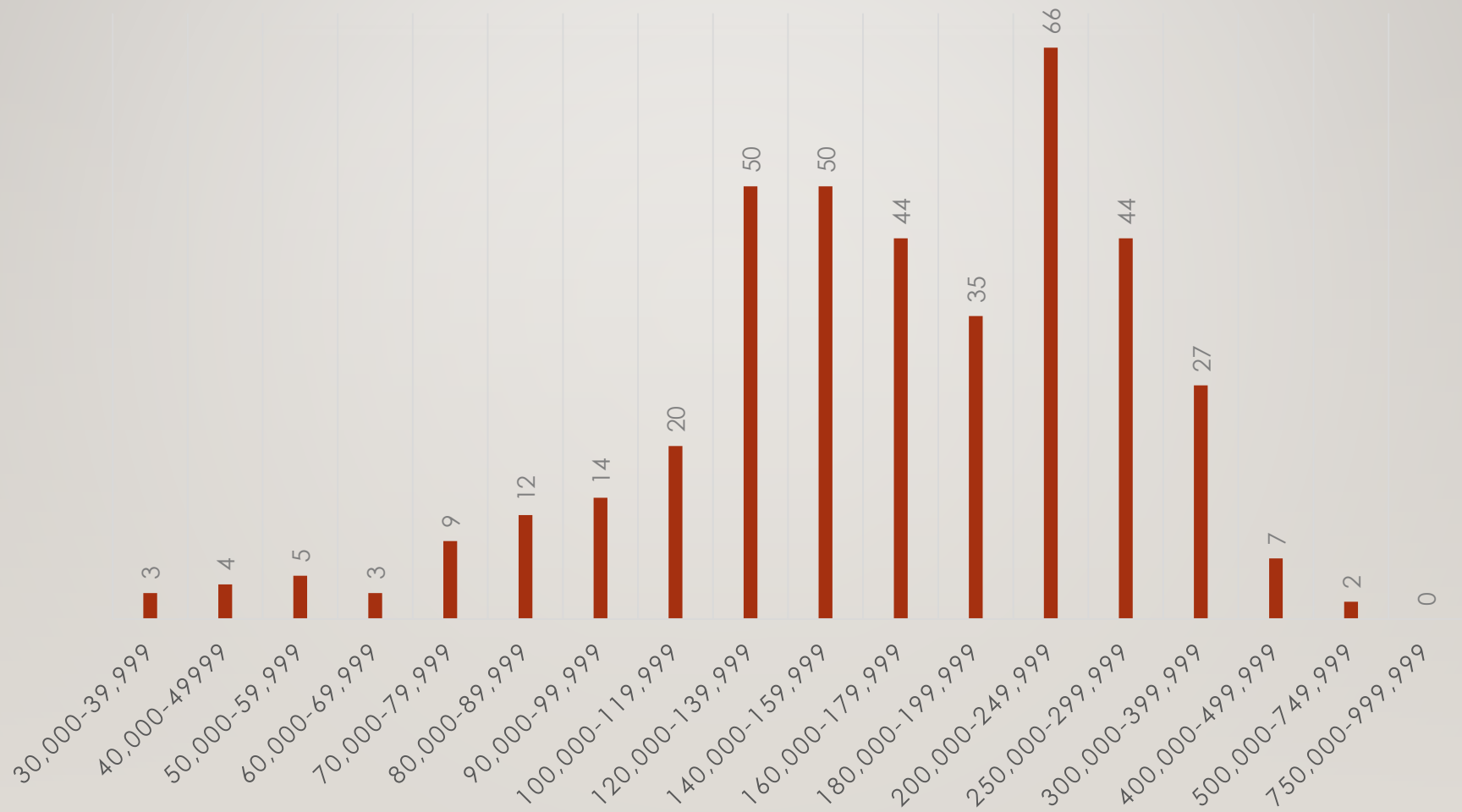
NUMBERS SOLD BY SALES PRICE 2018

Section 6, Item B.

West Umatilla/North Morrow
Counties



NUMBER SOLD BY SALES PRICE 2017



RESIDENTIAL MARKET STATISTICS

WEST UMATILLA & NORTH MORROW COUNTIES

Section 6, Item B.

YEAR	# SOLD	% CHG	AVE PRC \$	% CHG	DOM	%CHG
1997	223		97,640		148	
1998	279	25%	104,944	7%	128	-14%
1999	452	62%	97,612	-7%	168	31%
2000	352	-22%	95,580	-2%	145	-14%
2001	330	-6%	95,334	0%	145	0%
2002	413	25%	109,850	15%	163	12%
2003	389	-6%	110,655	1%	165	1%
2004	444	14%	102,408	-7%	170	3%
2005	495	11%	119,879	17%	160	-6%
2006	483	-2%	126,307	5%	139	-13%
2007	469	-3%	135,807	8%	110	-21%
2008	359	-23%	134,507	-1%	98	-11%
2009	322	-10%	128,092	-5%	127	30%
2010	298	-7%	134,069	5%	86	-32%
2011	281	-6%	137,649	3%	123	43%
2012	308	10%	145,082	5%	112	-9%
2013	307	0%	154,962	7%	116	4%
2014	334	9%	157,365	2%	122	5%
2015	409	22%	161,891	3%	93	-24%
2016	403	-1%	172,214	6%	77	-17%
2017	400	-1%	187,514	9%	60	-22%
2018	469	17%	208,948	11%	51	-15%

DAYS ON MARKET



15%
from
2017

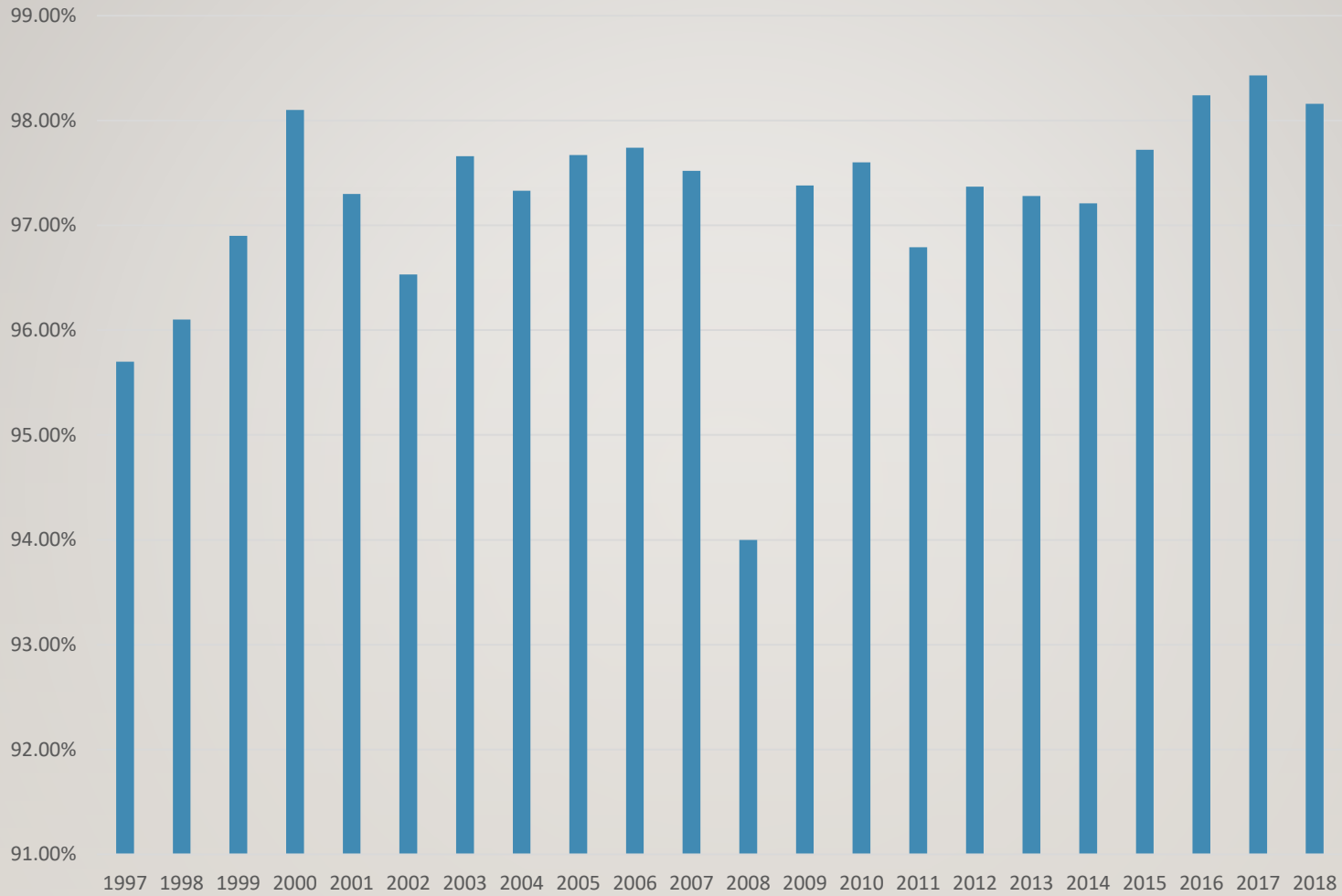
RESIDENTIAL MARKET STATISTICS

WEST UMATILLA & NORTH MORROW COUNTIES

Section 6, Item B.

YEAR	# SOLD	% CHG	AVE PRC \$	% CHG	DOM	%CHG	SLD/LST %
1997	223		97,640		148		95.70%
1998	279	25%	104,944	7%	128	-14%	96.10%
1999	452	62%	97,612	-7%	168	31%	96.90%
2000	352	-22%	95,580	-2%	145	-14%	98.10%
2001	330	-6%	95,334	0%	145	0%	97.30%
2002	413	25%	109,850	15%	163	12%	96.53%
2003	389	-6%	110,655	1%	165	1%	97.66%
2004	444	14%	102,408	-7%	170	3%	97.33%
2005	495	11%	119,879	17%	160	-6%	97.67%
2006	483	-2%	126,307	5%	139	-13%	97.74%
2007	469	-3%	135,807	8%	110	-21%	97.52%
2008	359	-23%	134,507	-1%	98	-11%	94%
2009	322	-10%	128,092	-5%	127	30%	97.38%
2010	298	-7%	134,069	5%	86	-32%	97.60%
2011	281	-6%	137,649	3%	123	43%	96.79%
2012	308	10%	145,082	5%	112	-9%	97.37%
2013	307	0%	154,962	7%	116	4%	97.28%
2014	334	9%	157,365	2%	122	5%	97.21%
2015	409	22%	161,891	3%	93	-24%	97.72%
2016	403	-1%	172,214	6%	77	-17%	98.24
2017	400	-1%	187,514	9%	60	-22%	98.43
2018	469	17%	208,948	11%	51	-15%	98.16

SOLD/LIST %



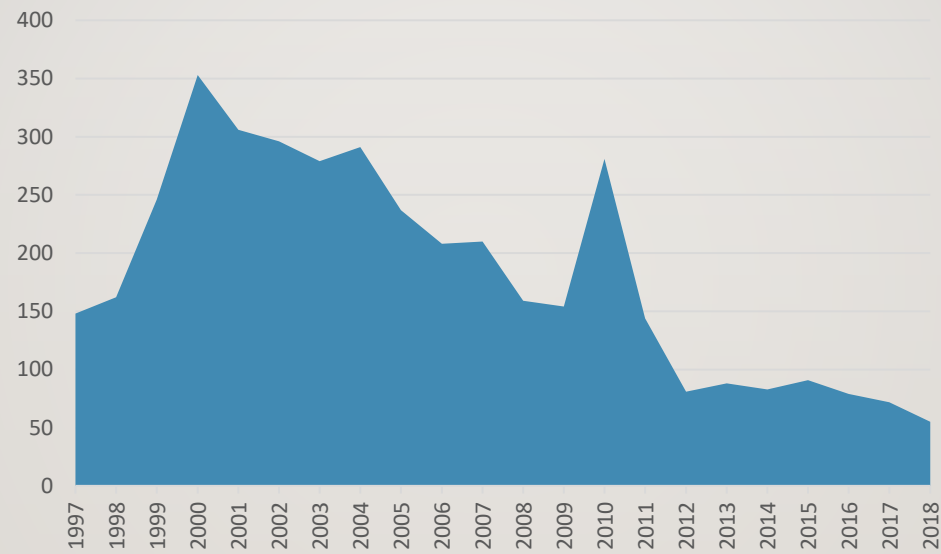
RESIDENTIAL MARKET STATISTICS

WEST UMATILLA & NORTH MORROW COUNTIES

Section 6, Item B.

YEAR	# SOLD	% CHG	AVE PRC \$	% CHG	DOM	%CHG	SLD/LST %	ACT LST	% CHG
1997	223		97,640		148		95.70%	148	
1998	279	25%	104,944	7%	128	-14%	96.10%	162	9%
1999	452	62%	97,612	-7%	168	31%	96.90%	246	52%
2000	352	-22%	95,580	-2%	145	-14%	98.10%	353	43%
2001	330	-6%	95,334	0%	145	0%	97.30%	306	-13%
2002	413	25%	109,850	15%	163	12%	96.53%	296	-3%
2003	389	-6%	110,655	1%	165	1%	97.66%	279	-6%
2004	444	14%	102,408	-7%	170	3%	97.33%	291	4%
2005	495	11%	119,879	17%	160	-6%	97.67%	237	-19%
2006	483	-2%	126,307	5%	139	-13%	97.74%	208	-12%
2007	469	-3%	135,807	8%	110	-21%	97.52%	210	1%
2008	359	-23%	134,507	-1%	98	-11%	94%	159	-24%
2009	322	-10%	128,092	-5%	127	30%	97.38%	154	-3%
2010	298	-7%	134,069	5%	86	-32%	97.60%	281	82%
2011	281	-6%	137,649	3%	123	43%	96.79%	144	-49%
2012	308	10%	145,082	5%	112	-9%	97.37%	81	-44%
2013	307	0%	154,962	7%	116	4%	97.28%	88	9%
2014	334	9%	157,365	2%	122	5%	97.21%	83	-6%
2015	409	22%	161,891	3%	93	-24%	97.72%	91	10%
2016	403	-1%	172,214	6%	77	-17%	98.24%	79	-13%
2017	400	-1%	187,514	9%	60	-22%	98.43%	72	-9%
2018	469	17%	208,948	11%	51	-15%	98.16%	55	-24%

ACTIVE LISTINGS



↓
**24%
from
2017**

COLUMBIA BASIN RESIDENTIAL HIGHLIGHTS		NEW LISTING	PENDING SALES	CLOSED SALES	AVERAGE SALES PRICE	MEDIAN SALES PRICE	Section 6, Item B. MARKET TIME
2 0 1 8	December	49	60	58	177,600	163,800	82
	November	75	51	71	194,500	180,000	82
	YEAR TO DATE	1,125	916	911	191,900	179,000	88
2 0 1 7	December	48	48	66	175,200	164,000	61
	YEAR TO DATE	1,042	809	904	176,500	160,000	97
C H A N G E	December	2.1%	25.0%	-12.1%	1.4%	-0.1%	34.5%
	Prev Mo 2017	-34.7%	17-6%	-18-3%	-8.7%	-9.0%	0.0%
	YEAR TO DATE	8.0%	13.2%	13.3%	8.7%	11.9%	-9.1%
SOURCE: RMLS Market Action							

BUILDING PERMITS ISSUED

Section 6, Item B.

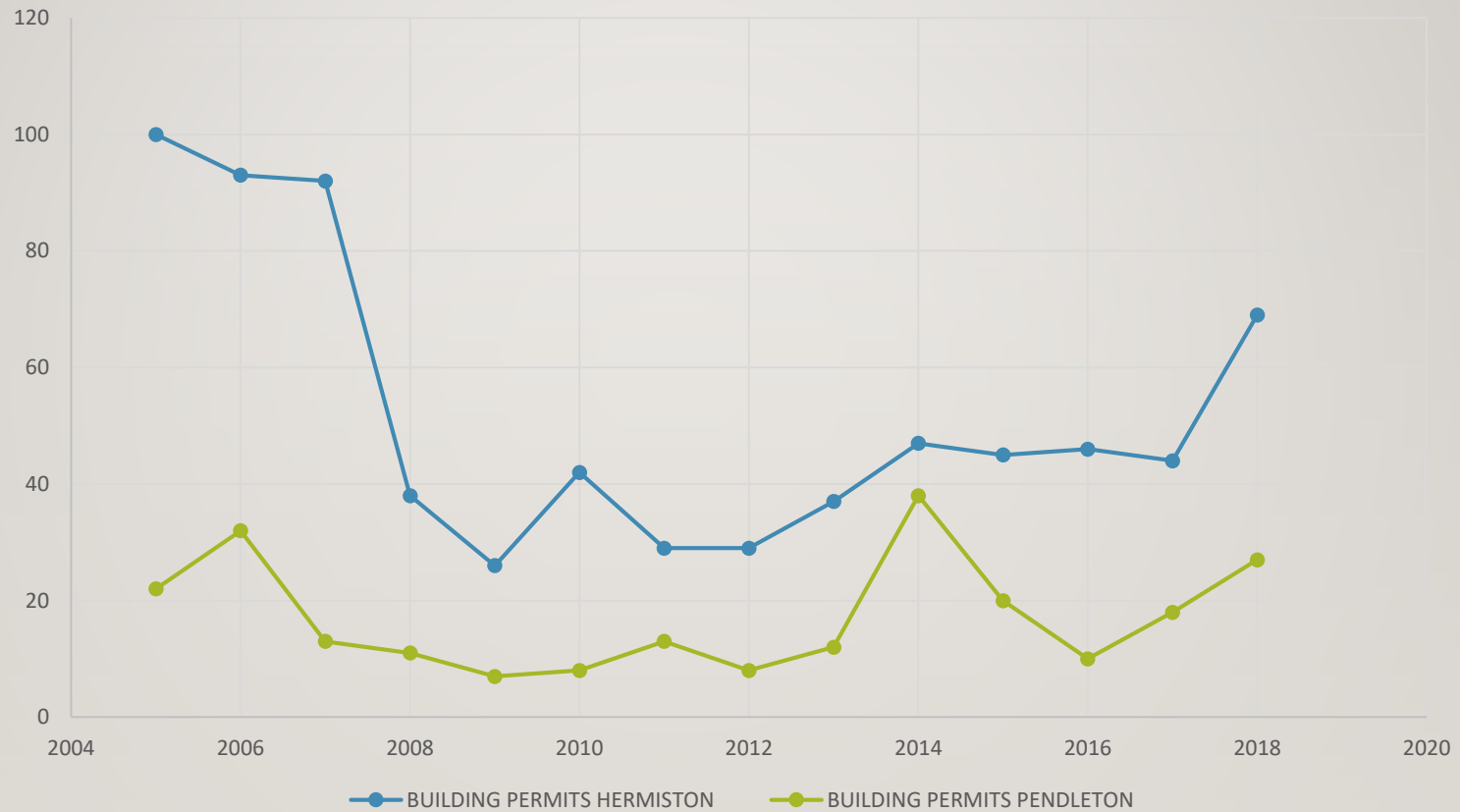
BUILDING PERMITS HERMISTON		BUILDING PERMITS PENDLETON	
2018	69	2018	27
2017	44	2017	18
2016	46	2016	10
2015	45	2015	20
2014	47	2014	38
2013	37	2013	12
2012	29	2012	8
2011	29	2011	13
2010	42	2010	8
2009	26	2009	7
2008	38	2008	11
2007	92	2007	13
2006	93	2006	32
2005	100	2005	22

DOES NOT INCLUDE TOWNHOMES, MULTI-FAMILY or MANUFACTURED HOMES

2018 RMLS NEW CONSTRUCTION SALES

	TOWN	# SOLD	LOW \$	HIGH \$	MEDIAN \$
	HERMISTON	42	\$ 227,184	\$ 399,900	\$ 266,973
	UMATILLA	35	\$ 177,800	\$ 246,295	\$ 205,000
	BOARDMAN	8	\$ 171,800	\$ 333,500	\$ 290,227
	STANFIELD	4	\$ 160,950	\$ 216,500	\$ 192,360
	IRRIGON	0	-	-	-
OVERALL		89	\$ 160,950	\$ 399,900	\$ 235,987

BUILDING PERMITS ISSUED



Up
36%
from
2017

AVERAGE SOLD PRICES IN OTHER AREAS

	2018	2017
WEST UMATILLA	\$214,010	\$192,298
PENDLETON	\$197,903	\$180,658
THE DALLES	\$244,373	\$219,987
HOOD RIVER	\$503,186	\$520,410
PORTLAND	\$485,739	\$466,120
EUGENE	\$341,632	\$324,622
LAKE OSWEGO	\$677,406	\$673,547
TRI-CITIES	\$301,000	\$243,900



janet@barakappraisals.com



One Bedroom A

1 Bed 1 Bath

729 Sq. Ft.

Available from 6/19/2025



Renderings are an artist's conception and are intended only as a general reference. Features, materials, finishes and layout of subject unit may be different than shown. CDPM.com

Starting at \$1,486

AVAILABILITY



GUIDED TOUR

MOVE-IN SPECIAL!



livetidewaterapartments.com





1X1A

1 Bed 1 Bath

812 Sq. Ft.



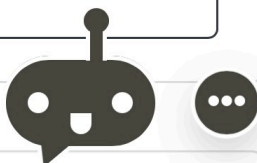
Renderings are an artist's conception and are intended only as a general reference. Features, materials, finishes and layout of subject unit may be different than shown. 3DPlans.com

Starting at **\$1,281**

Deposit: \$500

AVAILABILITY

GUIDED TOUR



MOVE-IN SPECIAL!

portviewapts.com



Two Bedroom

2 Bed 2 Bath

1,109 Sq. Ft.

Available Now

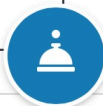


Renderings are an artist's conception and are intended only as a general reference.
Features, materials, finishes and layout of subject unit may be different than shown. ©2018

Starting at \$1,919

AVAILABILITY

GUIDED TOUR



MOVE-IN SPECIAL!

livetidewaterapartments.com



GUIDED TOUR

2X2A

2 Bed 2 Bath

1,109 Sq. Ft.



Renderings are an artist's conception and are intended only as a general reference.
Features, materials, finishes and layout of subject unit may be different than shown. 3DPlans.com

Starting at \$1,524

Deposit: \$500

AVAILABILITY

GUIDED TOUR

MOVE-IN SPECIAL!

portviewapts.com



Three Bedroom

3 Bed 2 Bath

1,218 Sq. Ft.

Available Now



Renderings are an artist's conception and are intended only as a general reference. Features, materials, finishes and layout of subject unit may be different than shown. ©PPhotos.com

Starting at \$2,474



AVAILABILITY
MOVE-IN SPECIAL!



livetidewaterapartments.com



AGENDA BILL

City Council Meeting – October 7, 2025

Subject: Ordinance 7-2025 Amending the Boardman Development Code adding shipping container standards

Category: Action Items - Ordinance

Staff Contacts: Carla McLane, Planning Official

Summary:

The Boardman Development Code (BDC) is over 20 years old and needs updating. While a full update is planned, the city is making some minor changes now, specifically regarding the use of shipping containers.

Key points of the amendment:

- **New Definitions:** The code will add definitions for *Habitable Space*, *Occupiable Space*, *Shipping Container*, and *Shipping Container Reuse*.
- **Residential Zones:** Shipping containers can only be used for storage or as a shed alternative. Rules for where structures, including containers, can be placed are clarified, and a building permit is required.
- **Commercial and Industrial Zones:** Shipping containers can still be used for storage. Additionally, they can now be used for retail or other “occupiable” purposes if a Conditional Use Permit is approved.
- **Conditional Use Permits:** The rules for approving shipping containers as occupiable space are detailed in this section.

In short, the city is clarifying and slightly expanding how shipping containers can be used across different zones, while keeping permits and regulations in place.

Attachment:

- Ordinance 7-2025 - Amending Boardman Development Code adding shipping container standards
- chapter_1.2_-_definitions Exhibit A ADOPTED 09022025
- chapter_2.1_-_residential_districts Exhibit B ADOPTED 09022025
- chapter_2.2_-_commercial_districts Exhibit C ADOPTED 09022025
- chapter_2.3_-_general_industrial_district Exhibit D ADOPTED 09022025
- chapter_2.4_-_light_industrial_district Exhibit E ADOPTED 09022025
- chapter_4.4_-_conditional_use_permits Exhibit F ADOPTED 09022025
- PC Final Findings of Fact Exhibit G 07232025 signed w attach

Budget/Fiscal Impact: NA

Recommendation: Approve

Proposed Council Motion:

Step 1 – Reading into the record

I move to approve the reading by title only of Ordinance 7-2025 an Ordinance to amend the Boardman Development Code adding definitions and standards for shipping containers to be used for storage in all zones and occupiable space in commercial and industrial use zones.

Step 2 – Staff member reads title of ordinance

Ordinance 7-2025 an Ordinance to amend the Boardman Development Code adding definitions and standards for shipping containers to be used for storage in all zones and occupiable space in commercial and industrial use zones.

Step 3 – Adoption

I move to adopt Ordinance 7-2025 an Ordinance to amend the Boardman Development Code adding definitions and standards for shipping containers to be used for storage in all zones and occupiable space in commercial and industrial use zones.

**CITY OF BOARDMAN
ORDINANCE 7-2025**

**AN ORDINANCE TO AMEND THE BOARDMAN DEVELOPMENT CODE
ADDING DEFINITIONS AND STANDARDS FOR SHIPPING CONTAINERS
TO BE USED FOR STORAGE IN ALL USE ZONES AND OCCUPIABLE
SPACE IN COMMERCIAL AND INDUSTRIAL USE ZONES**

WHEREAS, the City of Boardman has an adopted Development Code; and

WHEREAS, public comment had been provided to the City Council requesting the opportunity to use shipping containers as a building material for both storage in a residential area and as occupiable space in a commercial zone and Planning staff presented options to the City Council drawing on code language from other jurisdictions throughout Oregon; and,

WHEREAS, the City Council supported moving forward with the allowance of shipping containers as a building material with clear and objective siting criteria; and

WHEREAS, the Boardman Planning Commission held a public hearing on Thursday, July 17, 2025, to consider the adoption of the proposed amendments to the Boardman Development Code and heard testimony in support of the amendment; and

WHEREAS, the Boardman Planning Commission considered the proposed amendment to the Development Code and the public comment; and

WHEREAS, the City of Boardman Planning Commission did forward the Findings of Fact and the proposed Development Code amendment to the City Council with a “do adopt” recommendation; and

WHEREAS, the Boardman City Council held a public hearing on Tuesday, August 5, 2025, to consider the adoption of the Findings of Fact and the amended provisions of the Development Code and heard public comments in support; and

WHEREAS, the Boardman City Council considered the Planning Commission’s “do adopt” recommendation, the public comment, and approved the amendment to the Boardman Development Code.

NOW THEREFORE BE IT ORDAINED that the City of Boardman approves the amended Development Code Chapters attached as Exhibits A through F and the Planning Commission Findings of Fact attached as Exhibit G. The approved change will be effective 30 days after adoption of this Ordinance or November 6, 2025.

Passed by the Council and approved by the Mayor on this 7th day of October 2025.

Paul Keefer – Mayor

Amanda Mickles – City Clerk

Chapter 1.2 — Definitions

Abutting - Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

Access – A way or means of approach to provide pedestrian, bicycle or motor vehicular entrances or exits to a property.

Access easement - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

Access management - The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. See also, Chapter 3.1, Section 200.

Access point – Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

Accessible - Approachable and useable by people with disabilities. Complies with the Americans With Disabilities Act.

Accessory dwelling – An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. See Chapter 2.1, Section 200.B.

Accessory use/Accessory structure – Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. See Chapter 2.1, Section 200.J.

Adjacent - Abutting or located directly across a street right-of-way.

Administrative - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. See also Chapter 4.1, Section 400.

Adverse impact - Negative effect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

Affordable - Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, refer to the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Agriculture - As used in this Code, “agriculture” is the same as “farm use”. [See also, ORS 215.203(2)(a).]

Alley – A narrow street (16’-20’ right-of-way), usually a thoroughfare through the middle of the block giving access to the rear of lots or buildings. See Chapter 3.4, Section 100.F

Ambient - Something that surrounds, as in the level of light, dust or noise.

Arterial - An arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are high-capacity City roadways. See Chapter 3, Access and Circulation.

Articulate/articulation - The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Automobile-dependent use – The use serves motor vehicles and would not exist without them such as vehicle repair, gas station, car wash, auto and truck sales. See Chapter 2.2, Section 180.E.

Automobile-oriented use – Automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants and banks. See Chapter 2.2, Section 180.E.

Bed and breakfast inn - Provides accommodations (3 or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This use includes inns that operate restaurants offering meals to the general public as well as to overnight guests.

Berm - A small rise or hill in a landscape which is intended to buffer or visually screen certain developments, such as parking areas.

Beveled building corner - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Block - A parcel of land or group of lots bounded by intersecting streets. See also, Chapter 3.1, Section 200.J.

Bicycle - A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which a person or persons may ride with two tandem wheels at least 4 inches in diameter. An adult tricycle is considered a bicycle.

Bicycle Facilities – A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway- Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- a. **Multi-use Path.** A paved way (typically 10 to 12-foot wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- b. **Bike Lane.** A portion of the roadway (typically 4 to 6-foot wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. **Shoulder Bikeway.** The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- d. **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles.
- e. **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Bollard - A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Boulevard - A street with broad open space areas, typically with planted medians. See Chapter 3.4, Section 100.F.

Building footprint - The outline of a building, as measured around its foundation.

Building mass - The aggregate size of a building, or the total height, width, and depth of all its parts.

Building pad - A vacant building site on a lot with other building sites.

Building scale - The dimensional relationship of a building and its component parts to other buildings.

Bulkhead - The wall below ground-floor windows on a building (may be differentiated from other walls by using different materials or detailing).

Canopy-line - Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

Capacity - Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Centerline radius - The radius of a centerline of a street right-of-way.

Child care center, family childcare - Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family child care providers" provide care for not more than 12 children in a home. See also, ORS 657A for certification requirements.

Clear and objective - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Collector - Type of street which serves traffic within the commercial, industrial and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors are part of the street grid system. See Chapter 3.4, Section 100.F.

Commercial - Land use involving buying/selling of goods or services as the primary activity.

Comprehensive Plan - The Comprehensive Plan for the City of Boardman, comprising plans, maps, policies or reports, or any combination thereof relating to the future economic and physical growth and development pattern or redevelopment of the City.

Common area - Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by homeowners associations).

Conditional use - A use which requires a Conditional Use Permit. See Chapter 4.4.

Consensus - Agreement or consent among participants.

Corner clearance - The distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Conservation easement - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

Corner radius - The radius of a street corner, as measured around the curb or edge of pavement.

Cornice - The projecting horizontal element that tops a wall or flat roof. See Chapter 2.2, Section 160.

Cottage - A small house that may be used as an accessory dwelling, in conformance with Chapter 2.1, Section 200.B.

Courtyard - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Cross Access – A service drive providing vehicular access between two or more contiguous sites so that the driver need not enter the public street system.

Curb cut - A driveway opening where a curb is provided along a street.

Deciduous - Tree or shrub that sheds its leaves seasonally.

Dedication - The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

Density (ies) - A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

Developable - Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.295(1).

Development - All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

Discontinued/abandoned use - A use that physically vacates the land it was on, cessation of an allowed activity, or use terminated at the end of any lease or contract. See Chapter 5.2.

Discretionary - Describes a permit action or decision that involves substantial judgment or discretion.

Drive lane/travel lane - An improved (e.g., paved) driving surface for one lane of vehicles.

Driveway – An area that provides vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking lots and parking spaces.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. See Figure 3.1.200.K.

Drought-tolerant/drought-resistant plants - Refer to *Sunset Western Garden Book* (latest edition).

Drug Store - Refers to a store where the primary business is filling of doctor prescribed prescription and the sale of drugs, medical devices and supplies, and non-prescription medicines, but where non- medical products may be sold as well.

Duplex - A building with two attached housing units on one lot or parcel.

Dwelling unit - A “dwelling unit” is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code (UBC), for not more than one family, or a congregate residence for 10 or fewer persons. (See UBC section 205.)

Easement - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

Elevation - A building face, or scaled drawing of the same, from grade to roof ridgeline.

Environmentally sensitive areas - See “sensitive lands”.

Established residential area – An area within the Residential District that was platted prior to the effective date of a land use or zoning ordinance. See Chapter 2.1, Section 120.F

Evidence - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Family day care - See “child care facilities”.

Fire apparatus lane - As defined by the Uniform Fire Code.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement. See Chapter 2.1, Section 140.

Floor area ratio – Floor area ratio (FAR) is measured by dividing the gross enclosed floor area of a building by the land area of the development. See Chapter 2.2, Section 130.

Frontage- The dimension of a property line abutting a public or private street.

Frontage street or road - A minor street that parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

Functional classification - The classification given to streets (e.g., “local/collector/arterial”) by the City’s Transportation System Plan (TSP), by adopted County plans, and the Oregon Department of Transportation.

Ground cover - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. See also, Chapter 3.2 - Landscaping.

Habitable Space – Habitable space is any room within a structure designed for living, sleeping, eating, or cooking. This includes spaces like living rooms, bedrooms, kitchens, and dining rooms.

Hammerhead turnaround - A “T” or “L” shaped area at the end of a dead-end street that allows for vehicles to turn around.

Hardscape - Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Home occupation, home occupation site – A small commercial venture which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. See Chapter 4.9, Section 200.

Human-scale design/development - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtown and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Impervious surface - Development which does not allow for water infiltration into the ground (e.g., pavement, roofs, etc.).

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

Infill - A dwelling that is proposed on land that is zoned for residential use where at least 75% of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more lots. These standards also apply where a home is removed to make way for a new house, manufactured home duplex and attached house. These standards do not apply to a dwelling that is proposed on land that is large enough that it can be divided into four or more lots.

Kennel – Any premises or building in which four (4) or more dogs or cats at least four (4) months of age are kept for board, propagation or sale.

Land division - The process of dividing land to create parcels or lots.

Land use - The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land use district - As used in this code, a land use district is the same as a zone district.

Landing - A level part of a staircase, as at the end of a flight of stairs.

Landscaping - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of existing trees.

Lane, mid-block lane - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design. See Chapter 2.1, Section 140.A.

Legislative - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See Chapter 4.1, Section 600.

Level of service (LOS) - For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of Service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

Light manufacture – Light manufacturing operations (e.g., electronic equipment, printing, bindery, furniture, and similar goods). See Chapter 2, Section 4.110.

Livestock - Domestic animal types customarily raised or kept on farms.

Liquor Store – A store which sells alcoholic beverages for consumption elsewhere and is licensed by the Oregon Liquor Control Commission. This may include dining or other establishments which also allow sales for off-premises consumption

Local Improvement District (LID) - A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485. See also Chapter 3.4 Section 100.

Local street - A street used primarily for access to abutting property(ies).

Lot - A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)). See also, Chapter 4.3.

Lot area - The total surface area (measured horizontally) within the lot lines of a lot.

Lot, corner– Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred and thirty five (135) degrees.

Lot coverage - The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

Lot depth - The average distance measured from the front lot line to the rear lot line.

Lot line adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

Main/Primary entry/entrance - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. The main entrance may also be the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales area, a courtyard, or plaza.

Maneuvering area/aisle - The driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured dwelling. A manufactured dwelling is one of the following residences: a residential trailer; a mobile home or a manufactured home.

Manufactured dwelling park –Four or more units located on one lot allowing manufactured dwellings.

Manufactured Home – A manufactured home is a transportable single family dwelling constructed after 1976.

Manufactured Structure – A manufactured structure includes the following residence types: a recreational vehicle, residential trailer constructed prior to 1962, a mobile home constructed between 1962 and 1976, or a manufactured home constructed after 1976. For the purposes of this Code, Manufactured Structure also includes structures built and installed as temporary classrooms or to other non-residential uses.

Medical Marijuana Dispensary or Facility – A facility which dispenses medical marijuana, meeting the requirements set by the Oregon Health Authority and being registered to do business with the Office of the Secretary of State.

Medical Marijuana Grow Facility – A facility which grows medical marijuana as allowed under Oregon Revised Statute and as regulated by the Oregon Health Authority.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. See also, Chapter 4.1 Section 400.

Mitigation - To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development.”)

Mixed-use building/development/horizontal/vertical - See Chapter 2.2, Section 180.A.

Mobile Home – A Mobile Home is a portable residence constructed between 1962 and 1976.

Mobile Home Park – Four or more units located on one lot allowing recreational vehicles, residential trailers, mobile homes, manufactured homes, or recreational structures.

Multi-family housing – Housing that provides more than three dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). See Chapter 2.1, Section 200F.

Multi-use pathway – Pathways for pedestrian and bicycle use. See Chapter 3.1, Section 300.A.4.

Natural resource areas/natural resources - Same as Sensitive Lands, per Chapter 3.7.

Natural hazard - Natural areas that can cause dangerous or difficult development situations, such as steep slopes, unstable soils, landslides, flood areas.

Neighborhood - A geographic area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those, which are primarily intended to accommodate automobile traffic.

Neighborhood commercial – Small scale commercial uses allowed within the residential/neighborhood commercial district. See Chapter 2.1, Section 200.K.

Non-conforming use/non-conforming development – A land use/structure that exists which would not be permitted by the regulations imposed by the code, but was lawful at the time it was established. See Chapter 5.2.

Non-native invasive plants - See current Oregon State University Extension Service Bulletin for your area.

Occupiable Space – a room or enclosed space designed for regular ~~or non-regular~~ human occupancy. This includes spaces where people congregate for activities, work, or educational purposes, and that are equipped with the necessary life safety features like egress, heat, light, and ventilation. It excludes spaces primarily intended for other purposes, such as storage or equipment rooms.

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter 3.3.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See also, Chapter 3.3.

Open space (common/private/active/passive) - Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses.

Orientation - To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

Outdoor commercial use - A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one land use district. See also Chapter 2.6.

Parcel - A unit of land that is created by a partitioning of land (ORS 92.010(6)). See also, Chapter 4.3.

Parking lot perimeter - The boundary of a parking lot area which usually contains a landscaped buffer area.

Parking vs. storage - Parking is the area used for leaving motor vehicles for a temporary time up to 72 hours unless permitted as parking for longer by other municipal codes. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

Partition - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See also, ORS 92.010(8)).

Pathway/walkway/access way - See Chapter 3.1, Section 3.A. As defined in this code, a pathway or multi-use pathway may be used to satisfy the requirements for “accessways” in the Transportation Planning Rule. (OAR 660-012-045.)

Pedestrian amenity(ies) –Pedestrian areas and objects that serve as places for socializing and enjoyment of the City’s downtown/main street. Examples include benches or public art or sculpture. See Chapter 2.2, Section 170.

Pedestrian facilities - A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths and trails.

Pharmacy – A place where drugs and medicines are prepared and dispensed by a licensed pharmacist. A pharmacy may also be a drug store.

Pier - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planter strip or tree cut-out - An area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

Plat - A map of a subdivision, prepared as specified in ORS 92.080, and recorded with the Morrow County Assessor’s Office. All plats shall also conform to Chapter 4.3 - Land Divisions.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity. See Chapter 2.2, Section 170.

Pocket park - A small park, usually less than one-half acre.

Primary - The largest or most substantial element on the property, as in “primary” use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Property line: front, rear, interior side, street side - Legal borders of a lot or parcel of land See Figure 2.1.130.

Public facilities – Public and private transportation facilities and utilities. See Chapter 3.4.

Public improvements - Development of public facilities. See Chapter 3.4.

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to an application for development of a specific site, and usually involves a public hearing. See Chapter 4.1, Section 500.

Recreational Vehicle – A vacation trailer or other vehicular or portable unit (boat, all-terrain vehicle (“ATV”), non-commercial watercraft) which is either self-propelled or towed or is carried by a motor vehicle, which is intended for human occupancy, and which is designated primarily for vacation or recreation purposes or temporary residential use.

Residence - Same as “dwelling”.

Residential caretaker unit - A dwelling unit for caretakers living on-site in the General Industrial District. The unit must be served by water and sanitary sewage and conform with other applicable building standards. See Chapter 2.3, Section 160.B.

Residential care home/Residential care facility –Residential treatment or training homes or adult foster homes licensed by the State of Oregon. See Chapter 2.1, Section 200.G.

Residential trailer – A portable residence constructed prior to 1962.

Ridge line (building) - The top of a roof at its highest elevation.

Right-of-way - Land that is owned in fee simple by the public, usually for transportation facilities.

Roof pitch - The slope of a roof, usually described as a ratio (e.g., 1 foot of rise per 2 feet of horizontal distance, or 1/2).

Roof-top garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

Sensitive lands - Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

Setback - The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, side and rear yards.

Shared driveway - When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.

Shared parking - Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (daytime versus nighttime primary uses). See Chapter 3.3, Section 300.C.4.

Shipping Container - A standardized, reusable container designed for the efficient and secure transportation of goods across different modes of transport.

Shipping Container Reuse - The practice of taking decommissioned shipping containers, those no longer suitable for international transport, and giving them a new life as something else. Within the Boardman Development Code, they can be used for storage purposes within the Residential Use Zone and for primary and accessory uses within the Commercial and Industrial use zones.

Single-family attached housing (townhomes) - Two or more single family dwellings with common end-walls. See also, Chapter 2.1, Section 110 and Section 200.

Single-family detached house - A single family dwelling that does not share a wall with any other building. See also Chapter 2.1, Section 110.

Single-family detached zero-lot line house - A single family detached house with one side yard setback equal to "0". See also, Chapter 2.1, Section 110 and Section 200.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site design review - A discretionary review that applies to all developments in the City, except those specifically listed under Development Review. Site Design review ensures compliance with the basic development standards of the land use district, as well as more detailed design standards and public improvement requirements in Chapters 2 and 3, Development Review - See Chapter 4.2.

Specific Area Plan - Describes in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan. See Chapter 2.5.

Standards and criteria - Standards are code requirements. Criteria are the elements required to comply with a particular standard.

Steep slopes - Slopes greater than 25 percent.

Storefront character - The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed street-front entries, and similar features.

Storm water facility - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

Street/road - A public or private way for travel by vehicles, bicycles and pedestrians, that meets the City standards in Chapter 3.4, Section 100.

Street access — Safe and efficient passage for pedestrians and vehicles to circulate through a connected street system. See Chapter 3.1, Section 200.

Street connectivity - The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities located within a street right-of-way. See also, Chapter 2.2, Section 170.

Street stub - A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree - A tree planted in a street right-of-way within a planter strip or tree cut-out.

Subdivision - To divide land into four or more lots within a single calendar year. (ORS 92.010(13).)

Surface water management - Definition to be developed in Chapter 3.5.

Swale - A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

Tangent - Meeting a curve or surface in a single point.

Terrace - A porch or promenade supported by columns, or a flat roof or other platform on a building.

Topographical constraint - Where existing slopes prevent conformance with a Code standard.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., for open space, recreation facilities, sensitive lands, etc.).

Transportation facilities and improvements - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc. Transportation improvements include the following:

- a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- b. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- c. Projects specifically identified in the City's adopted Transportation System Plan as not requiring further land use review and approval.
- d. Landscaping as part of a transportation facility.

- e. Emergency measures necessary for the safety and protection of property.
- f. Construction of a street or road as part of an approved subdivision or partition.
- g. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designated improvements in the Transportation System Plan.
- h. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designed and constructed as part of an approved subdivision or partition.

Transportation Facilities and Improvements in subsections g. and h. require a Conditional Use Permit (CU) under Section 4.4.400D.

Transportation mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.)

Triplex - A building with three attached housing units on one lot or parcel.

Vacate plat/street - To abandon a subdivision or street right-of-way. For example, *vacation* of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1.

Vision clearance area - The shaded area as shown on the following figure is the Vision Clearance Area. This area is regulated and further described in section 3.1.200N of the code. This standard applies to driveways, streets, alleyways and railways.

Wetland - A land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. It is defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010). For more information, contact the Oregon Division of State Lands.

Window hood - An architectural detail placed above a window, used as an accent.

Wireless communication equipment - Includes cell towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

Yard - The area defined by setbacks (i.e., between the setback line and respective property line).

Zero-lot line house - Single family home that is not subject to side yard setbacks on one side of a typical lot. See Chapter 2.1, Section 200.A.

Chapter 2.1 - Residential (R) District

Sections:

- 2.1.100 - Purpose
- 2.1.110 - Permitted Land Uses
- 2.1.120 - Building Setbacks
- 2.1.130 - Lot Area and Dimensions
- 2.1.140 - Flag Lots and Lots Accessed by Mid-Block Lanes
- 2.1.150 - Maximum Lot Coverage
- 2.1.160 - Building Height
- 2.1.170 - Building Orientation
- 2.1.180 - Design Standards
- 2.1.190 - Special Standards for Certain Uses
- 2.1.200 - Residential Sub Districts
 - 2.1.300 - Future Urban (FU)
 - 2.1.400 - Multi-Family (MF)
 - 2.1.500 - Manufactured Home Park (MH)
 - 2.1.600 - Sunridge Terrace Sub-District

2.1.100 Purpose

The Residential District is intended to promote the livability, stability and improvement of the City of Boardman's neighborhoods. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum lot areas.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling. Provide direct and convenient access to schools, parks and neighborhood services.

2.1.110 Permitted Land Uses

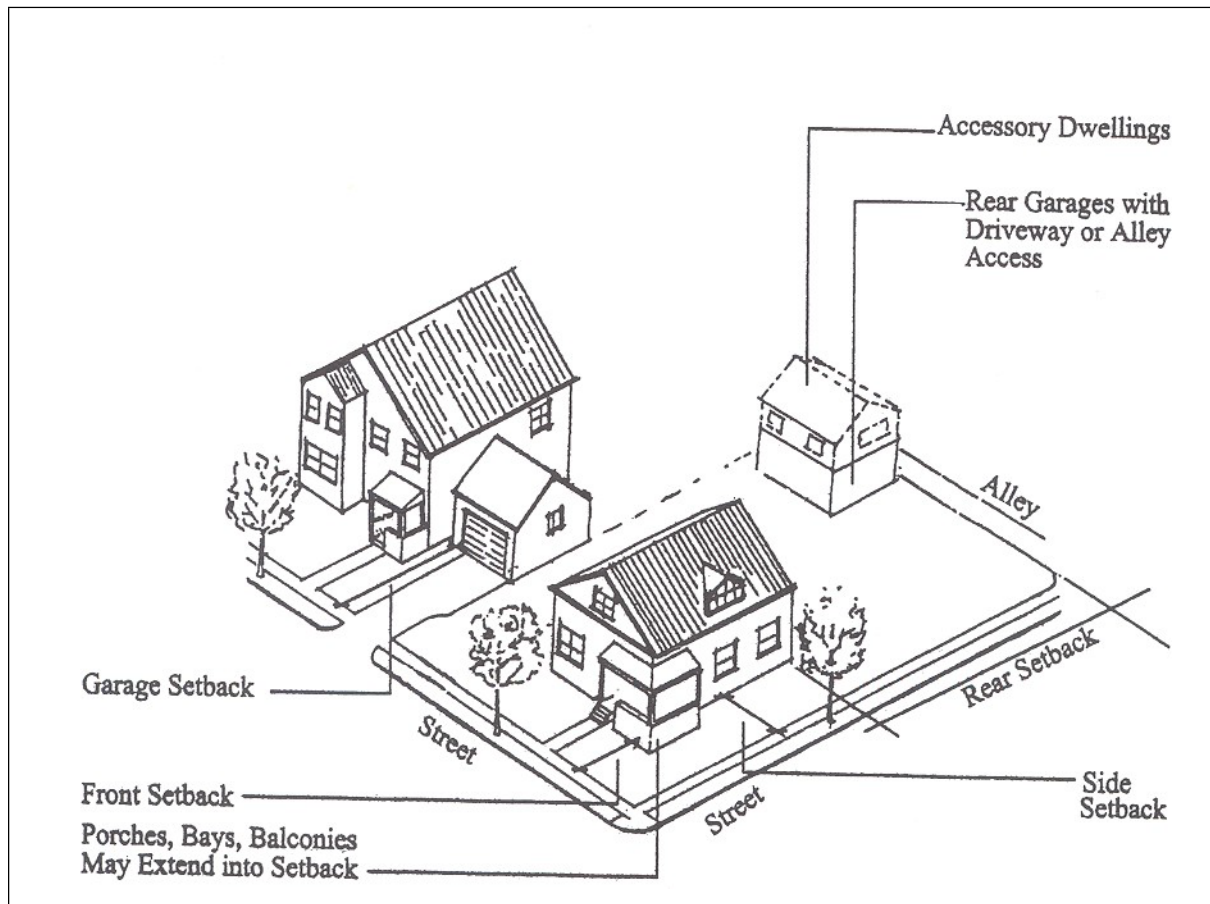
- A. Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.1.110.A, and land uses which are approved as "similar" to those in Table 2.1.110, may be permitted. Land uses identified as "Sub District Only" are permitted only within the applicable Sub District. The land uses identified with a "CU" in Table 2.1.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

2.1.110 Permitted Land Uses (continued)

Table 2.1.110.A Land Uses and Building Types Permitted in the Residential District		
1. Residential:	6. Public and Institutional *:	i. Transitional housing
<i>Single-family</i>		j. Uses similar to those listed above
a. Single-family detached housing	a. Churches and places of worship (CU)	7. Neighborhood Commercial (MF Sub District only)*:
b. Single-family detached zero-lot line*	b. Clubs, lodges, similar uses (CU)	Each of the following uses is “size limited” and subject to provisions in Section 2.1.200 Special Standards for Certain Uses:
c. Manufactured homes – individual lots* (Sunridge Terrace Sub-District subject to provisions of 2.1.600)	c. Government offices and facilities (administration, public safety, utilities, and similar uses) (CU)	a. Child Care Center (care for more than 12 children)
d. Manufactured Home Park (MH Sub District only)*	d. Libraries, museums, community centers, and similar uses (CU)	b. Food services, excluding automobile-oriented uses
e. Single-family attached townhomes *	e. Private utilities (CU)	c. Laundromats and dry cleaners
<i>Two- and Three-Family</i>	f. Public parks and recreational facilities (CU)	d. Retail goods and services
f. Two- and three-family housing (duplex and triplex)*	g. Schools (public and private) (CU)	e. Medical and dental offices, clinics and laboratories
<i>Multi-family</i>	h. Transportation Facilities and Improvements:	f. Personal services (e.g., barber shops, salons, similar uses)
g. Multi-family housing (MF Sub District only)*	1. Normal operation, maintenance;	g. Professional and administrative offices
<i>Residential care</i>	2. Installation of improvements within the existing right-of-way;	h. Mixed use building (residential with other permitted use)
h. Residential care homes and facilities*	3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;	i. Recreational Vehicle Parks (CU)* East Columbia Ave. MF Overlay District only
i. Family daycare	4. Landscaping as part of a transportation facility;	j. Other similar uses
2. Home occupations*	5. Emergency Measures;	8. Bed & breakfast inns and vacation rentals (CU)*
3. Accessory Uses and Structures *	6. Street or road construction as part of an approved subdivision or partition;	
4. Master Planned Neighborhoods (CU)*	7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and	
5. Agricultural/Farm Uses (FU Sub District only)	8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	

Uses marked with an asterisk (*) are subject to the standards in Section 2.1.190, “Special Standards for Certain Uses.” Temporary uses are subject to the standards in Section 4.9. ** Uses marked with two asterisks are subject to the standards in Section 4.4.400 D. CU= Conditional Use Permit Required

Only uses specifically listed in Table 2.1.110.A, and uses similar to those in Table 2.1.110.A, are permitted in the Residential District.

2.1.120 – Building Setbacks**Building Setbacks**

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sun light and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the face of the building, excluding porches, to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated above, apply to primary structures as well as accessory structures. A variance is required in accordance with Chapter 5.1 to modify any setback standard.

2.1.120 – Building Setbacks *(continued)***A. Front Yard Setbacks.**

1. Residential Uses (single family, duplex and triplex, multi-family housing types)
 - a. A minimum setback of 15 feet is required, except that an unenclosed porch may be within 8 feet of the front lot line, as long as it does not encroach into a public utility easement. See also, Section F, which provides standards for Setbacks for Established Residential Areas.
 - b. Garages and carports shall be accessed from alleys or the entrances must be set back from the front lot line a minimum of 20 feet.
 - c. Multi-family housing shall also comply with the building orientation standards in Section 2.1.180.
2. Neighborhood Commercial Buildings and Public/Institutional Buildings. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Chapter 3.1.200.

B. Rear Yard Setbacks.

The minimum rear yard setback shall be 15 feet for street-access lots and 6 feet for alley-access lots for all structures.

C. Side Yard Setbacks.

The minimum side yard setback shall be 7 feet on interior side yards, and 15 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 14 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See standards for zero-lot line housing in Section 2.1.190.)

D. Setback Exceptions.

The following architectural features are allowed to encroach into the setback yards:

- 1) Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet.
- 2) Porches, decks and similar structures not exceeding 36 inches in height may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in “A”.
- 3) Accessory structures of 200 square feet or less shall meet the provisions contained in 2.1.190 (F).
- 4) Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 3.1.200.

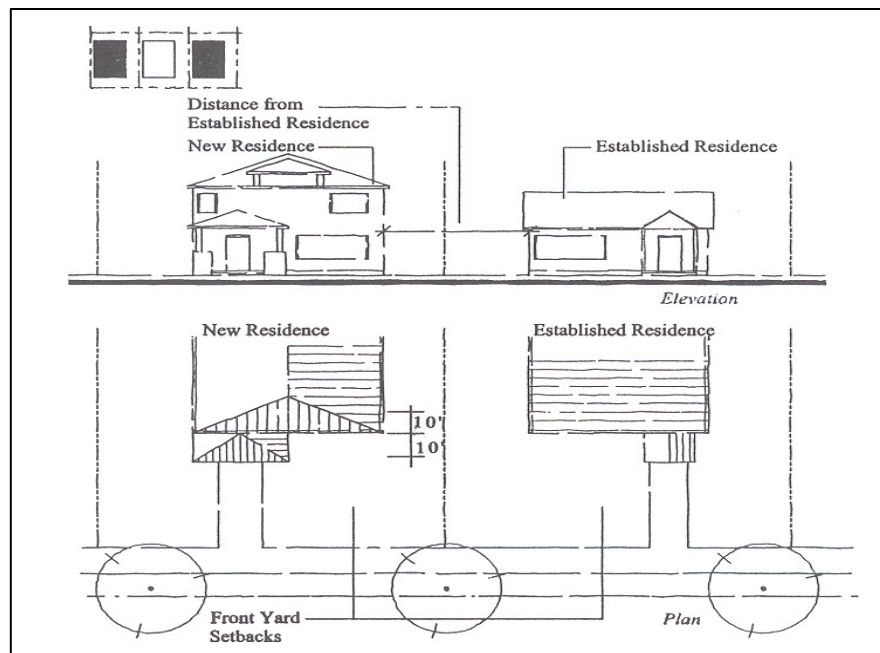
2.1.120 - Building Setbacks (continued)**E. Special Yards - Distance Between Buildings on the Same Lot.**

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half ($\frac{1}{2}$) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

F. Setbacks for Infill Housing in Established Residential Areas.

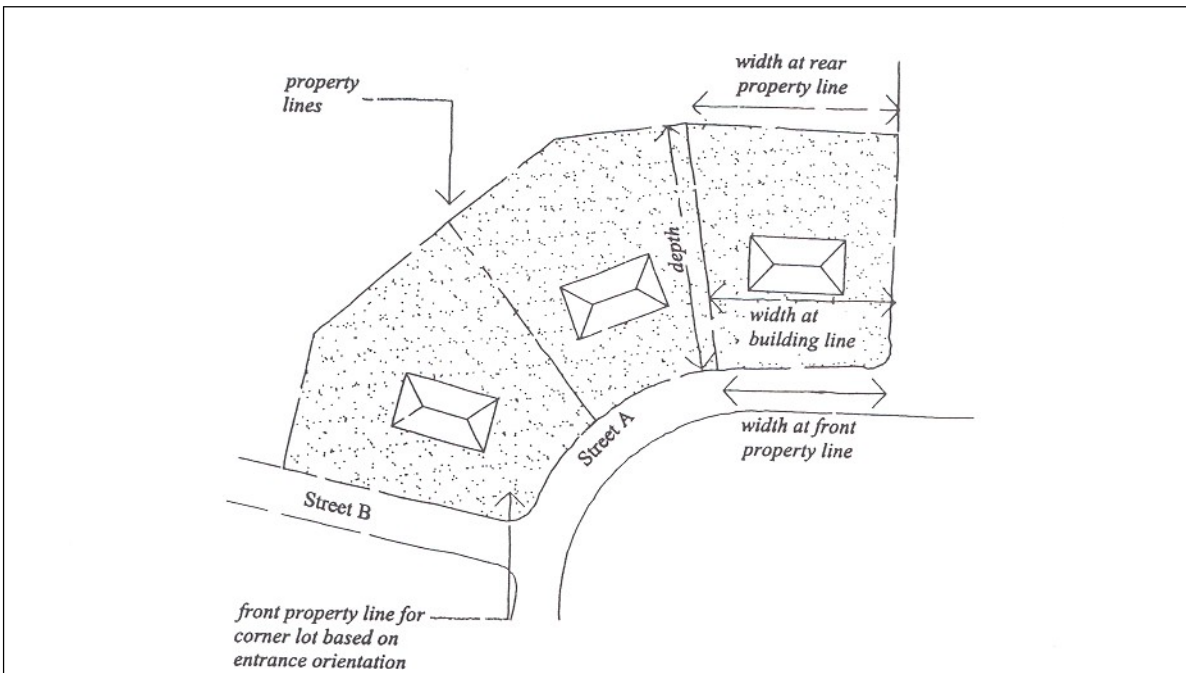
“Established residential area” means an area within the Residential District that was platted prior to the effective date of this ordinance. In such areas, the following setback standards shall apply:

Figure 2.1.120F - Infill/Established Residential Area Setbacks



2.1.120 – Building Setbacks (continued)

1. When an existing single family residence on the same street is located within 40 feet of the subject site, a front yard setback similar to that of the nearest single family residence shall be used. “Similar” means the setback is within 5 feet of the setback provided by the nearest single family residence on the same street. For example, if the existing single family residence has a front yard setback 20 feet, then the new building shall have a front yard setback between 15 feet and 25 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be based on the average setback of both adjacent residences, plus or minus 10 feet.
2. In no case shall a front yard setback be less than 10 feet. Zero-lot line houses shall comply with the standards for zero-lot line housing in Section 2.1.190.
3. The standards in 1-2 shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints or other sensitive lands).

2.1.130 - Lot Area and Dimensions**Figure 2.1.130 - Lot Dimensions**

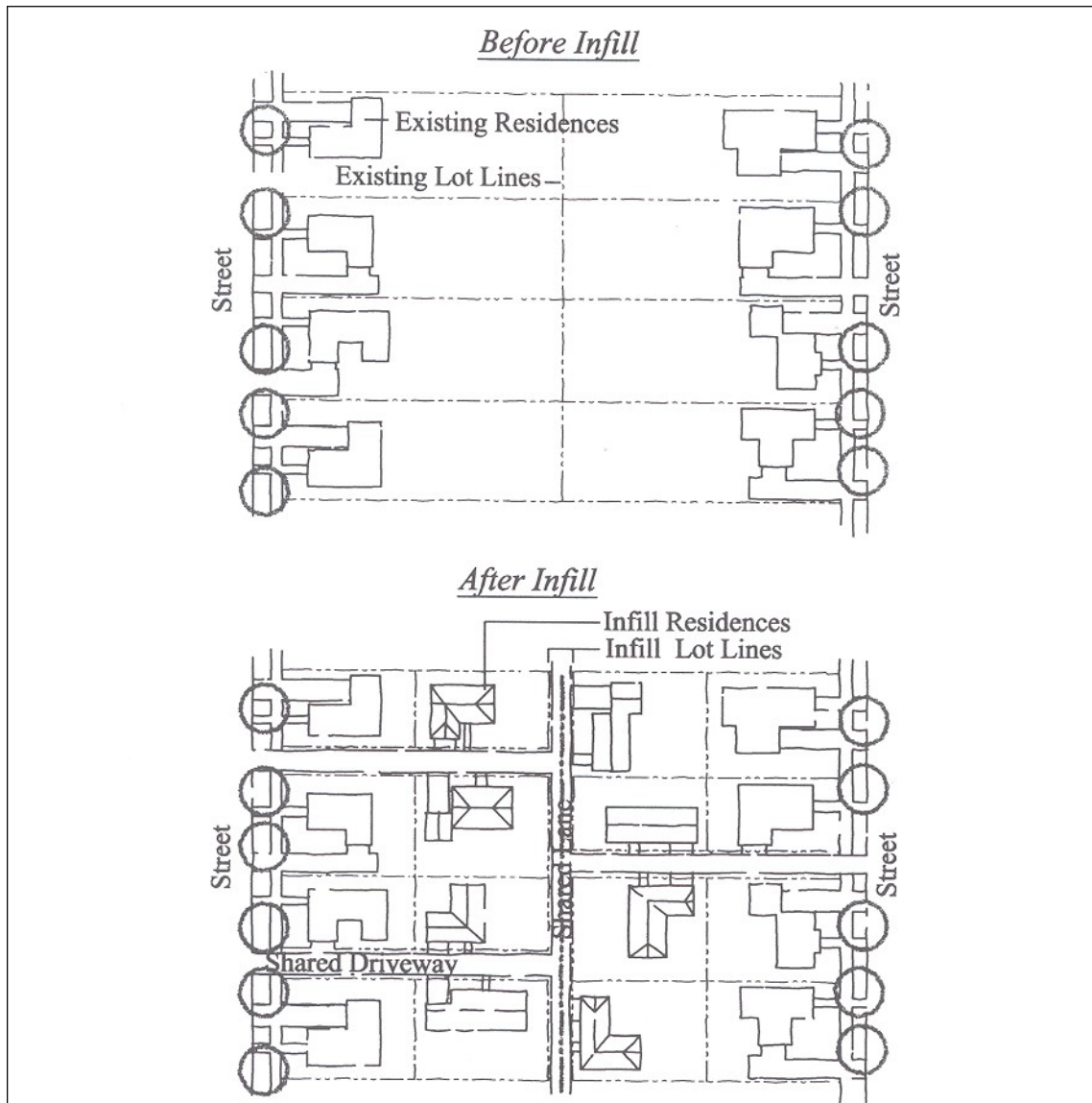
Land Use	Lot Area*	Lot Width/Depth	Related Standards
Detached Single Family Housing; Manufactured Homes on Lots	Minimum: 8,000 square feet, 6,300 square feet for lots with frontages over 80 feet.	Minimum Width: 70 feet, 30 feet for lots with a radius frontage, except for flag lots and lots served by private lanes (See Section 2.1.140) Maximum Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.) Minimum Depth: 70 feet as long as minimum lot area criteria is met	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Building Size.
Two-and Three-Family Housing (duplex and triplex)	Minimum area for two-family: 8,000 square feet. Minimum area for Three-family: 9,000 square feet.	Minimum Width: 80 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140) Maximum Depth: Three (3) times the lot width; except as required to protect sensitive lands, etc.	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Building Size.
Attached (Townhome) Single Family Housing	Minimum area: 3,000 square feet.	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140) Maximum Depth: Three (3) times the lot width except as may be required by this code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 Building Size.
Multi-family Housing (more than 3 units)	Minimum area: 10,000 square feet.	Minimum Width: 80 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation.
Manufactured Home Parks	See Section 2.1.190 for Manufactured Home Park standards.		
Public and Institutional Uses	Minimum area: None.	Minimum Width: 60 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation.
Residential Commercial Uses	Minimum area: None.	Minimum Width: 60 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is indirectly controlled by the floor area standards for Residential Commercial development, as provided in Section 2.1.200.

*Lot sizes in proposed subdivisions may be averaged so that average lot size is in this range.

2.1.140 - Flag Lots and Lots Accessed by Mid-Block Lanes

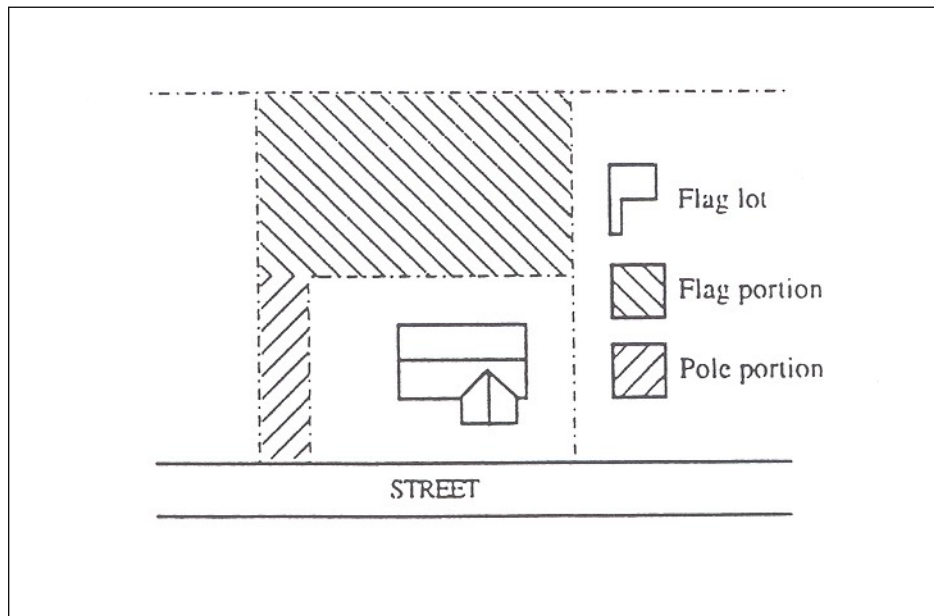
As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “mid-block developments”, as defined below:

Figure 2.1.140A – Mid-block Infill



2.1.140 - Flag Lots and Lots Accessed by Mid-Block Lanes *(continued)*

- A. **Mid-block lanes.** Lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes, as shown above. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per Chapter 3.4.100, and subsections C-F, below.

Figure 2.1.140B - Flag Lot (Typical)

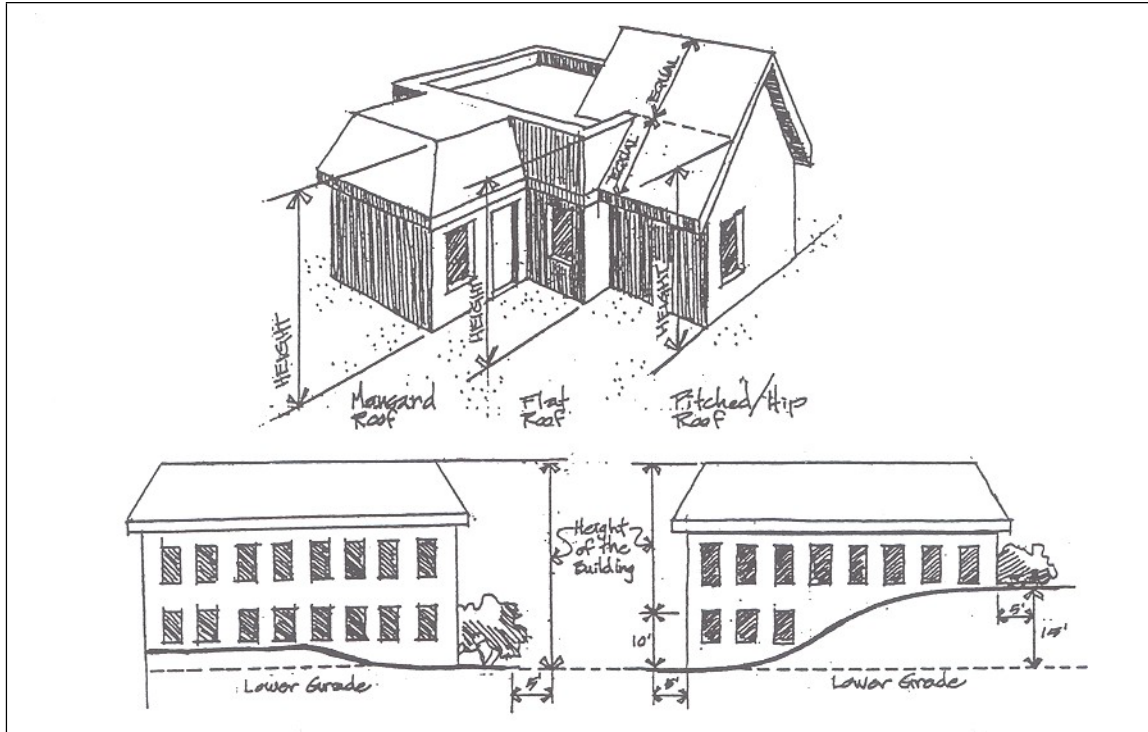
- B. **Flag lots.** Flag lots may be created only when mid-block lanes cannot be extended to serve future development. A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six (6). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.
- C. **Driveway and lane width.** The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code.
- D. **Dedication of drive lane.** The owner shall dedicate 12 feet of right-of-way or record a 12 foot wide easement (i.e., 6 feet from each property sharing a drive) for vehicle access similar to an alley. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.
- E. **Maximum drive lane length.** The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.

2.1.140 - Flag Lots and Lots Accessed by Mid-Block Lanes *(continued)*

- F. **Future street plans.** Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in Figure 2.1.140A).
- G. **Flag lot access.** Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway system or other arterials.
- H. **Waiver of Remonstrance.** A waiver is required for all utility improvements. Utility upgrade may be required for approval.

2.1.150 - Maximum Lot Coverage

- A. **Maximum Lot Coverage.** The following maximum lot coverage standards shall apply to all development in this district:
1. Single Family Detached Houses - 40 percent
 2. Duplexes and Triplexes - 60 percent
 3. Single Family Attached Townhomes - 60 percent
 4. Multiple Family Housing - 60 percent
 5. Neighborhood Commercial and Public/Institutional Uses - 80 percent
- B. **Lot Coverage Defined.** “Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade.
- C. **Compliance.** Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

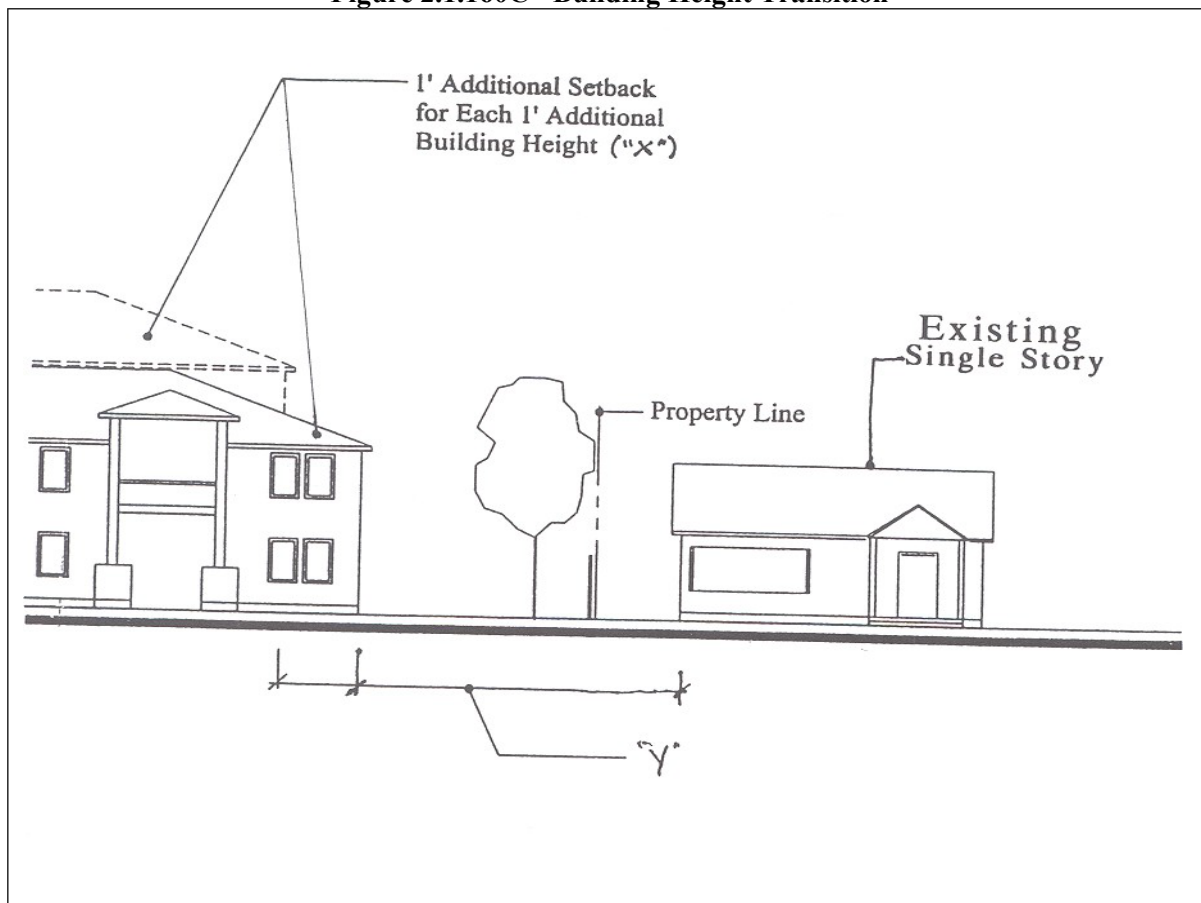
2.1.160 - Building Height**Figure 2.1.160 - Building Height Measurement (Composite of Several Roof Forms)**

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design:

- A. **Building Height Standard.** Buildings within the Residential District shall be no more than 35 feet for gabled roofs; 30 foot for flat roofs or 2 ½ stories high, whichever is greater, and buildings within the Multi-family Sub District may be up to 30 feet or 3 stories. Building height may be restricted to less than these maximums when necessary to comply with the Building Height Transition standard in “C” below. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy.
- B. **Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (See above examples). The reference datum shall be selected by either of the following, whichever yields a greater height of building:
 - a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;

2.1.160 - Building Height *(continued)*

- b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 'a' is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Figure 2.1.160C - Building Height Transition

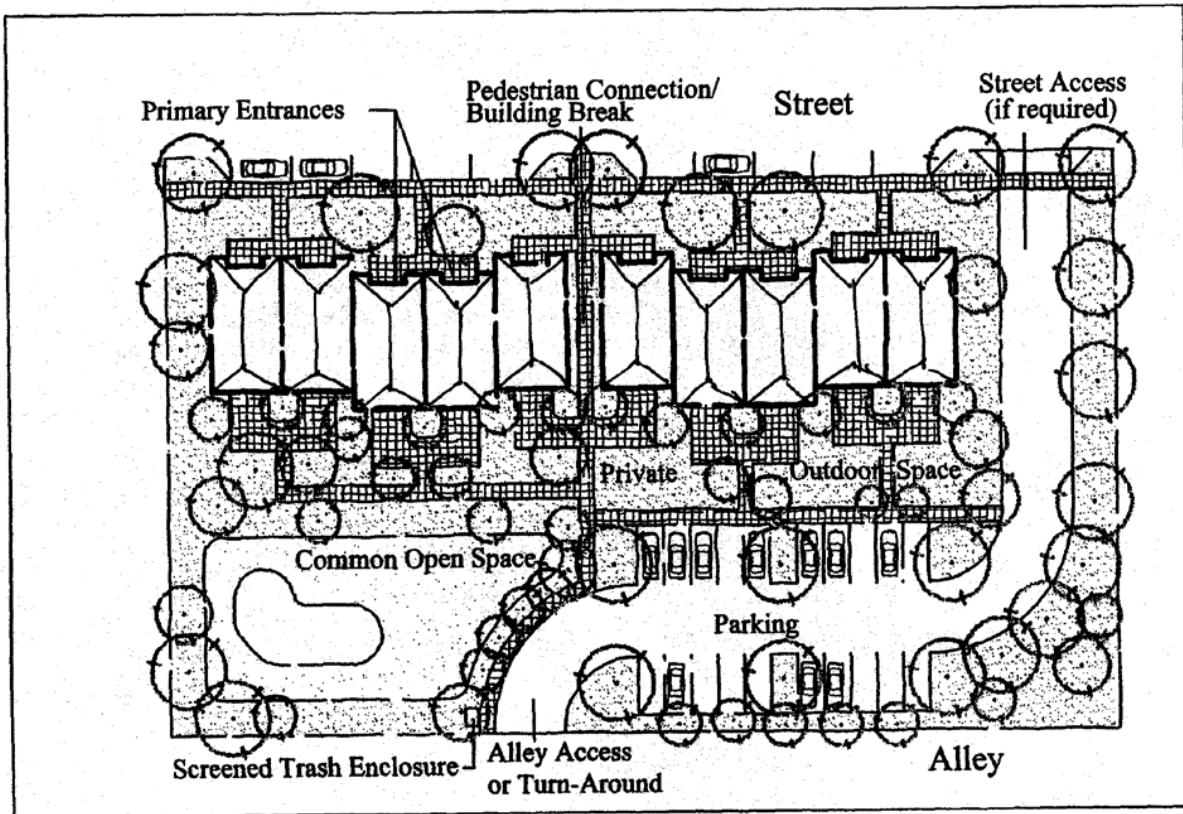
- C. **Building Height Transition.** To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).
1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
 2. The building height transition standard is met when the height of the taller building (“x”) does not exceed one (1) foot of height for every one (1) foot separating the two buildings (“y”), as shown above.

2.1.170 - Building Orientation**Typical Building Orientation
(Illustrations on following pages)**

- A. Purpose.** The following standards are intended to orient buildings close to the street to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street”.
- B. Applicability.** This section applies to: single-family dwellings, including manufactured houses, duplexes, and attached townhomes that are subject to Site Design Review (3 or more attached units); multi-family housing; neighborhood commercial buildings; and public and institutional buildings.
- C. Building orientation standards.** All developments listed in “B” shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:
1. Compliance with the setback standards in Section 2.1.120.
 2. All buildings shall have their primary entrance(s) oriented to the street. Multi-family and Neighborhood Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a multi-family building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter 3.1 – Access and Circulation. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.
 3. Off-street parking, driveways, and other vehicle areas shall not be placed between streets and buildings. Single-family dwellings, including manufactured houses, duplexes, and attached townhouses, are excepted from this standard.
- D. Public Buildings.** The standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)

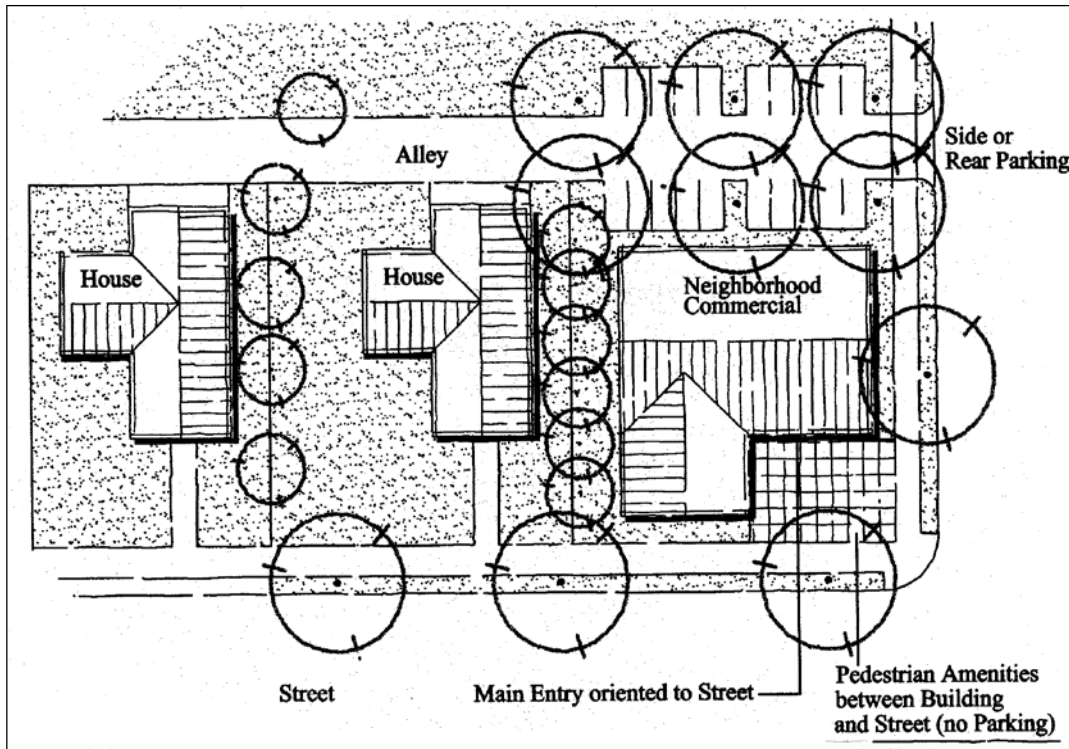
2.1.170 - Building Orientation (continued)

Figure 2.1.170A
Multifamily/Attached Housing – Building Orientation



2.1.170 - Building Orientation *(continued)*

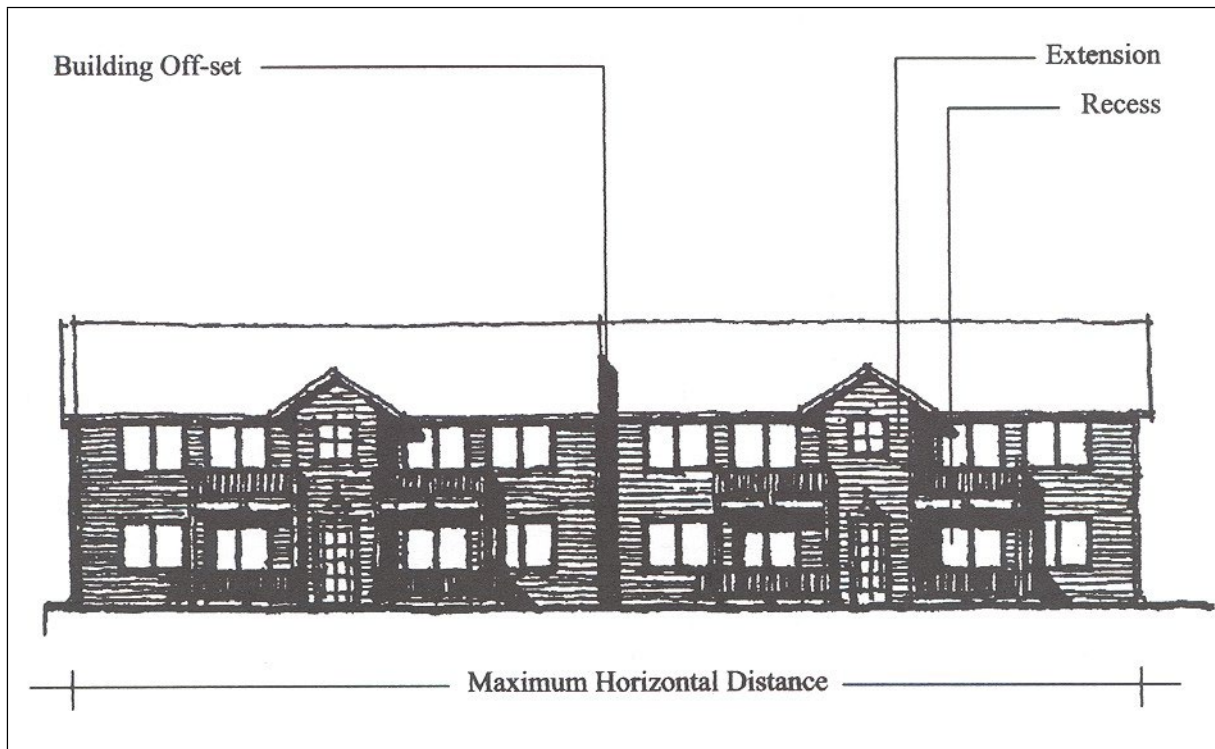
Figure 2.1.170B
Neighborhood Commercial Building – Building Orientation



2.1.180 – Design Standards

- A. **Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.
- B. **Applicability.** This section applies to all of the following types of buildings, and shall be applied during Site Design Review:
- Duplexes and Triplexes
 - Single family attached townhomes which are subject to Site Design Review (3 or more attached units)];
 - Multi-family housing;
 - Public and institutional buildings;
 - Neighborhood Commercial and mixed use buildings; and
 - Single Family Residential, Section 2.1.180 (C) (4)
- C. **Standards.** As noted in 2.1.180 (B) all buildings which are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

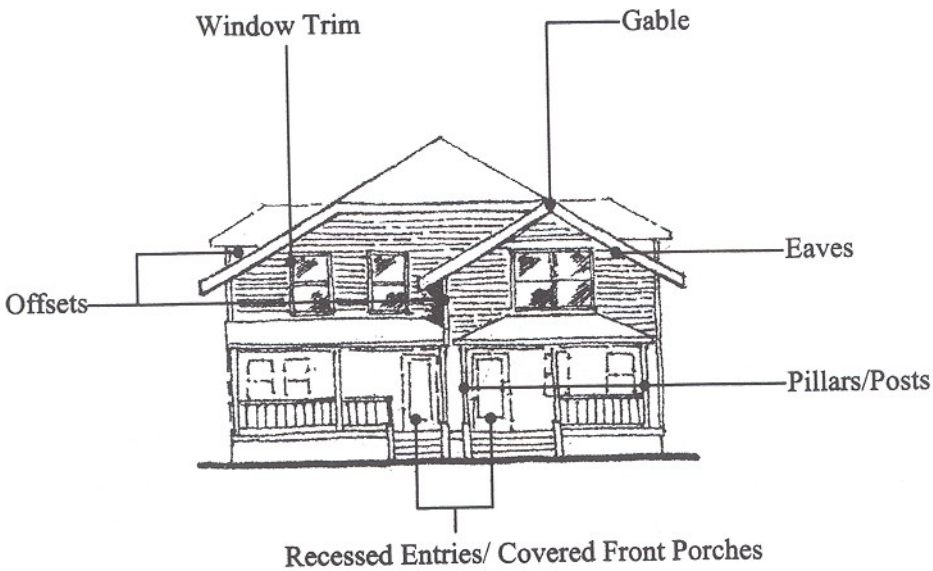
Figure 2.1.180C(1) - Building Form (Multi-family Housing Example)



2.1.180 – Design Standards (continued)

1. **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end- wall) of individual buildings (single family residential units) shall not exceed 80 feet on more than two horizontal distance measurements. Duplexes and Triplexes reviewed by a Type I decision process in accordance with Section 4.2.200(B) shall not exceed 30 feet per living unit on more than two horizontal distance measurements. Duplexes and Triplexes reviewed by a Type II decision process in accordance with Section 4.2.400 shall not exceed 40 feet per living unit on more than two horizontal distance measurements. Multi-family buildings (more than 3 units) reviewed by a Type III decision process in accordance with Section 4.2.400(B) shall be not exceed 35 feet per living unit for no more than 4 units and shall be no more than 1 unit in depth. Alternative building designs meeting the Boardman Comprehensive Plan policies and the intent of Boardman Development Code Standards shall be considered through the Type III decision process, consistent with the Boardman Comprehensive Plan Chapter 10 – Housing, Policy 9, which states; *“The City shall give consideration to development of alternative residential construction both in form and layout for such reasons as aesthetics, energy conservation, reduced development costs and provision of open space.”*
2. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 2.1.180(C)(1). Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:
 - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 6 feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
 - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
3. **Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front (i.e., street- facing) elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

Figure 2.1.180C(2) - Examples of Architectural Details



2.1.180 – Design Standards *(continued)*

3. Detailed Design. 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):

- 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.

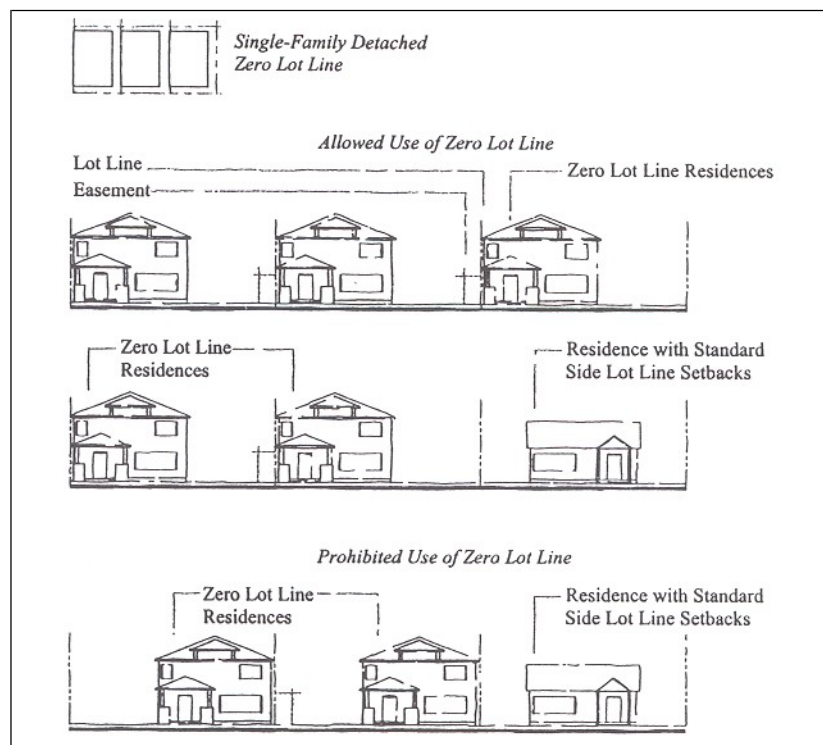
4. Garages & Carports. The home shall have a carport or garage constructed of like exterior materials, concrete or asphalt floor, and concrete or asphalt driveway from the street to the structure. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences.

2.1.190 - Special Standards for Certain Uses

This section supplements the standards contained Sections 2.1.100 through 2.1.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

- A. **Zero-lot line (single family home).** “Zero-lot line” houses are subject to the same standards as single family housing, except that a side yard setback is not required on one side of a typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented yards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

Figure 2.1.200A – Zero-Lot Line Housing



1. **Setbacks Adjacent to Non-Zero Lot Line Development.** When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from the common property line by a minimum of 10 feet;
2. **Construction and Maintenance Easement.** Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and

2.1.190 - Special Standards for Certain Uses (continued)

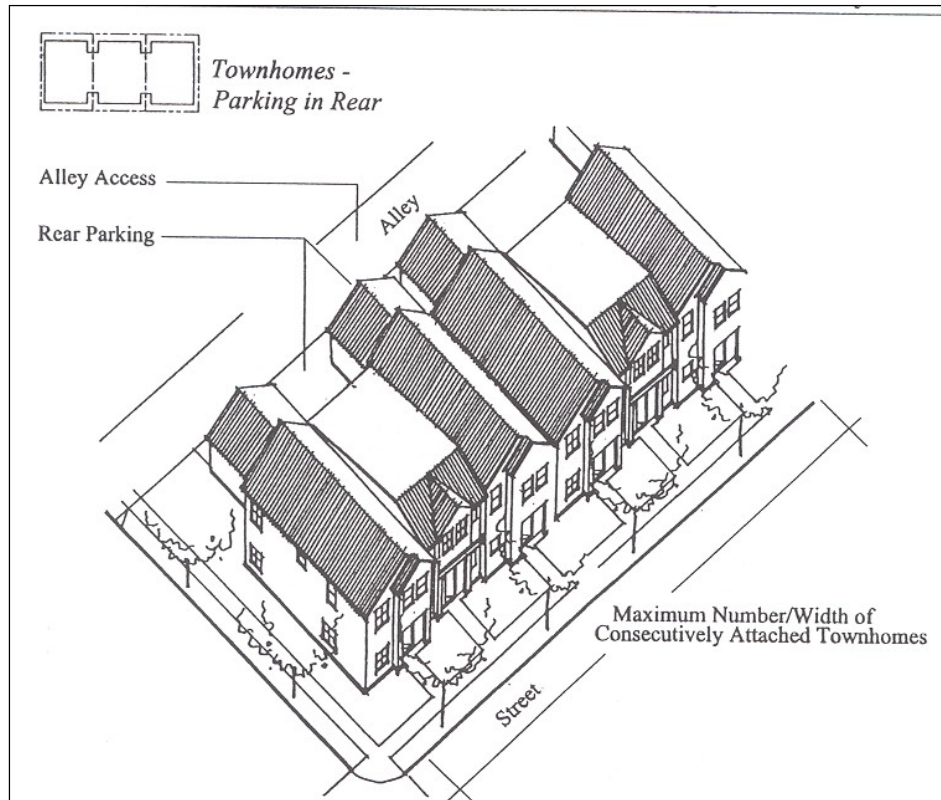
3. Buffering. The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground-floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows, as necessary.

B. Manufactured homes on individual lots. Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units which were placed on lots within the City prior to the effective date of this ordinance.

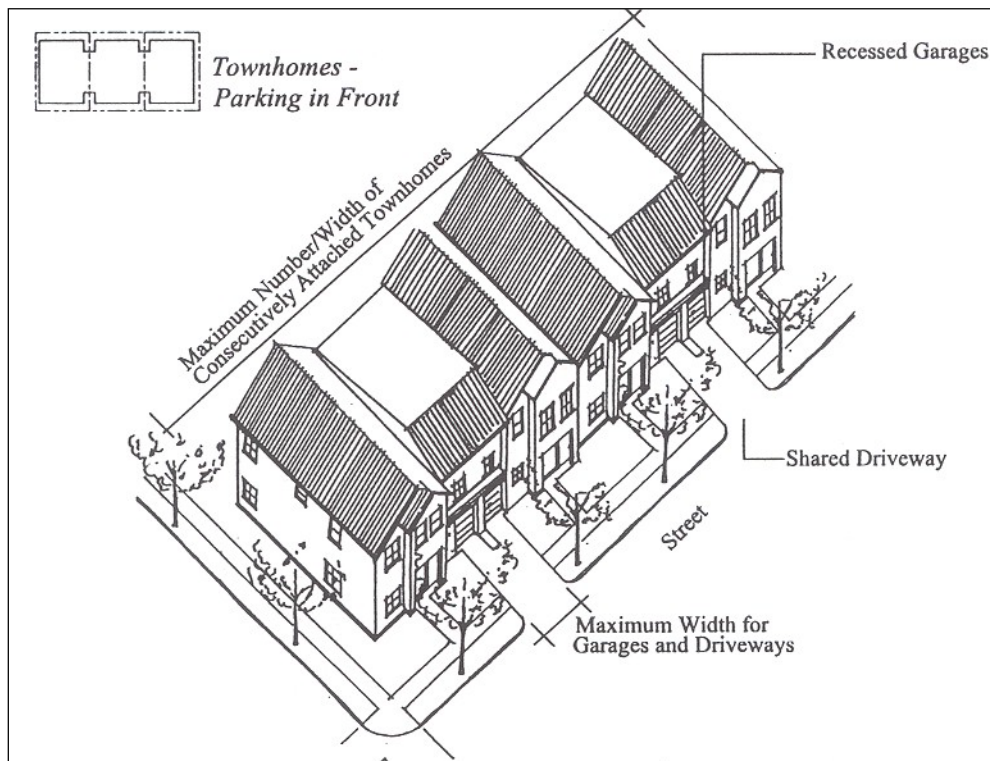
1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. ft;
2. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing and vertical siding);
4. Garages and Carports. The manufactured home shall have a carport or a garage constructed of like exterior materials, concrete or asphalt floor, and concrete or asphalt driveway from the street to the structure. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;
5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer’s certification shall not be required;
6. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home;
7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with only 12 inches showing; and
8. Prohibited. The manufactured home shall not be located in a designated historic district.

2.1.190 - Special Standards for Certain Uses *(continued)*

- C. Residential care homes and facilities.** Residential care homes and facilities are residential treatment or training homes or facilities or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals (“homes”) or 6 to 15 individuals (“facilities”) who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:
1. Licensing. All residential care homes shall be duly licensed by the State of Oregon.
 2. Development Review. Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.
- D. Single-family attached (townhomes), Duplexes and Triplexes.** Single-family attached housing (townhome units on individual lots), duplex and triplex developments shall comply with the standards in 1-4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.
1. Duplex and triplex units may exceed building height requirements upon Planning Commission approval of a Conditional Use permit in a Type III Procedure consistent with Boardman Development Code 4.1.500.

2.1.190 - Special Standards for Certain Uses (continued)**Figure 2.1.200E(2) – Townhomes and Multiplex Housing With Alley Access**

1. **Building Mass Supplemental Standard.** Within the Residential District, the number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 4 units; within the Multi-family Sub District, the number and width of consecutively attached townhome units shall not exceed 6 units.
2. **Alley Access.** Townhome, duplex and triplex subdivisions (4 or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with Chapter 3.4.100 - Transportation Standards, and Chapter 4.3 - Land Divisions. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See #3 for standards). As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Chapter 3.1- Access and Circulation.

Figure 2.1.200E(3) - Townhomes and Multiplex Housing With Street Access

3. Street Access Developments. Townhomes, duplexes and triplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, provide more curb space for on-street parking, and minimize paved surfaces for better storm water management.

2.1.190 - Special Standards for Certain Uses *(continued)*

- a. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.
 - b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garaged facing the street.
 - c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
4. **Common Areas.** “Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) may be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the City prior to building permit approval.
- E. Public and Institutional Land Uses.** Public and institutional uses (as listed in Table 2.1.110.A) are allowed in the Residential District subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:
1. **Development Site Area.** The maximum development site area shall be 4 acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a Conditional Use, in accordance with Chapter 4.4 - Conditional Use Permits, or as part of a Master Planned Development, in accordance with Chapter 4.5.
 2. **Building Mass.** The maximum width or length of a multiple family building shall not exceed 100 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Master Planned Development.
 3. **Telecommunications Equipment.** Telecommunications equipment (e.g., cell towers and antennae) shall comply with the standards of Chapter 3.6.200.
 4. **Vehicle Areas and Trash Receptacles.** All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

2.1.190 - Special Standards for Certain Uses (continued)

F. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. All accessory structures shall comply with all of the following standards: (For standards applicable to Accessory Dwellings, please refer to Section 2.1.200.B.)

1. Primary use required. An accessory structure shall not be allowed before or without another permitted use (e.g., as listed in Table 2.1.110.A).
2. Setbacks.
 - a) Accessory structures shall meet setbacks identified in 2.1.120 unless identified otherwise in 2.1.190(F)(2)(b-d) below.
 - b) Accessory structures of 40 square feet or fewer are allowed to be located in a rear yard or side yard abutting a primary structure. Abutting an accessory structure to a primary structure is allowed provided 6 feet are allowed for emergency access, as measured from the wall nearest the property line of the accessory structure to the property line and no through wall openings (doors, windows, vents, etc.) in the primary structure are obscured or covered by the accessory structure.
 - c) Accessory structures of 41-200 square feet or less in size are allowed 1 foot rear yard setback and 1 foot side yard setback when placed in the rear yard of a lot, as long as structural features, such as eaves, do not encroach on adjacent properties.
 - d) Accessory building shall not be placed within ten (10) feet of any primary structure on the lot or adjacent lots with the exceptions noted in 2.1.190 (F)(2)(a-c) above.
3. Design Requirements.
 - a. The accessory structure shall be in color, ~~material~~, and appearance similar to the primary structure. For accessory structures that are up to 200 square feet at least one design criterion will be used; accessory structures 201 to 400 square feet three design criteria will be used; and accessory structures 401 square feet to 1,200 square five design criteria will be used.
 - b. Shipping Containers can be placed on residentially zoned property only as an accessory structure not for use as an occupiable or habitable structure. They shall be sited to limit visibility from the street. The double swing doors shall not be oriented towards the front yard and corner side if on a corner lot. They shall be painted a compatible color to the primary structure and cover all markings and logos. As an alternative path for approval, an applicant may request discretionary review using the Type II decision process should the proposed unit not conform with the requirements here and elsewhere within the Development Code.
4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
5. Placement in easement. Only a portable accessory structure of 200 square feet or less in size may be placed in an easement with the approval of the utilities affected within the easement. Letters of approval from the utility must be submitted to the City for approval of this type of placement.
6. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
7. Floor Area. The floor area of the accessory structure shall not exceed 1200 square feet;

8. Building Height. The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.160; and
9. Buffering. A minimum 4-foot hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.
10. Accessory structures over 40 square feet require a Development Review Permit and over 200 square feet will be required to obtain a Building Permit.

G. Bed and Breakfast Inns and Vacation Rentals.

1. Purpose. The purpose of this section is to provide standards for the establishment of a bed and breakfast inn.
2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.
3. Maximum size. The bed and breakfast structure is limited to a maximum of 4 bedrooms for guests and a maximum of 6 guests per night.
4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility.
5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.
6. Owner-occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
7. Signs. Signs must meet the standards in Chapter 3.6.500, Signs.
8. Monitoring. All bed and breakfast inns must maintain a guest log book. It must include the names and home addresses of guests, guests' license plate numbers if travelling by car, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.

H. Master Planned Neighborhood Development

1. Purpose and intent. The purpose of this Section is to ensure the development of fully integrated, mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.
2. Applicability. This Section applies to:
 - a. Parcels, and development sites with more than one parcel, in the Residential District which are 20 acres or larger; and
 - b. Development sites in the Residential District which are planned in accordance with the procedures in Chapter 4.5.
3. Master plan required. Prior to land division approval, a master plan shall be prepared for all sites meeting the criteria in subsection 2. Master plans shall follow the procedures in Chapter 4.5 - Master Planned Developments.
4. Land use and design standards. Master Planned Neighborhood Developments shall be evaluated based on the criteria in Chapter 4.5, and shall be consistent with the following design principles:
 - a. All neighborhoods have identifiable centers and outer boundaries;
 - b. Edge lots are readily accessible to Residential Commercial and recreational uses by walking and bicycling (a distance not greater than one-quarter mile);
 - c. Uses and housing types are mixed and in close proximity to one another;

- d. Streets are connected and blocks are small (e.g., between 200-600 feet in length; with a maximum perimeter of 1,600 feet);
 - e. Civic buildings, monuments and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.) are given prominent sites throughout the neighborhood.
 - f. Overall, the neighborhood plan achieves a housing density of 6 units per acre, in accordance with the Comprehensive Plan and Residential District standards.
 - g. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the master plan, in accordance with the Comprehensive Plan.
 - h. Common open space is provided for the residents as 30% of the net square footage of the site.
5. Implementation. Upon approval of a Neighborhood Development Master Plan, the development shall follow the Land Division procedures in Chapter 4.3, and the Site Design Review procedures in Chapter 4.2. Any modifications to the approved master plan shall be subject to the standards and procedures in Chapter 4.6 - Modifications.

I. Home Occupations.

1. Purpose and Intent. The purpose of this Section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted by right in all residential units (dwellings), subject to the following standards:
2. Appearance of Residence:
 - a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
 - b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
 - c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
 - d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
3. Storage:
 - a. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
 - b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
 - c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

2.1.190 - Special Standards for Certain Uses (continued)4. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

5. Advertising and Signs: Signs shall comply with Chapter 3.6.5.6. Vehicles, Parking and Traffic:

- a. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that will not encroach onto the public right-of-way, including the sidewalk and planter strip, when parked in the driveway or other location on the home occupation site.
- b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m.
- c. There shall be no more than two client or customer vehicles at any one time and no more than eight per day at the home occupation site or in the right-of-way abutting the lot.

7. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. Monday through Friday subject to all provisions above.8. Prohibited Home Occupation Uses:

- a. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, is prohibited.
- b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed subject to all provisions above.

2.1.190 - Special Standards for Certain Uses (continued)

- c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
- (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;
 - (3) Auto and other vehicle repair, including auto painting;
 - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
9. **Enforcement:** The City Manager or his/her designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter 1.4 - Enforcement.

2.1.200 Residential Sub Districts

- A. **Sub Districts Authorized.** Sub Districts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The Comprehensive Plan identifies a need for residential farm uses, commercial services within residential neighborhoods, higher density housing, and multi-family housing. Therefore, the City has adopted the Future Urban, Multi-Family, and Manufactured Home Park Sub Districts to address these needs.
- B. **Applicability.** Sub Districts are identified on the City's official zoning map. Properties designated with a Sub District shall comply with the provisions of the underlying Residential District, except as may be modified by this Section.
- C. **Conflicts.** Where there are conflicts, the Sub District standards supercede the standards of section 2.1.100 to 2.1.190. Where there is no conflict, the standards of 2.1.190 shall also apply.

2.1.300 Future Urban Sub District (FU)

- A. **Purpose/Intent Statement.** The purpose of this section is to preserve for future development at urban densities the Future Urban areas of the City as defined in the Comprehensive Plan.
- B. **Future Urban Sub District Standards.**
1. **Parcel size:** The minimum parcel size for the FU Sub District is 10 acres, except for a school use, which may be a minimum of 5 acres.
 2. **Setbacks:** The maximum/minimum front, side and rear setback for the Sub District is 20 feet.
 3. **Building height:** The maximum height shall be two stories but shall not exceed 35 feet.
 4. **Lot Coverage.** The maximum lot coverage in the FU Sub District shall be 50 percent.

2.1.300 Future Urban Sub District (FU) (continued)

5. Shadow Platting. The property owner presents a legally binding “shadow plat” dividing the remaining portion or entire parcel into future urban lots as permitted by underlying City zoning designations, and illustrating location of future internal roadways and easements. Properties zoned Residential District shall be able to be divided into lots a minimum of 8,000 square feet.

6. The shadow plat shall follow the land division standards in Chapter 4.3.120.

C. Allowed Uses.

1. Detached single family dwellings.
2. Residential homes.
3. A mobile or manufactured home as a residence on an individual lot, subject to the provisions of Section 2.1.190.B.
4. Continuation of existing general farm uses, including:
 - a. Raising, harvesting, and selling of crops.
 - b. Feeding, breeding, selling and management of livestock, poultry, fur-bearing animals, or honeybees.
 - c. Selling of products of livestock, poultry, fur-bearing animals, or honeybees.
 - d. Dairying and selling of dairy products.
 - e. Preparation and storage of the products raised on such lands for human use and animal use.
 - f. Distribution by marketing or otherwise of products raised on such lands.
 - g. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof.
 - h. Propagation or harvesting of a forest product.
 - i. Public and private conservation areas and structures for the conservation of water, soil, forest or wildlife habitat resources.
 - j. Fish and wildlife management program facilities.

D. Accessory Uses.

1. Home occupations, subject to the provisions of Section 4.9.200.
2. Accessory buildings and uses customarily incidental to any of the permitted primary uses.

2.1.300 Future Urban Sub District (FU) (continued)

3. Roadside stands, when located on the same property as the principal use, permitted when selling only those agricultural products that are produced in the surrounding community in which the stand is located.
4. Signs, as provided under Section 3.7.
5. Bed and Breakfast Inns and Vacation Rentals as defined in Section 2.1.100, subject to the major home occupation provisions under Section 2.1.100.

E. Conditional Uses.

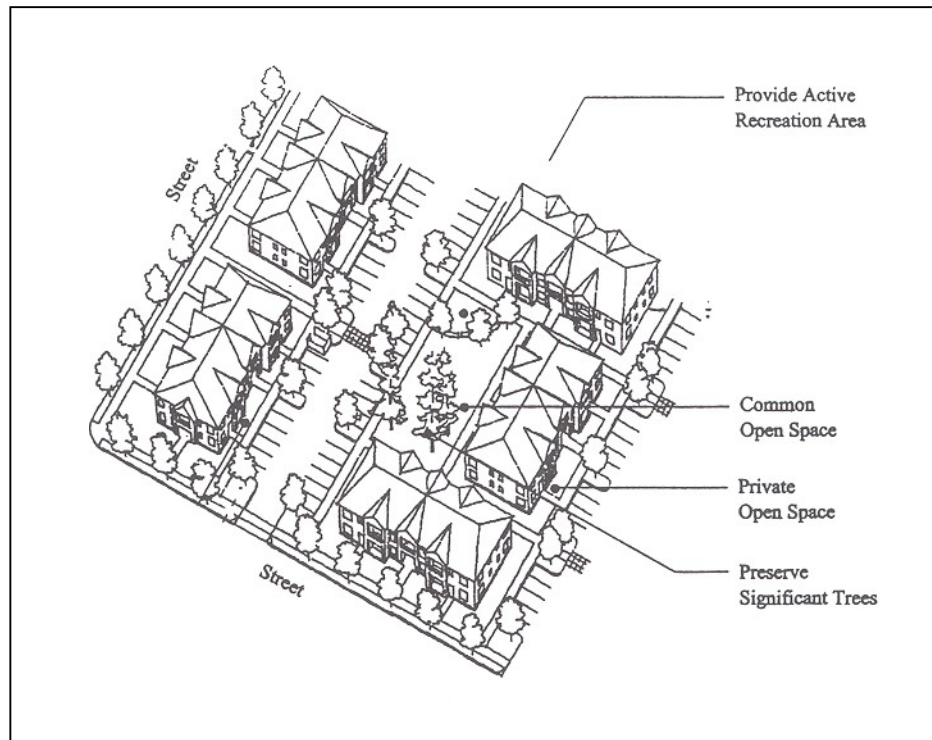
1. The following conditional uses may be allowed in a Future Urban Sub District, subject to review by the Planning Commission, pursuant to Section 4.2.400. Approval shall not be granted unless the proposal satisfies all of the criteria under Section 4.2.400 and all other applicable requirements of this Ordinance.
 - a. Expansion of existing churches and other places of worship.
 - b. Cemeteries.
 - c. Golf courses.
 - d. Public and private parks, campgrounds, playgrounds, recreational grounds, hiking and horse trails, pack stations, corrals, stables, and other similar uses.
 - e. Service recreational uses, excluding recreational vehicle camping facilities.
 - f. Expansion of existing daycare centers.

F. Prohibited Uses.

1. Structures and uses of land not specifically mentioned in this section.
2. Outdoor advertising displays, advertising signs, or advertising structures, except as provided in Signs, Section 3.6.500.

2.1.400 - Multi-Family Sub District (MF)

- A. Purpose/Intent Statement.** The Multi Family Sub District is designed to provide land for larger multiple family housing developments. Multi-Family Housing is housing that provides 4 or more dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards.

2.1.400 - Multi-Family Sub District (MF) (continued)
Figure 2.1.200F - Multifamily Housing (typical site layout)

B. Multi-family housing development standards.

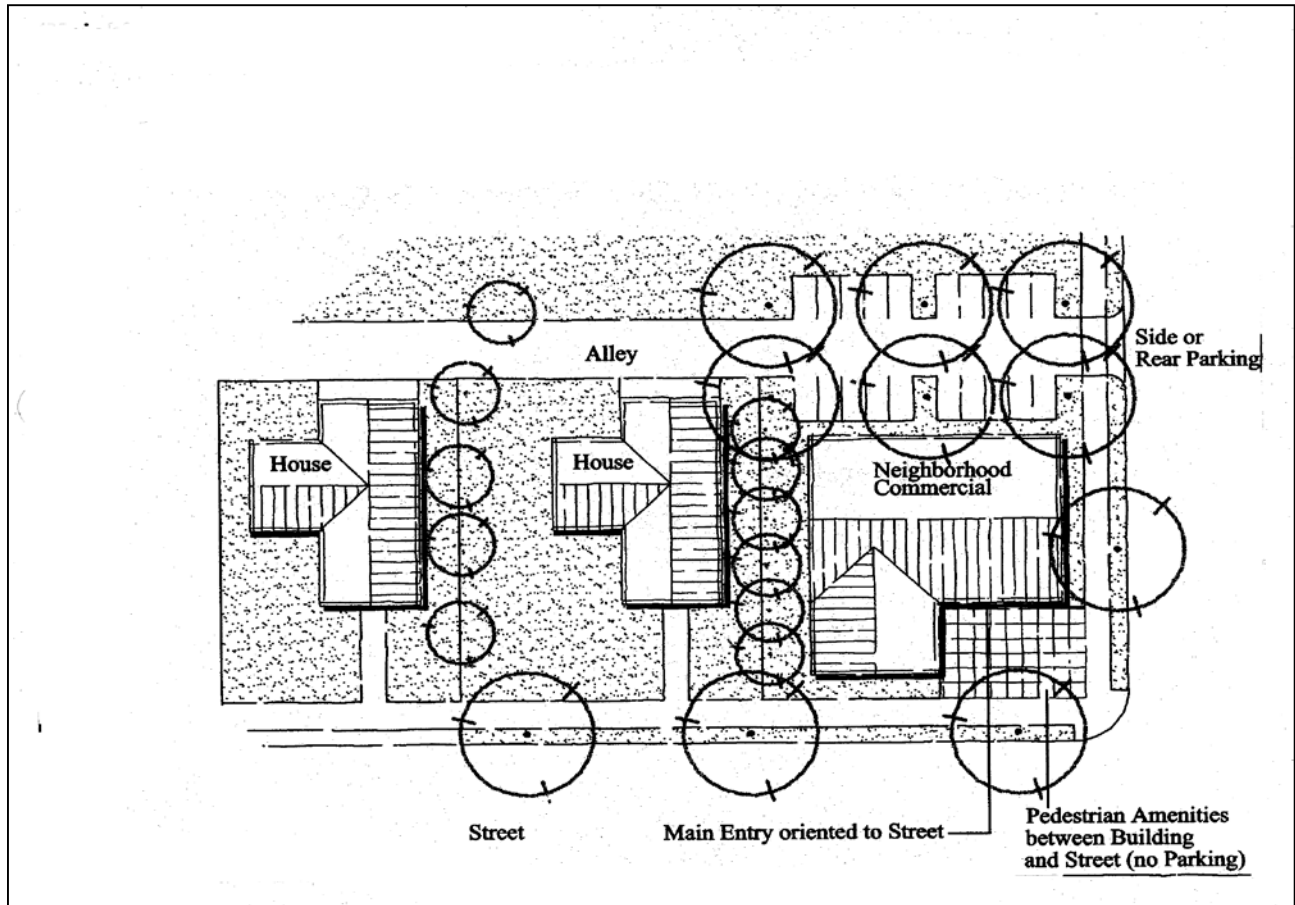
1. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.
2. Private open space. Private open space areas shall be required for ground-floor and upper-floor-housing units based on all of the following standards:
 - a. Ground floor housing units shall have front or rear patios or decks measuring at least 48 square feet and at least 4 feet deep. Ground floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
 - b. A minimum of 50 percent of all upper-floor-housing units shall have balconies or porches measuring at least 48 square feet and at least 4 feet deep. Upper-floor housing means housing units which are more than 5 feet above the finished grade;

2.1.400 – Multi-Family Sub District (MF) (continued)

- c. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable; and
3. Exemptions. Exemptions may be granted for the first 50 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields, children's play area, sports courts, walking/fitness course, or similar facilities.
4. Trash receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

C. Special Standards for Neighborhood Commercial Uses

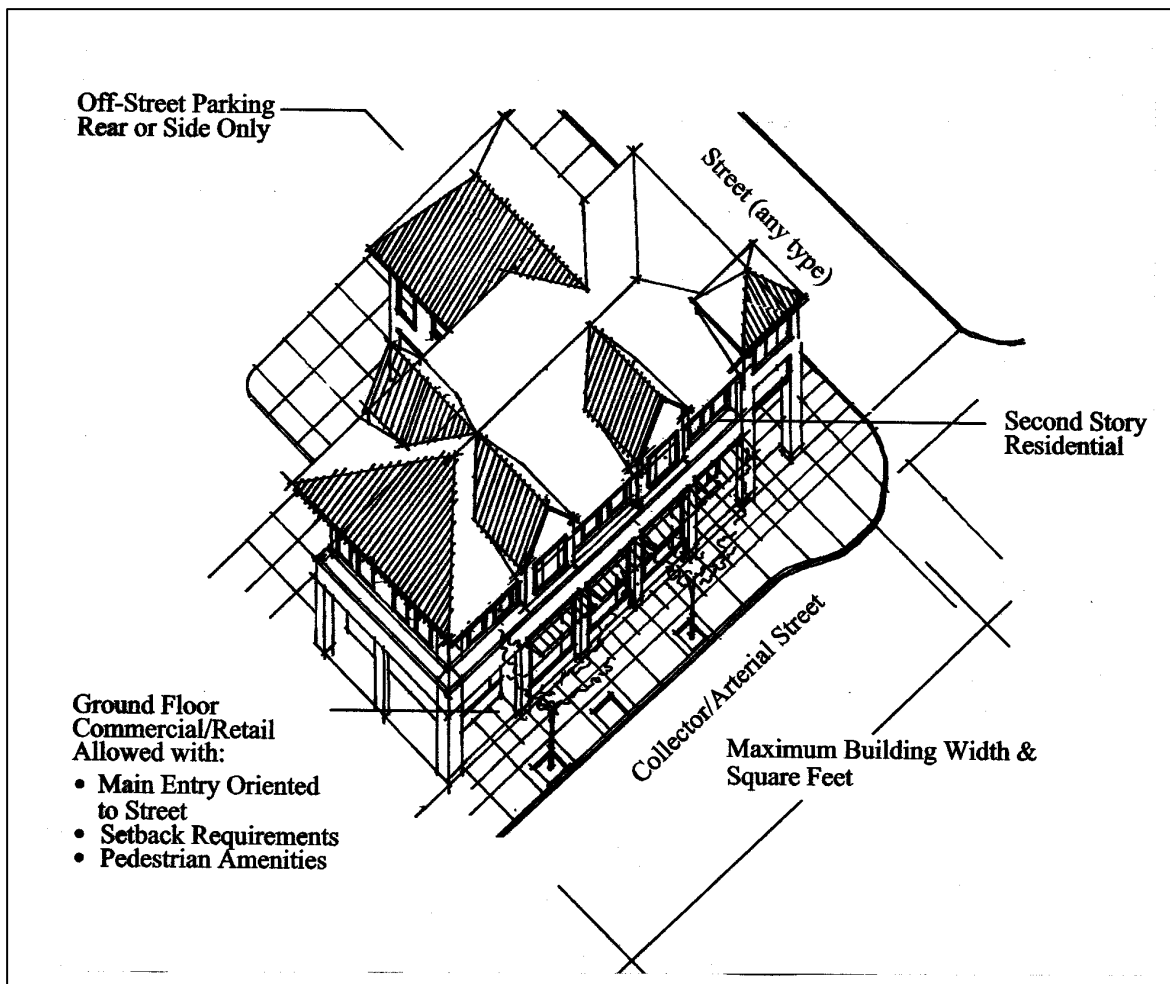
- a. Purpose/Intent Statement. All Neighborhood Commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between Neighborhood Commercial and residential uses:

2.1.400 - Multi-Family Sub District (MF) (continued)**Figure 2.1.400A - Neighborhood Commercial (Example of Site Layout)**

2.1.400 - Multi-Family Sub District (MF) (continued)

- a. Permitted Uses. Only those Neighborhood Commercial uses specifically listed in section 5 of Table 2.1.110.A are permitted. Residential and Neighborhood Commercial uses may be mixed “vertically” — meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, townhomes, or condominiums), or may be mixed “horizontally”— meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in Chapter 1.3, are expressly prohibited.

Figure 2.1.400B - Neighborhood Commercial (Example of Mixed Use)



- b. Dispersion of Neighborhood Commercial Development. A neighborhood commercial site shall be located no closer than one-half mile from another neighborhood commercial site within the City. A “neighborhood commercial site” means a lot or parcel (or combination of adjacent lots or parcels), zoned Residential and containing commercial uses.

2.1.400 - Multi-Family Sub District (MF) (continued)

- c. Location and Access. Neighborhood commercial developments shall have frontage onto a collector or arterial street with available on-street parking, and shall conform to the standards in Section 2.1.180.
- d. Building Mass Supplemental Standard. The maximum width or length of a Neighborhood Commercial or mixed use (residential and commercial) building shall not exceed 80 feet (from end-wall to end-wall).
- e. Floor Area Supplemental Standards. The maximum commercial floor area shall not exceed 5,000 square feet total per Neighborhood Commercial. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than 7 ½ feet of vertical clearance).

2.1.500 – Manufactured Home Park Sub District (MH)**A. Permitted Uses.**

- 1. Single family dwellings on individual lots in accordance with the provisions of the overlying Residential District.
- 2. Manufactured home parks are permitted on parcels of one (1) acre or larger within the Manufactured Home Park (MHP) Sub District, subject to compliance with subsections a-c, below:
 - a) Space. The minimum size pad or space for each home is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(c).
 - b) Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
 - c) Perimeter landscaping. When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 10 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.

3. Manufactured homes, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Chapter 2.1.190.I - Home Occupations
4. Home design (for parks smaller than 3 acres). Manufactured homes in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):
 - a. The manufactured homes shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
 - b. The manufactured homes shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing and vertical siding);
 - c. Electric, water and sewer utility connections shall be made to the manufactured home park or individual unit depending on the ownership of the Park;
 - d. Exception: Subsections a-b, above, do not apply to manufactured homes sited within the City prior to the effective date of this ordinance.
5. Desert Springs Estates Phase I Subdivision

Purpose: The purpose of establishment of this section is to resolve siting and construction conflicts with the Boardman Development Code due to the original design criteria of a Manufactured Home Park not being aligned with a portion of the park. These conflicts are due to manufactured home park lot sizes, and allowed setbacks, being markedly different than language called for in this chapter of the Development Code. The original design, consistent with today's rules, are primarily contained in the Oregon Manufactured Dwelling and Park Specialty Code – 2002 Edition, and are conflicting with existing code language for lot size and setbacks.

Permitted Uses:

- A) Siting of manufactured homes within the subdivided portion, still recorded as Desert Springs Estates Phase 1, owned by the Bella Vista Estates Cooperative Manufactured Home Park. Siting must be in accordance with the Oregon Manufactured Dwelling and Park Specialty Code – 2002 Edition.
- B) Accessory Structures which do not encroach into dedicated easements or rights-of-way within the Desert Springs Estates Phase 1 subdivision.
- C) Open Spaces and Playgrounds in accordance with the Oregon Manufactured Dwelling and Park Specialty Code – 2002 Edition.

Setbacks:

Setbacks within the Desert Springs Estates Phase 1 subdivision shall be consistent with §Chapter 9 Fire and Life Safety Table 9-A, of the Oregon Manufactured Dwelling and Park Specialty Code – 2002 Edition.

2.1.600 – Sunridge Terrace Sub-District

Purpose: The purpose of the sub-district is to allow construction or placement of single family residences on individual lots consistent with the original design and subdivision of the properties into individual lots.

A. Permitted Uses.

1. Single Family dwellings in accordance with the overlying Residential District.
2. Manufactured homes in accordance with the provisions of 2.1.600.

B. Manufactured homes on individual lots. Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units which were placed on lots within the City prior to the effective date of this ordinance.

1. **Floor Plan.** A multi-sectional manufactured home shall have an enclosed floor area of not less than 1,000 square feet, and a single wide manufactured home shall be a minimum of 12 feet in width and have an enclosed floor area of not less than 720 square feet;
2. **Roof.** The manufactured home shall have a pitched roof;
3. **Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing and vertical siding);
6. **Garages and Carports.** The manufactured home may have a carport or a garage constructed of complimentary exterior materials, concrete or asphalt floor, and concrete or asphalt driveway from the street to the structure. The City may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;
5. **Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer’s certification shall not be required;

Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home;

2.1.600 – Sunridge Terrace Sub-District

7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with only 12 inches showing; and
- C. Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 2 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):
- 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.
- D. Setbacks and Building Separation.** The minimum setback between structures and abutting properties is 5 feet. The minimum setback between structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Structures shall be placed no closer than 5 feet to a sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any primary structure or dwelling, except a double carport or garage. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

Chapter 2.2 – Commercial (C) District

Sections:

- 2.2.100 – Purpose**
- 2.2.110 – Permitted Land Uses**
- 2.2.120 – Building Setbacks**
- 2.2.130 – Lot Coverage**
- 2.2.140 – Building Height**
- 2.2.150 – Design Standards**
- 2.2.160 – Pedestrian Amenities**
- 2.2.170 – Special Standards for Certain Uses**
- 2.2.180 – Tourist Commercial Sub District**
- 2.2.190 – City Center Sub District**
- 2.2.200 – Service Center Sub District**
- 2.2.210 – BPA Transmission Easement Sub District**

2.2.100 Purpose

The primary purpose of the Commercial District is to create standards that allow for a variety of commercial uses in the Commercial areas of the City of Boardman. This Chapter also creates three Sub Districts---Tourist Commercial, City Center and Service Center. The Tourist Commercial Sub District provides additional standards for the areas of the City adjacent to Interstate 84. The Service Center Sub District provides standards for commercial and light industrial uses located west of the City. The City Center Sub District provides additional standards to create a concentrated and centralized commercial center to serve as the “heart” of the community. The City Center Sub District is created as an optional Sub District that may apply to certain geographic areas within the Commercial District. This geographic area has been designated to form the “center” of Boardman’s commercial activities. This chapter provides standards for the orderly creation and expansion of the Commercial District by adherence to the following principles:

- Effective and efficient use of land and urban services;
- Direct commercial and retail development to a concentrated and localized area;
- Provide a mix of uses which provides a destination within the community and encourages walking over driving;
- Create connection with the balance of the community by directing connected transportation routes to commercial areas of the city;
- Provide for additional service employment opportunities.

2.2.110 Permitted Land Uses

- A. **Permitted Uses.** The land uses listed in Table 2.2.110.A are permitted in the Commercial District, subject to the provisions contained within this Chapter. Only land uses specifically listed in Table 2.2.110.A and those approved as “similar” uses are permitted. Land uses identified with a “CU” in the table will require a Conditional Use Permit approval prior to development or change in use, in accordance with Chapter 4.4 of this code

- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures set in Chapter 4.8 – Interpretations.

Table 2.2.110.A Land Uses and Building Types Permitted in the Commercial District		
1. Residential* (CU) <i>Single-family</i> a. Single-family attached townhomes b. Two and Three family housing (duplex and triplex townhomes) c. Multi-family housing d. Residential care homes and facilities 2. Home occupations (CU) 3. Bed & breakfast inns (CU)	4. Public and Institutional *: a. Churches and other places of worship b. Clubs, lodges, similar uses c. Government offices and facilities (administration, public safety, utilities, and similar uses) d. Libraries, museums, community centers, concert halls and similar uses e. Public parking lots and garages f. Private utilities (office/administration) g. Public parks and recreational facilities h. Schools (public and private) (CU) i. Transportation Facilities and Improvements. 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	5. Accessory Uses and Structures* 6. Commercial: a. Auto-dependent and auto-oriented uses and facilities (Prohibited in City Center Sub District)* b. Entertainment (e.g., theaters, clubs, amusement uses) c. Hotels/motels d. Hospitals, medical and dental offices, clinics and laboratories e. Mixed use development (housing with other permitted use)* f. Office uses (i.e., those not otherwise listed) g. Family daycare (12 or fewer children) h. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses) i. Repair services (must be enclosed within building if located in City Center) j. Retail trade and services, except auto-dependent and auto-oriented uses k. Telecommunications equipment (including wireless) (CU) (Prohibited in City Center). l. Uses similar to those listed above (subject to CU requirements, if applicable) 7. Light Manufacture* (see 2.2.170 C)

Uses marked with an asterisk (*) are subject to the standards in Section 2.2.170 - Special Standards for Certain Uses. Uses marked with two asterisks (**) are subject to the standards in Section 4.4.400.D. Temporary uses are subject to the standards in Chapter 4.9. CUs are subject to Conditional Use permit standards in Chapter 4.4

2.2.120 Building Setbacks

In the Commercial District, buildings are placed to encourage pedestrian traffic. The setback standards are to encourage public spaces between sidewalks and buildings. The standards are also to encourage the formation of solid blocks of commercial and retail use to encourage a walkable commercial area.

Building setbacks are measured from the respective property line to the nearest vertical wall or foundation line, whichever is closer, of any building or structure. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed, apply to primary structures and accessory structures. The standards may be modified only by approval of a Variance, in accordance with Chapter 5.1.

A. Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required except to provide for vision clearance standards set in Chapter 3.1.
2. Maximum Setback. There is no required maximum setback except in the City Center Sub District, which has a 5-foot maximum setback. This standard is met for City Center Sub District development when 50 percent of the front building elevation is placed no more than 5 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also, Pedestrian Amenities Standards in Section 2.2.160, and Design Standards in Section 2.2.150 for related building entrance standards.)

B. Rear Yard Setbacks.

1. Minimum Setback. The minimum rear yard setback for all structures shall be zero (0) feet for street access lots, and eight (8) feet for alley-access lots (distance from nearest vertical wall or foundation line of any building to rear property line or alley easement) in order to provide space for parallel parking, unless to provide for vision clearance standards set in Chapter 3.1.
2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” will apply except to provide for vision clearance standards set in Chapter 3.1.

C. Side Yard Setbacks.

1. There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes for attached structures, fire walls and related requirements.

2.2.130 Lot Coverage

- A. Lot Coverage.** There is no maximum lot coverage requirement, except that compliance with other sections of the zoning codes may preclude full (100%) lot coverage for some land uses. Lot coverage in the Service Center and Tourist Commercial Sub District is limited to 85%.

2.2.140 Building Height

All buildings in the Commercial District shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings.

- A. Maximum Height.** Buildings shall be no more than four (4) stories or fifty (50) feet in height, whichever is greater. The maximum height may be increased by ten (10) feet when conditionally approved housing is provided above the ground floor. The building height increase for housing shall apply only to that portion of the building that contains housing. Maximum height in the Tourist Commercial and Service Center Sub Districts are limited to four (4) stories or thirty-five (35) feet in height.
- B. Method of Measurement.** Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either 2.2.140(B)(1 or 2), whichever yields a greater building height:
1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade;
 2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in subsection A is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag-poles, and similar features which are not for human occupancy. These features will be no more than 25 feet measured from the highest point of the building.

2.2.150 Design Standards

- A. Purpose and Applicability.** The Commercial District design standards are intended to provide similar and human scale design, while affording flexibility to use a variety of building styles. Conditional Use approval is required for those uses listed as a Conditional Use in Table 2.2.110.A. Residential development shall follow standards for residential development contained in Chapter 2.1. This section applies to all of the following types of buildings:
1. Commercial buildings intended for use as professional, retail or other similar uses and services;
 2. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public; and
 3. Mixed use buildings (buildings containing commercial and residential uses).
- B. Guidelines and Standards.** The purpose of these standards is to provide that all buildings are to contribute to the appeal of the Commercial District and Sub Districts.

1. Design of Buildings and Developments. The standards in the following section shall

apply to buildings and developments listed in Section 2.2.150. Buildings shall be appealing and compatible with balance of the Commercial District and Sub Districts.

- a) Buildings under 20,000 square feet (enclosed ground floor area) shall incorporate at least five(5) of the architectural features as follows:
 - i) Decorative cornice or facade (for a flat roof) or provision of eaves or other similar decorative feature for pitched roofs;
 - ii) Decorative display windows on ground floor;
 - iii) Entrance canopy, breezeway or kiosk;
 - iv) Changes in building color or texture;
 - v) Building articulation on street frontages;
 - vi) Decorative wall or security lighting;
 - vii) Regularly spaced and similarly shaped windows;
 - viii) Decorative window hoods or trim;
 - ix) Changes in building height along street frontages;
 - x) Decorative screening of roof mounted equipment;
- b) Buildings with greater than 20,000 square feet of enclosed ground floor space are considered “large scale buildings”.
 - i.) Measurement for these buildings shall be as follows:
 - a. Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
 - b. Multiple building developments with a combined ground floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public and institutional campuses, and similar developments).
 - ii.) Building and Site design for large scale buildings shall include at least two (2) of the following to provide human scale design:
 - a. Incorporating changes in building direction (i.e., articulation);
 - b. Dividing large masses into varying heights and sizes;
 - c. Include building offsets projections;
 - d. Changes in elevation or horizontal direction;
 - e. Sheltering roofs or terraces;
 - f. Providing a distinct pattern of divisions in surface materials;
 - g. Use of windows, screening trees; small scale lighting (e.g., wall mounted lighting, or up-lighting).
- c) Shipping Containers can be used in Commercial use zones as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.
 - i) As a structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.
 - ii) As a structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures.

2.2.160 Pedestrian Amenities

- A. **Purpose and Applicability.** This section is intended to provide comfortable and inviting pedestrian spaces within the Commercial District and Sub Districts. Pedestrian amenities serve as informal gathering places for socializing and resting and contribute to the enjoyment of the City's Commercial area. This section applies to all of the following types of buildings:
- 1) Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
 - 2) Three or more single family attached townhomes on their own lots (i.e., townhomes subject to Site Design Review);
 - 3) Duplex and tri-plex developments with more than one building (i.e., duplex and tri-plex developments subject to Site Design Review);
 - 4) Multi-family housing;
 - 5) Commercial and mixed-use buildings subject to Site Design review.
- B. **Guidelines and Standards.** Every commercial development listed above shall provide at least one of the following amenities listed below. Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.
1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);
 2. A sitting space, dining area, benches or ledges between the building entrance and sidewalk at a minimum of 16 inches height and 30 inches width;
 3. Building canopy, awning, pergola or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space);
 4. Public art which incorporates seating (e.g., fountain, sculpture, etc.) or wall decoration.

2.2.170 Special Standards for Certain Uses

This section supplements the uses and standards contained in Sections 2.2.100 through 2.2.160. Conditional Use approval is required for those uses listed as Conditional Use in Table 2.2.110.A. It is to provide standards for the following land uses in order to control the scale and compatibility of those uses within the Commercial District:

- Bed and Breakfast Inns
- Accessory Uses and Structures
- Light Manufacturing Uses
- Auto Orientated Uses and Development

2.2.170 Special Standards for Certain Uses (continued)**1. Bed and Breakfast Inns**

1. Purpose. The purpose of this section is to provide standards for the development of a bed and breakfast inn.
 2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.
 3. Maximum size. The bed and breakfast structure is limited to a maximum of 3 bedrooms for guests and a maximum of 6 guests per night.
 4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility.
 5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.
 6. Owner-occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
 7. Monitoring. All bed and breakfast inns must maintain a guest logbook. It must include the names and home addresses of guests, guests' license plate numbers if travelling by motor vehicle, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.
- A. **Accessory Uses and Structures.** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Boardman Commercial District include small workshops, greenhouses, studios, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Boardman Commercial District, as identified in Table 2.2.110.A. Accessory structures shall comply with the following standards:
1. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 2.2.110.A.
 2. Setback standards. Accessory structures shall comply with the setback standards in Section 2.2.120.
 3. Design guidelines. Accessory structures shall comply with the Boardman Commercial District design guidelines, as provided in Section 2.2.150, and shall contribute to the visual relatedness of the district.
 4. Restrictions. A structure shall not be placed over or under an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

2.2.170 Special Standards for Certain Uses (continued)

5. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
- B. **Light Manufacture.** Light manufacturing uses shall conform to the standards listed in 2.2.170(D), which are intended to protect the pedestrian-friendly character of the Commercial District. “Light manufacture” means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods.
1. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use and does not exceed 60% of the gross floor area.
 2. Location. The light manufacture use shall be enclosed within a building, or shall be located within a rear yard not adjacent to a street and screened from public view.
 3. Other Requirements. Any allowed light manufacture shall be conducted to minimize impacts to surrounding business and services. These shall include the conditions set as follows:
 - a. Deliveries shall not interfere with normal transportation circulation (vehicular, pedestrian, etc.);
 - b. Operations shall not produce solid waste volumes in excess of 200% of the average of surrounding business’ and services;
 - c. Operations shall not qualify as a hazardous waste generator or small quantity generator as defined by state and federal environmental regulations;
 - d. Operations shall not create conditions which would qualify as a nuisance or otherwise not be in compliance under other Boardman Municipal Codes; and
 - e. Shall be compatible with other Commercial area activities and operations.
- C. **Automobile Dependent and Auto-Oriented Uses and Facilities.**
1. “Automobile-dependent use” means that the use serves automobiles and/or other motor vehicles and the use cannot function without them. These uses are prohibited in the City Center Sub District, permitted as a conditional use in the Commercial District and allowed outright in the Service Center and Tourist Commercial Sub Districts because when unrestricted, they detract from the pedestrian-friendly character of the District and can consume large amounts of land compared to other permitted uses.
 2. “Automobile-Orientated Uses” means that automobiles and/or other motor vehicles are an integral part of the use.
 3. Standards: Automobile-dependent and Automobile-oriented uses shall comply with the following standards:

2.2.170 Special Standards for Certain Uses *(continued)*

- a. Parking, Garages, and Driveways. All off-street parking, including surface lots and garages, shall be accessed from alleys or common driveways, placed underground, placed in structures above the ground floor, or in parking areas located behind or to the side of a building. All underground or structured parking garage entrances facing a street shall be recessed behind the front elevation by a minimum of six (6) feet and have minimum queuing areas of thirty (30) feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from a main street) when vehicle access can not be provided from an alley or a common driveway.
- b. Drive-up, drive-in, and drive-through facilities. Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, and similar uses) are permitted only when accessory to a primary commercial “walk-in” use, and shall conform to all of the standards listed below:
 - i The facility receives access from an alley or common driveway, and not a street;
 - ii None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, teller machines, service windows, drop boxes and similar facilities) are located within twenty (20) feet of a street and shall not be oriented to a street corner;
 - iii The facility is subordinate to a primary permitted use. “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building.

D. Variances.

The standards of this section may be modified by a Class B or C variance, as detailed in Chapter 5.

2.2.180 Tourist Commercial Sub District

- A. **Purpose.** The purpose of the Tourist Commercial Sub District is to accommodate development of commercial facilities catering to the traveling public at the I-84 interchange. Retail services shall be limited to that necessary to serve travelers, in order to avoid competition with the Commercial District; Service Center Sub District and City Center Sub District businesses. The base standards of the Commercial District apply, except as modified by the standards of this Sub District.

2.2.180 Tourist Commercial Sub District (continued)

Table 2.2.180 A Land Uses and Building Types Permitted in the Tourist Commercial Sub District		
1. Residential* (CU): <i>Single-family</i> a. Single-family attached townhomes b. Two and Three family housing (duplex and triplex townhomes) c. Multi-family housing d. Residential care homes and facilities 2. Home occupations (CU) 3. Bed & breakfast inns (CU)	4. Public and Institutional *: a. Churches and other places of worship b. Clubs, lodges, similar uses c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses) d. Libraries, museums, community centers, concert halls and similar uses e. Public parking lots and garages f. Private utilities (office/administration) g. Public parks and recreational facilities h. Schools (public and private) (CU) i. Transportation Facilities and Improvements. 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	5. Commercial: a. Auto-oriented and auto dependent uses and facilities, including truck stops* b. Vehicle sales and repair services, including automotive, truck, RV and boat; c. Veterinarian clinics, animal clinics, laboratory; d. Office uses e. Mixed-Use Development (housing and other permitted development) f. Motels Restaurants/Food service g. Medical Marijuana dispensary under Oregon Health Authority license *** (CU) h. Uses similar to those listed above 6. Industrial: a. Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail b. Machinery or heavy equipment sales and service

Uses marked with an asterisk (*) are subject to the standards in Section 2.2.180 - Special Standards for Certain Uses. Temporary uses are subject to the standards in Chapter 4.9. ** Uses marked with two asterisks are subject to the standards in Section 4.4.400.D. *** Uses subject to Section 4.4.400.E.

B. Special Standards [This section reserved for future use.]

2.2.190 City Center Sub District**A. Purpose and Applicability.**

The City Center Sub District provides design standards for detailed, human-scaled design, while affording flexibility to use a variety of architectural styles. The City Center Sub District may be applied by a property owner and the City to a site, which meets the following locational criteria:

- The site shall be located within the Commercial District;
- The site shall be located within a radius of ¼-mile of (but not necessarily adjacent to) Main Street;
- The site shall be adjacent to Kinkade Road, Dillabaugh Boulevard or City Center Drive.

In order for this Sub District to apply, the property owner and the City shall describe how the site meets the above locational criteria. The application for the Sub District to apply is a Type III, quasi-judicial land use application described in Chapter 4. If the Sub District were applied, the following development would adhere to the Sub District standards:

1. Public and institutional buildings, except that the standards shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
2. Commercial and mixed-use buildings subject to Site Design review.

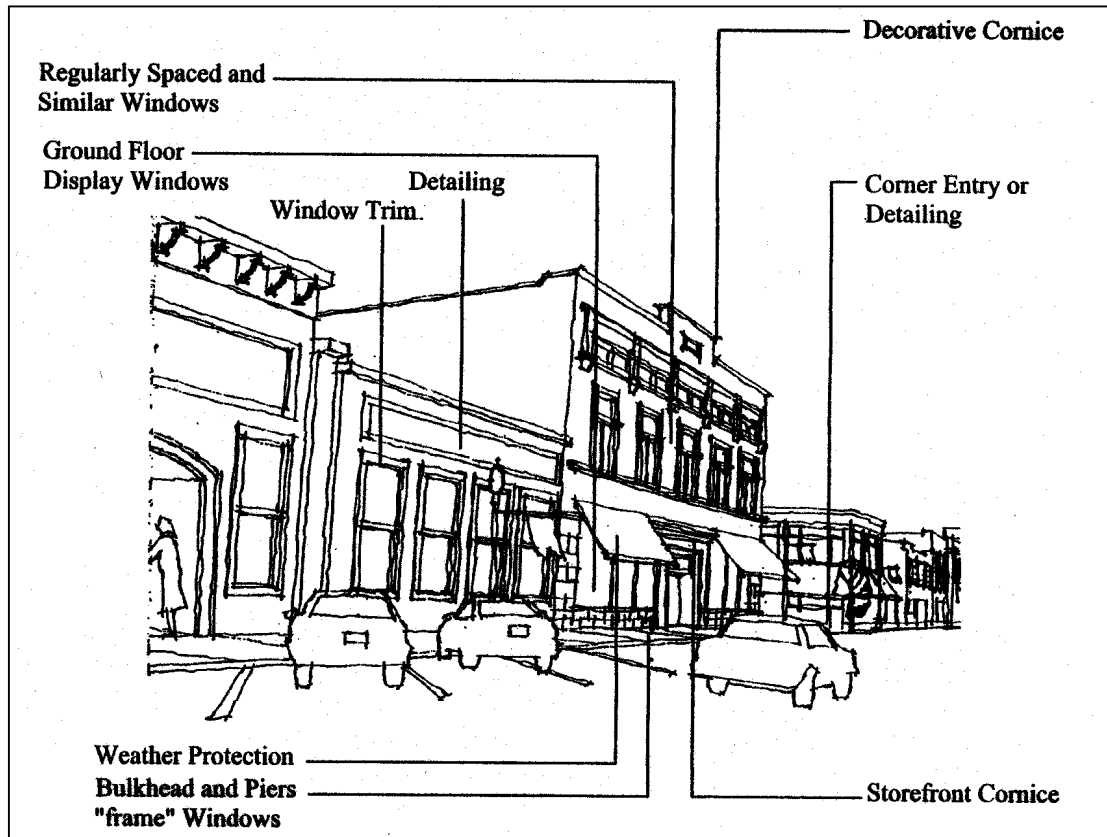
B. Design Standards.

All of the following standards in the following section shall be met.

C. Detailed Storefront Design.

All buildings shall contribute to the storefront character and visual relatedness of downtown buildings. This criterion is met by providing all of the following design features listed in 1-4, below, along front building elevations (i.e., facing a street).

1. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
2. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
3. Large display windows on the ground floor (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground floor from second story, as shown above).
4. Decorative cornice at top of building (flat roof) or eaves provided with pitched roof.

2.2.190 City Center Sub District. (continued)
Figure 2.2.190C – City Center Building Design Elements (Typical)


Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required design style.

2.2.190 City Center Sub District *(continued)*

E. Building Orientation. This section is intended to promote the walkable, storefront character of the City Center by placing buildings close to the street. Placing buildings close to the street slows traffic down and provides more “eyes on the street”, increasing the safety of public spaces. The standards, as listed on the following page and illustrated above, complement the maximum front yard setback standards in Section 2.2.120.

1. **Applicability.** This Section applies to new land divisions and all of the following types of development within the City Center Sub District:
 - a. Commercial and mixed-use buildings subject to site design review. (Chapter 4.2).
 - b. Public and institutional buildings subject to site design review. (Chapter 4.2) except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses).
 - c. Residential buildings subject to Site Design review shall comply with the Residential District design guidelines, as listed in Section 2.1.180, in addition to this section. Where conflicts occur, the more restrictive standard shall apply.

Compliance with all of the provisions of Sections 2.2.190.E.2-4, below, shall be required.

2. **Building Orientation Standard.** All of the developments listed in Section 2.2.190.E shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:
 - a. The minimum and maximum setback standards in Section 2.2.120 are met.
 - b. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
 - c. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street that is used to comply with subsection ‘2’, above. On corner lots, buildings and their entrances shall be oriented to the street corner, as shown above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.
3. **Active Ground Floor Standard.** The streetside portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward the passerby. Display windows for viewing the activity inside the building shall be provided.
4. **Continuous Building Frontage.** Buildings should be built to the property lines on either side so as to create a continuous line of storefronts. Access may be provided to the rear parking areas of the shops, offices etc. by an internal walkway.

2.2.190 City Center Sub District. (continued)

- E. **Residential Uses.** Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the following standards which are intended to require mixed-use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with the balance of the City Center Sub District; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses that existed prior to the effective date of this code are exempt from this section.
1. **Mixed-Use Development.** Residential uses may be permitted when part of a mixed-use development (residential with commercial or public/institutional use). Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed, subject to the standards in 2.2.190(A)(2-6).
 2. **Limitation on street-level housing.** Ground floor street frontage will be limited to upper floor residential access only. This standard is intended to reserve commercial space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories.
 3. **Density.** There is no minimum or maximum residential density standard. Density shall be controlled by building design, fire/life/safety design, the applicable lot coverage, floor area, building height standards and off-street parking requirements.
 4. **Parking, Garages, and Driveways.** All off-street vehicle parking, including surface lots and garages, shall be oriented for reasonable access. Parking may be placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of six (6) feet and have minimum queuing areas of thirty (30) feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from a main street).
 5. **Creation of Alleys.** When a subdivision (e.g., four or more townhome lots) is proposed, a public or private alley may be created for the purpose of vehicle access. Alleys are not required when existing development patterns make construction of an alley impractical. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with Chapter 3.1 – Access and Circulation.
 6. **Common Areas.** All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

2.2.190 City Center Sub District. (continued)

- F. **Sidewalk Displays.** Sidewalk display of merchandise and vendors shall be limited to stationary, crafts, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to the public. A minimum clearance of five (5) feet shall be maintained. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, or similar items are prohibited.

2.2.200 Service Center Sub District

- A. **Purpose.** The Service Center Sub District is designed to accommodate heavy commercial uses and light industrial uses along portions of the I-84 corridor. The base standards of the Commercial District apply, except as modified by the standards of this Sub District.
- B. **Uses Permitted.** The land uses listed in Table 2.2.200B are permitted in the Service Center Sub District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.2.200B and land uses that are approved as “similar” to those in Table 2.2.200B, may be permitted. The land uses identified with a “CU” in Table 2.2.200B require Conditional use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

2.2.200 Service Center Sub District (continued)

Table 2.2.200B Land Uses and Building Types Permitted in the Service Center Sub District		
1. Residential: a. One caretaker unit shall be permitted for each development, subject to the standard in Section 2.2.200D. b. RV Parks (CU) 2. Public and Institutional: a. Government facilities (e.g. public safety, utilities, school district bus facilities, public works yards, transit and transportation and similar facilities) where the public is generally not received. b. Private utilities (e.g. natural gas, electricity, telephone, cable and similar facilities) c. Water supply and treatment facility (CU) d. Sewage disposal and treatment facility (CU)	e. Transportation Facilities and Improvements. 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 3. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	4. Commercial: a. Retail store, office or service establishment b. Commercial / industrial full service trucking and automotive facilities, to include automobile service stations and vehicle refueling. c. Commercial residential use, to include tourist or travelers' accommodations. d. Commercial amusement or recreation establishment. Medical Marijuana dispensary, Medical Marijuana Grow Facility (not on same parcel) *** (CU) 5. Industrial: a. Manufacturing or warehousing. 5. Agricultural: a. Farming excluding commercial livestock feedlot, livestock sales yard hog farms and mink farms. b. Agriculturally-oriented commercial use.(CU) c. Medical Marijuana Grow Facility *** (CU) 6. Services: a. Kennel or animal hospital. 5. Wireless Communication Equipment - subject to the standards in Chapter 3.6.200.

Uses marked with an asterisk (*) are subject to the standards in Section 2.2.180 - Special Standards for Certain Uses. Temporary uses are subject to the standards in Chapter 4.9. ** Uses marked with two asterisks are subject to the standards in Section 4.4.400.D. *** Uses subject to Section 4.4.400.E.

2.2.200 Service Center Sub District *(continued)***B. Other Yard Requirements.**

1. Buffering. The City may require landscaping, walls or other buffering in setback yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.
2. Neighborhood Access. Construction of pathway(s) within setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

C. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 – Interpretations.

2.2.200 Service Center Sub District *(continued)*

- C. **Residential Caretakers.** One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:
1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with City engineering requirements.
 2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.
- D. **Wireless communication equipment.** Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter 3.6.200. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Commercial District.

2.2.210 - BPA Transmission Easement Sub District

- A. **Purpose:** The purpose of this sub district is to identify the limitations, opportunities and process to be followed on properties, within the Commercial District, directly affected by the Three Hundred Ninety foot (390') wide Bonneville Power Administration (BPA) Transmission Line Easement. The language contained within this section is to identify flexibility in possible uses of the land under the BPA transmission lines, within the land use agreements stipulated by the BPA for the easement. All uses within the easement shall be approved by agreement with BPA prior to approval for development by the City.
- B. **Building Restrictions:** No permanent structures will be allowed within the easement area. However, buildings may go on the portions of the property outside of the easement as part of the overall development which may include land within the easement.
- C. **Height Restrictions:** No foliage or other item will be allowed to exceed twelve feet (12') in height.
- D. **Utility and Transportation Infrastructure:** Utility and transportation infrastructure shall be allowed within guidelines approved by the BPA in writing. This includes, streets, electrical, water, sewer, telephone, gas, TV, and other essential services infrastructure to provide for any allowed commercial activities.
- E. **Transmission Line Tower Setbacks:** The minimum setback from any transmission line tower shall be fifty feet (50') for all activities. Towers shall be protected from any traffic or other possible disturbance to the structural integrity of the towers.

2.2.210 - BPA Transmission Easement Sub District (continued)

F. Allowable Uses: The uses identified in 2.2.210 (F) (1-13) shall be considered for approval under a Conditional Use Permit process, as identified in Boardman Development Code Chapter 4.4. All submission requirements of Chapter 4.4 will be reviewed and will be forwarded, by the applicant, to the BPA for an approved and signed Land Use Agreement prior to any Conditional Use Hearing by the Planning Commission.

1. Single family townhomes
2. Residential duplexes or triplexes
3. Multi-family apartments
4. Residential Caretaker Unit
5. Parking lot
6. Vehicle storage
7. Vehicle sales lot
8. Vineyard operation, with retail/wholesale component*
9. Garden center/Nursery, with retail/wholesale component*
10. Mobile vendor station lease space
11. Retail sales operations with an outdoor component which are compatible with surrounding neighborhood.
12. Utility infrastructure including water lines, sewer lines, stormwater management, electrical service lines, gas lines, television cable, telephone lines, communications lines, transportation routes, and other necessary infrastructure to service the sub district.
13. Other uses considered compatible by the Boardman Planning Commission through Conditional Use Permitting process.

* = Structures necessary for retail/wholesale offices, storage, etc. must be located outside of BPA easement.

G. Safety Precautions:

1. Vehicular activities where vehicles are stored or parked for periods over two (2) hours shall have grounding mechanisms to prevent static electricity build up to prevent shock hazards.
2. Utility facilities shall be protected from shock hazards associated with static electricity discharge.
3. No combustible materials shall be stored within the easement unless approved in the Land Use Agreement from BPA.

H. Driveways and Parking Areas: Driveways and parking areas may be compacted and maintained gravel if approved by the BPA and Boardman Planning Commission to meet safety requirements in the BPA Land Use Agreement. Driveway approaches and all areas abutting a public street shall be hard surface to prevent gravel encroachment onto the street.

I. Residential Caretakers: One residential caretaker unit may be permitted for each primary commercial use, subject to the following conditions.

1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with City engineering requirements.

2.2.210 - BPA Transmission Easement Sub District (continued)

2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter (chapter 2.2) and sub district.
3. Other conditions identified by the Bonneville Power Administration or the Boardman Planning Commission:

J. Yard Requirements:

1. Buffering; The City may require landscaping, walls, or other buffering in setbacks areas to mitigate adverse noise, light, glare and aesthetic impacts to adjacent properties.
2. Neighborhood Access; Construction of pathway(s) within setbacks may be required to provide pedestrian connection to neighborhoods or other districts, in accordance with Chapter 3.1 of this Code and requirements of the Bonneville Power Administration.
3. Building and Fire Codes; All developments shall meet applicable fire, building and Bonneville Power Administration code standards, which may require setback different from those listed above.

Chapter 2.3 - General Industrial (GI) District

Sections:

- 2.3.100 - Purpose
- 2.3.110 - Permitted Land Uses
- 2.3.120 - Development Setbacks
- 2.3.130 - Lot Coverage
- 2.3.140 - Development Orientation
- 2.3.150 - Building Height
- 2.3.160 - Special Standards for Certain Uses
- 2.3.170 - Port Industrial Sub District

2.3.100 Purpose

The General Industrial District accommodates a range of light and heavy industrial land uses. It is intended to segregate incompatible developments from other districts, while providing a high-quality environment for businesses and employees. This chapter guides the orderly development of industrial areas based on the following principles:

- Provide for efficient use of land and public services;
- Provide transportation options for employees and customers;
- Locate business services close to major employment centers;
- Ensure compatibility between industrial uses and nearby commercial and residential areas;
- Provide appropriate design standards to accommodate a range of industrial users, in conformance with the Comprehensive Plan.

2.3.110 Permitted Land Uses

- A. Permitted Uses.** The land uses listed in Table 2.3.110.A are permitted in the General Industrial District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.3.110.A, and land uses that are approved as “similar” to those in Table 2.3.110, may be permitted. The land uses identified with a “CU” in Table 2.3.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

2.3.110 Permitted Land Uses (continued)

Table 2.3.110.A Land Uses and Building Types Permitted in the General Industrial District	
1. Industrial: a. Heavy manufacturing, assembly, and processing of raw materials; b. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods); c. Warehousing and distribution; d. Junk yard, motor vehicle wrecking yards, and similar uses; e. Uses similar to those listed above 2. Public and institutional uses a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities) where the public is generally not received; b. Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities); c. Passive open space (e.g., natural areas); d. Transportation facilities and improvements: 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	e. Special district facilities (e.g., irrigation district, and similar facilities); f. Vocational schools co-located with parent industry or sponsoring organization; g. Uses similar to those listed above. 3. Residential: a. One caretaker unit shall be permitted for each development, subject to the standards in Section 2.3.160. Other residential uses are not permitted, except that residences existing prior to the effective date of this Code may continue. 4. Commercial: a. Offices and other commercial uses that are integral to a primary industrial use (e.g., administrative offices, and wholesale of goods produced on location and similar uses); b. Small-scale retail and service commercial uses up to 10 percent of building in total floor area, for general use of industrial use employees and customers (e.g., restaurants, hair salons, banks, dry cleaners, book stores, coffee retailers). 5. Wireless Communication Equipment - subject to the standards in Chapter 3.6.200. 6. Accessory uses and Structures

Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. Uses marked with an asterisk (*) are subject to the standards in Section 2.3.160 Special Use standards, "Special Standards for Certain uses)" ** Uses marked with two asterisks are subject to the standards in Section 4.4.400 D.

2.3.110.B Land Uses Prohibited in General Industrial District

Only uses specifically listed in Table 2.3.110.A, and uses similar to those in Table 2.3.110.A, are permitted in this district. The following uses are expressly prohibited: new housing, churches and similar facilities, and schools.

2.3.120 Development Setbacks

Development setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sun light and air circulation, noise buffering, and visual separation.

- A. Front Yard Setbacks.** The minimum front yard setback shall be 20 feet. The setback standard shall increase by one foot for every one foot of building height in excess of 30 feet.
- B. Rear Yard Setbacks.** There is no required rear yard setback, except that industrial development (i.e., buildings, parking, outdoor storage and industrial activities) shall be set back from Residential districts by a minimum of 40 feet, and from other non-General Industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 30 feet for all other non General Industrial districts.
- C. Side Yard Setbacks.** There are no required side-yard setbacks, except that industrial development (i.e., buildings, parking, outdoor storage and industrial activities) shall be set back from Residential districts by a minimum of 40 feet, and from other non-General Industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 30 feet for all other non General Industrial districts.
- D. Other Yard Requirements.**
 - 1. **Buffering.** The City may require landscaping, walls or other buffering in setback yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.
 - 2. **Neighborhood Access.** Construction of pathway(s) within setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
 - 3. **Building and Fire Codes.** All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).
 - 4. **Noise.** Uses that are likely to create significant adverse noise impacts and create noise which meets or exceeds 55dBA (in a 24-hour average) shall be prohibited.

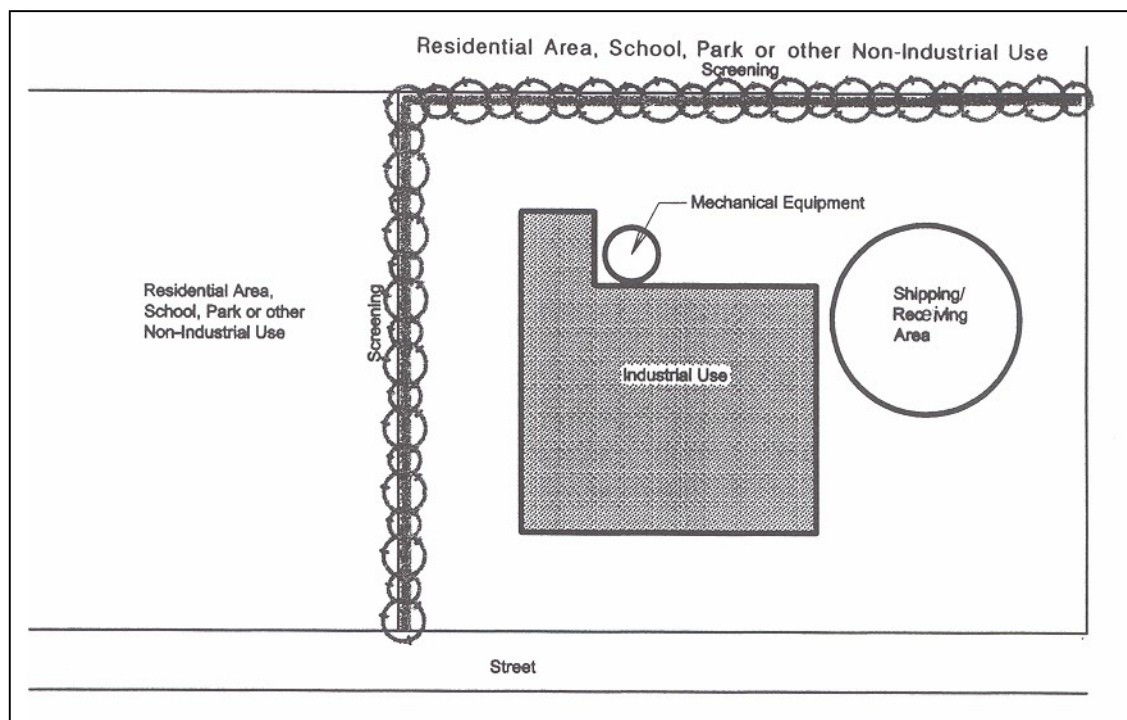
2.3.130 Lot Coverage

The maximum allowable lot coverage in the General Industrial District is 75 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

2.3.140 Development Orientation

Industrial developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and protect the privacy of adjacent (non-industrial) uses to the extent possible. The following standards shall apply to all development in the General Industrial District:

Figure 3.A - Industrial Development Orientation



- A. Mechanical equipment, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; perimeter lighting shall be pointed inward to meet this standard and;
- B. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof) to mitigate adverse impacts that cannot be avoided through building orientation standards alone.

2.3.150 Building Height

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

- A. **Base Requirement.** Buildings shall be no more than 3 stories or 35 feet in height, whichever is greater, and shall comply with the building setback/height standards in Section 2.3.120.
- B. **Performance Option.** The allowable building height may be increased to 45 feet, when approved as part of a Conditional Use Permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between industrial development and adjacent non-industrial development. Smoke stacks, cranes, roof equipment, grain elevators, storage silos and other similar features which are necessary to the industrial operation may not exceed 55 feet in height without approval of a Conditional Use Permit.
- C. **Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (see Figure 2.1.160 for examples of measurement). The reference datum shall be selected from either of the following; whichever yields a greater height of building:
1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
 2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘a’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: bell towers, steeples, flag poles, antennas and similar features which are not for human occupancy.

2.3.160 Special Standards for Certain Uses

- A. **Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts.** The following uses shall require Conditional Use Permit approval, in addition to Development Review or Site Design Review:
1. **Uses With Significant Noise, Light/Glare, Dust and Vibration Impacts.** Uses that are likely to create significant adverse impacts beyond the Industrial District boundaries, such as noise, light/glare, dust, or vibration, shall require conditional use approval, in conformance with Chapter 4.4. The following criteria shall be used in determining the adverse impacts of a use are likely to be “significant”:
 - a. *Noise.* The noise level beyond the property line exceeds 55 dBA (24-hour average) on a regular basis. Enforcement of this standard is governed under police enforcement.
 - b. *Light/glare.* Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e., levels typical of the surrounding area).

2.3.160 Special Standards for Certain Uses (continued)

- c. *Dust and/or Exhaust.* Dust and/or exhaust emissions from the development exceed ambient dust or exhaust levels, or levels that existed prior to development.
 - d. *Vibration.* Vibration (e.g., from mechanical equipment) is sustained and exceeds ambient vibration levels (i.e., from adjacent roadways and existing land uses in the surrounding area).
 2. **Traffic.** Uses which are likely to generate unusually high levels of vehicle traffic due to shipping and receiving. “Unusually high levels of traffic” means that the average number of daily trips on any existing street would increase by 20 percent or more as a result of the development and 100 vehicles per day. The City may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by ODOT for developments that increase traffic on state highways.
 3. **Resource extraction,** such as the operation of mineral and aggregate quarries and similar uses, shall require a Conditional Use Permit. The applicant shall also be required to prepare a site reclamation plan for review and approval by the City and other affected agencies, prior to commencing resource extraction. The required scope of the reclamation plan shall be identified by the Conditional Use Permit, and shall comply with applicable requirements of State natural resource regulatory agencies.
- B. Residential Caretakers.** One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:
 1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with City engineering requirements.
 2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.
- C. Wireless communication equipment.** Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter 3.6.200. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Industrial District.
- D. Shipping Containers.** Shipping containers can be used in the General Industrial use zone as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.
 1. As a structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.
 2. As a primary or accessory structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures.

2.3.170 Port Industrial Sub District (PI)

A. Purpose. The Port Industrial Sub District is intended to regulate development at portions of the Port of Morrow Industrial Park and other appropriate locations. The Sub District is intended to provide for port-related industrial uses and aerospace-related industrial uses which are not devoted to research and development. The Sub District is intended to provide an industrial sanctuary, limiting commercial uses to those appropriate and necessary to serve the needs of the workers employed within the Sub District.

B. Applicability. In the PI Sub District the following regulations shall apply.

Table 2.3.110.A Land Uses and Building Types Permitted in the Port Industrial Sub District	
1. Industrial: a. Water-dependent industrial uses which are Port-related; b. Aerospace-related industrial uses c. Chemical and primary metal industrial uses which are Port-related; d. Port-related industrial uses which are land intensive; e. Lumber and wood products manufacturing and other related industrial uses, which are Port-related; f. Effluent disposal of industrial wastes, agricultural activities in conjunction therewith; g. Manufacturing, refining, processing or assembling of any agricultural, mining or industrial product; h. Storage, warehousing, distributing, assembly, selling packaging or servicing any products of agriculture, mining or industry, excluding commercial uses in conjunction thereof; i. Power generating and utility facilities; j. Oil module production and shipping and related industrial uses which are Port-related; k. Ship building and repair; l. Any other industrial use authorized by ORS 777.250 2. Public and institutional uses: Transportation facilities and improvements: a. Normal operation, maintenance; b. Installation of improvements within the existing right-of-way; c. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; d. Landscaping as part of a transportation facility; e. Emergency Measures; f. Street or road construction as part of an approved subdivision or partition; g. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	3. Residential: (CU) a. One caretaker unit shall be permitted for each development, subject to the standards in Section 2.3.160. Other residential uses are not permitted, except that residences existing prior to the effective date of this Code may continue. 4. Commercial: (CU) a. Offices and other commercial uses that are integral to a primary industrial use (e.g., administrative offices, and wholesale of goods produced on location and similar uses); b. Small-scale retail and service commercial uses up to 10,000 square feet of total floor area per site, for general use of industrial use employees and customers (e.g., restaurants, hair salons, banks, dry cleaners, book stores, coffee retailers). 5. Wireless Communication Equipment - subject to the standards in Chapter 3.6.200. 6. Accessory uses and Structures

Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. Uses marked with an asterisk (*) are subject to the standards in Section 2.3.160 Special Use standards, "Special Standards for Certain uses"
 ** Uses marked with two asterisks are subject to the standards in Section 4.4.400 D. "Port-related" uses identifies the Port of Morrow.

2.3.170 Port Industrial Sub District (PI) (continued)**D. Limitations on Uses.**

1. Material shall be stored and grounds shall be maintained in a manner which will not create a health hazard.
2. All related provisions of the Oregon Revised Statutes shall be complied with, particularly those dealing with hazardous substances and radioactive materials.

E. Dimension Requirements.

The following dimensional requirements apply to all buildings and structures constructed, placed or otherwise established in the PI Sub District.

1. Minimum front yard setback: Thirty (30) feet. No structure shall be erected closer than ninety (90) feet from the centerline of any public, county or state road. Structures on corner or through lots shall observe the minimum front yard setback on both streets.
2. Minimum side and rear yard setback: Ten (10) feet.
3. Maximum lot coverage: Lot coverage may be up to 100% in this Sub District. This standard may be limited by dimensional, landscaping and other land use standards within the Code.
4. Maximum building height: No limitation.

F. Interpretation.

1. In the event that it is unclear to City staff whether a proposed use is a permitted use within the PI Sub District, Chapter 4.8, Interpretations, shall be followed.

G. Additional Requirements.

1. The Port shall establish a master plan for the area that assures compatibility of Port uses with adjacent land uses. The master plan should include provisions for buffering, traffic circulation, lighting, and landscaping, as necessary, to ensure compatibility.
2. The plan shall be subject to review and approval by the City of Boardman Planning Commission

Chapter 2.4 - Light Industrial (LI) District

Sections:

- 2.4.100 - Purpose
- 2.4.110 - Permitted Land Uses
- 2.4.120 - Development Setbacks
- 2.4.130 - Lot Coverage
- 2.4.140 - Building Height
- 2.4.150 - Building Orientation
- 2.4.160 - Design Guidelines and Standards
- 2.4.170 - Special Standards for Certain Uses

2.4.100 Purpose

The Light Industrial District accommodates a range of light manufacturing, industrial-office uses, automobile-oriented commercial uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in downtown or main street areas. The district's standards are based on the following principles:

- Ensure efficient use of land and public services.
- Provide a balance between jobs and housing, and encourage mixed-use development.
- Provide transportation options for employees and customers.
- Provide business services close to major employment centers.
- Ensure compatibility between industrial uses and nearby residential areas.
- Provide appropriately zoned land with a range of parcel sizes for industry.
- Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.

2.4.110 Permitted Land Uses

A. Permitted Uses. The land uses listed in Table 2.4.110.A are permitted in the Light Industrial District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.4.110.A, and land uses which are approved as "similar" to those in Table 2.4.110, may be permitted. The land uses identified with a "CU" in Table 2.4.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

2.4.110 Permitted Land Uses (continued)

Table 2.4.110.A
Land Use Types Permitted in the Light Industrial District

1. Industrial *:

- a. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
- b. Research facilities
- c. Warehousing and distribution
- d. Mini-warehouse and storage
- e. Similar uses

2. Commercial :

- a. Automobile-oriented uses (vehicle repair, sales, rental, storage, service; and drive-up, drive-in, and drive-through facilities)
- b. Hotels and motels
- c. Medical and dental clinics and laboratories
- d. Outdoor commercial uses (e.g., outdoor storage and sales)
- e. Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)
- f. Repair services
- g. Retail trade and services, not exceeding 60,000 square feet of floor area per building
- h. Wholesale trade and services, not exceeding 60,000 square feet of floor area per building
- i. Uses similar to those listed above

3. Civic and Semi-Public Uses :

- a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)
- b. Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)
- c. Special district facilities (e.g., irrigation district and similar facilities)
- d. Transportation facilities and improvements:
 - 1. Normal operation, maintenance;
 - 2. Installation of improvements within the existing right-of-way;
 - 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
 - 4. Landscaping as part of a transportation facility;
 - 5. Emergency Measures;
 - 6. Street or road construction as part of an approved subdivision or partition;
 - 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and
 - 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)
- e. Uses similar to those listed above.

4. Accessory Uses and Structures**5. Wireless communication equipment (CU)**

Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. Uses marked with an asterisk (*) are subject to the standards in Section 2.4.170 Special Use standards, "Special Standards for Certain uses)"

** Uses marked with two asterisks are subject to the standards in Section 4.4.400 D.

2.4.110.B Land Uses Prohibited in Light Industrial District

Only uses specifically listed in Table 2.4.110.A, and uses similar to those in Table 2.4.110.A, are permitted in this district. The following uses are expressly prohibited: new housing, churches and similar facilities, and non-vocational schools.

2.4.120 Development Setbacks

Development setbacks provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Development setbacks are measured from the building foundation to the respective property line.

- A. Front Yard Setbacks.** The minimum front yard setback shall be 15 feet, except that additional setback yards may be required to provide for planned widening of an adjacent street.
- B. Rear Yard Setbacks.** There is no required rear yard setback, except that buildings shall be set back from the Residential District by a minimum of 20 feet.
- C. Side Yard Setbacks.** There are no required side-yard setbacks, except that buildings shall be set back from the Residential District by a minimum of 15 feet.
- D. Other Yard Requirements.**
 - 1. **Buffering.** A 20-foot minimum buffer zone shall be required between development and any adjacent Residential District. The buffer zone shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering other situations, as well.
 - 2. **Neighborhood Access.** Construction of pathway(s) and fence breaks in yard setbacks may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
 - 3. **Building and Fire Codes.** All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

2.4.130 Lot Coverage

The maximum allowable lot coverage in the Light Industrial District is 80 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

2.4.140 Building Height

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

- A. **Base Requirement.** Buildings shall be no more than 3 stories or 35 feet in height, whichever is greater.
- B. **Performance Option.** The allowable building height may be increased to 45 feet, when approved as part of a Conditional Use Permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the development and adjacent non-industrial development. Roof equipment and other similar features, which are necessary to the industrial operation, shall be screened, and may not exceed 55 feet in height without approval of a Conditional Use Permit.
- C. **Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. (See Figure 2.1.160 for examples of measurement.) The reference datum shall be selected from either of the following, whichever yields a greater height of building:
 - 1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
 - 2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘a’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

2.4.150 Building Orientation

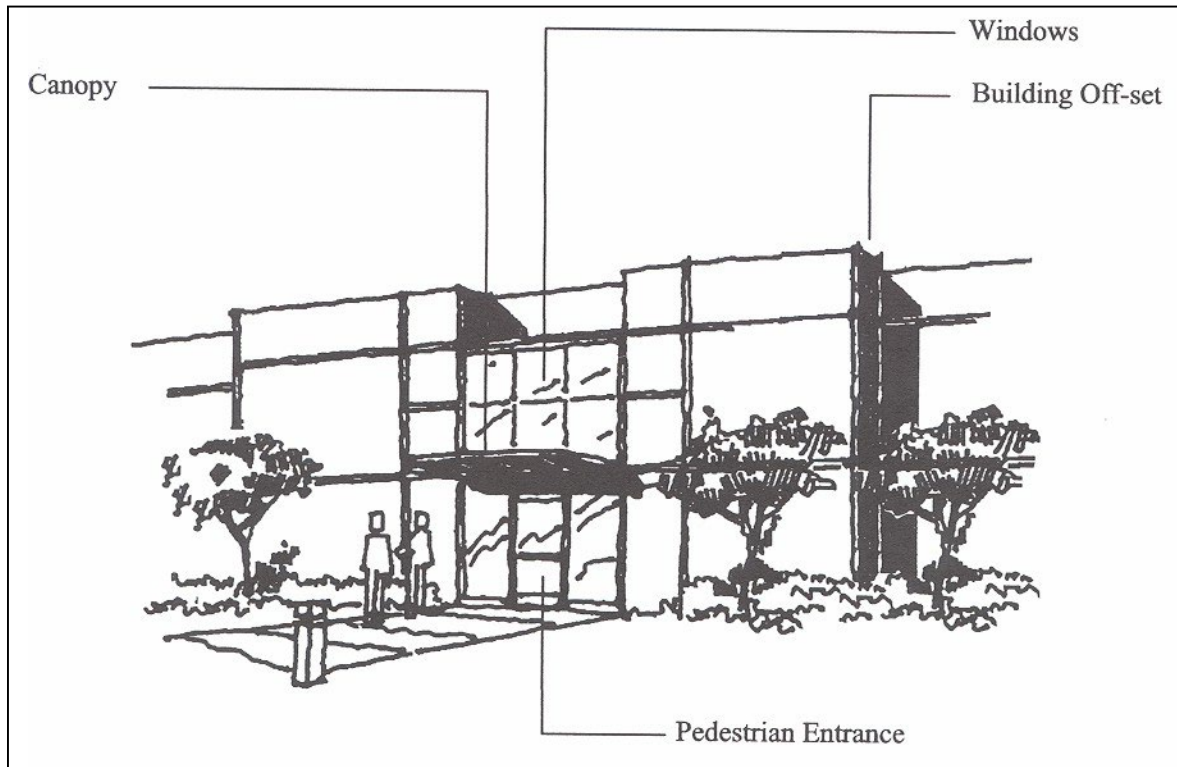
All of the following standards shall apply to new development within the Light Industrial District in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, and bicycling.

- A. Building Entrances.** All buildings shall have a primary entrance oriented to a street. “Oriented to a street” means that the building entrance faces the street, or is connected to the street by a direct and convenient pathway. Streets used to comply with this standard may be public streets, or private streets that contain sidewalks and street trees, in accordance with the design standards in Chapter 3.
- B. Corner Lots.** Buildings on corner lots shall have their primary entrance oriented to the street corner, or within 20 feet of the street corner (i.e., as measured from the lot corner). In this case, the street corner shall provide an extra-wide sidewalk or plaza area with landscaping, seating or other pedestrian amenities. The building corner shall provide architectural detailing or beveling to add visual interest to the corner.
- C. Pathway Connections.** Pathways shall be placed through yard setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. Pathways shall conform to the standards in Chapter 3.
- D. Arterial Streets.** When the only street abutting a development is an arterial street, the building’s entrance(s) may be oriented to an internal drive. The internal drive shall provide a raised pathway connecting the building entrances to the street right-of-way. The pathway shall conform to the standards in Chapter 3.
- E. Buffers.** The City may require a 20-foot landscape buffer between development in the Light Industrial District and adjacent Residential District(s) to reduce light, glare, noise, and aesthetic impacts.

2.4.160 Design Guidelines and Standards

All developments in the Light Industrial District shall be evaluated during Site Design Review for conformance with the criteria in A-B. *Note: the example shown below is meant to illustrate typical building design elements, and should not be interpreted as a required design or style.*

Figure 4.A – Design Features (Typical)



- 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.

2.4.170 Special Standards for Certain Uses**A. High Traffic-Generating Uses.**

Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Section 4.4. “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 20 percent or greater and 100 vehicles per day as a result of the development. The City may require a traffic impact analysis (Chapter 4.10) prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by the Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter 3.4.1.

B. Wireless Communication Equipment.

Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Chapter 3.6.2. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Light Industrial District.

C. Shipping Containers. Shipping containers can be used in the Light Industrial use zone as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.

1. As a structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.
2. As a primary or accessory structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures.

Chapter 4.4 - Conditional Use Permits

Sections:

4.4.100 - Purpose

4.4.200 - Approvals Process

4.4.300 - Application Submission Requirements

4.4.400 - Criteria, Standards and Conditions of Approval

4.4.500 - Additional Development Standards for Conditional Use Types

4.4.100 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Chapter 2 - Land Use Districts. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

4.4.200 Approvals Process

- A. Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (Chapter 4.1.500). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in Section 4.4.400.
- B. Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

4.4.300 Application Submission Requirements

In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (1-8), as applicable. For a description of each item, please refer to Section 4.2.500 - Site Design Review Application Submission Requirements:

1. Existing site conditions;
2. Site plan;
3. Preliminary grading plan;
4. A landscape plan;
5. Architectural drawings of all structures;

4.4.300 Application Submission Requirements (continued)

6. Drawings of all proposed signs;
7. A copy of all existing and proposed restrictions or covenants.
8. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400.

4.4.400 Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

B. Site Design Standards. The criteria for Site Design Review approval (Section 4.2.600) shall be met.**C. Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Review for compatibility with Boardman City Council established Minor Child Safety Areas.
3. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
4. Requiring larger setback areas, lot area, and/or lot depth or width;
5. Limiting the building height, size or lot coverage, and/or location on the site;
6. Designating the size, number, location and/or design of vehicle access points or parking areas;
7. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
8. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;

4.4.400 Criteria, Standards and Conditions of Approval *(continued)*

10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.7);
13. Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Chapter 3.1, Access and Circulation.

D. Transportation System Facilities and Improvements

1. City or County facilities and improvements. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the City's adopted Transportation System Plan ("TSP"), or (2) not designed and constructed as part of an approved subdivision or partition, are allowed in all Districts subject to a Conditional Use Permit and satisfaction of all of the following criteria:
 - a. The project and its design are consistent with the City's adopted TSP, or, if the city has not adopted a TSP, consistent with the State Transportation Planning Rule, OAR 660-012 ("the TPR").
 - b. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
 - c. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities; and a site with fewer environmental impacts is not reasonably available. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen.
 - d. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - e. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP or TPR.
2. State facilities and improvements. The State Department of Transportation ("ODOT") shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section 4.4.400.D. 1.b. – e. above. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.
3. Proposal inconsistent with TSP/TPR. If the City determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. The applicant shall choose one of the following options:
 - a. If the city determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional use permit application; or
 - b. If the city determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or

4.4.400 Criteria, Standards and Conditions of Approval *(continued)*

- c. If the city determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete; or
 - d. If the city determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.
4. Expiration. A Conditional Use Permit for Transportation System Facilities and Improvements shall be void after three (3) years.

E. Medical Marijuana Dispensaries and Medical Marijuana Grow Facilities

1. Facilities will not be sited within Minor Children Safety Areas as defined by Chapter 9.04 of the Boardman Municipal Code.
2. No on-site consumption of products.
3. All Facilities must be licensed by the Oregon Health Authority.
4. Registry Identification Card and Oregon Health Authority license shall be displayed for public view.
5. Grow Facilities must be indoors, or sufficiently screened and ventilated to show no outward signs, or odors, of the grow operation.
6. Dispensary Facilities must be indoors, and sufficiently screened and ventilated to show no outward signs, or odors, of any product manufacture for edible marijuana products.
7. Hours of operation shall be restricted 8 hours per day and no later than 8:00 PM on week days, and no more than 6 hours per day and no later than 6:00 PM on weekends and holidays.
8. Shall not be sited within 1,000 feet of another marijuana dispensary.
9. Signs will be limited to 100 square feet per building face of the facility, with no more than two faces signed.
10. No outdoor storage of products.
11. Facilities shall be required to meet other applicable conditions found in Section 4.4.400 of this Chapter.

F. Shipping Containers as Occupiable Structures

1. Shipping containers can only be repurposed as an occupiable structure in the commercial or industrial use zones.
2. As an occupiable structure they can be sited as either a primary or secondary structure.
3. All siting standards of the underlying use zone are applicable.
4. The occupiable structure, regardless of square footage, will require a Building Permit from the Building Official and the submittal of engineered plans.
5. The submittal for review shall include architectural and engineered plans depicting at least 3 of the following design elements:
 - a. Outside Lights
 - b. Painting with two or more colors
 - c. Windows
 - d. Window Trim
 - e. Canopy Features
 - f. Doors including public access.

4.4.500 Additional Development Standards for Conditional Use Types

- A. **Concurrent Variance Application(s).** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.
- B. **Additional development standards.** Development standards for specific uses are contained in Chapter 2 - Land Use Districts.

**FINDINGS OF FACT
PLANNING COMMISSION
AMENDMENT FILE NUMBER 25-000299**

REQUEST: To amend the City of Boardman Development Code to add standards allowing the use of Shipping Containers. Changes are proposed to Chapter 1.2 Definitions; Chapter 2.1 Residential; Chapter 2.2 Commercial Districts; Chapter 2.3 General Industrial; Chapter 2.4 Light Industrial; and Chapter 4.4 Conditional Use Permits.

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

- I. GENERAL INFORMATION:** The current Boardman Development Code (BDC) is, for the most part, over 20 years old and in significant need of an update. While that update process is being planned and implemented there are some minor amendments that city Planning staff are going to initiate. This amendment addresses the use of Shipping Containers to be repurposed for use in all Boardman use zones.

To implement the proposed changes consistent with the City Council policy determination from earlier this year the following is provided:

Chapter 1.2 Definitions: Four new definitions are proposed to be added to the Development Code: Habitable Space, Occupiable Space, Shipping Container, and Shipping Container Reuse.

Chapter 2.1 Residential: In the Residential use zone Shipping Containers are proposed to only be allowed for storage or as an alternative to a shed. As a part of the changes to the section on Accessory Uses and Structures the intent is to further clarify the siting of not only Shipping Containers but also structures within this category including the requirement for a Building Permit.

Chapter 2.2 Commercial Districts: In the Commercial and Industrial use zones Shipping Containers are currently allowed for storage with this amendment providing some clarity about the approval process. New is the allowance for Occupiable Space which would allow the use of Shipping Containers for retail and related uses with a Conditional Use Permit.

Chapter 2.3 General Industrial: See the description just above.

Chapter 2.4 Light Industrial: See the description above.

Chapter 4.4 Conditional Use Permits: The Occupiable Space in Commercial and Industrial use zones requires a Conditional Use Permit. In this section the specific requirements for approval are outlined.

- 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. This proposal has also been put forward by members of the community, one focusing on residential use and the other commercial use. This proposal and the public hearing process are both consistent with the City’s acknowledged citizen involvement program. (Goal 1, Policy 4: The Planning Commission is officially designated as the Citizen Involvement Committee.)

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

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 BDC and

that the adoption of these changes further supports that action. The desired result is a BDC that provides for reasonable uses that are beneficial to the community and can be achieved in the respective use zones.

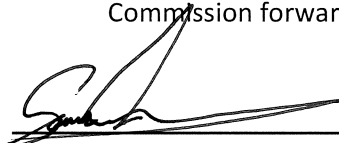
For these reasons, the criterion is met.

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

The proposed changes, to allow the use of Shipping Containers to be repurposed for storage in all use zones and for occupiable uses in the Commercial and Industrial use zones, will not change the use of public facilities, services, or the transportation network.

For these reasons, the criterion is met.

- IV. LEGAL NOTICE PUBLISHED:** June 25, 2025
East Oregonian
- V. DLCD 35-DAY NOTICE:** June 16, 2025
- VI. AGENCIES NOTIFIED:** Dawn Hert, Department of Land Conservation and Development; Chief Hughes and Fire Marshall Broadbent, Boardman Fire Rescue District; Glenn McIntire, Building Official; Mike Gorman, Morrow County Assessor; Lisa Mittelsdorf, Port of Morrow.
- VII. HEARING DATES:**
- | | |
|------------------------|------------------------|
| Planning Commission | City Council |
| July 17, 2025 | August 5, 2025 |
| Council Chambers | Council Chambers |
| Boardman City Hall | Boardman City Hall |
| 200 City Center Circle | 200 City Center Circle |
| Boardman, Oregon 97818 | Boardman, Oregon 97818 |
- VIII. PLANNING OFFICIAL RECOMMENDATION:** The Planning Official recommends the Planning Commission forward the request to the City Council with a ‘do adopt’ recommendation.



Sam Irons, Vice-Chair
Planning Commission

07/23/25

Date

ATTACHMENTS:

- Redlines of portions of Chapter 1.2 Definitions; Chapter 2.1 Residential; Chapter 2.2 Commercial Districts; Chapter 2.3 General Industrial; Chapter 2.4 Light Industrial; and Chapter 4.4 Conditional Use Permits.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. See Figure 3.1.200.K.

Drought-tolerant/drought-resistant plants - Refer to *Sunset Western Garden Book* (latest edition).

Drug Store - Refers to a store where the primary business is filling of doctor prescribed prescription and the sale of drugs, medical devices and supplies, and non-prescription medicines, but where non-medical products may be sold as well.

Duplex - A building with two attached housing units on one lot or parcel.

Dwelling unit - A “dwelling unit” is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code (UBC), for not more than one family, or a congregate residence for 10 or fewer persons. (See UBC section 205.)

Easement - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

Elevation - A building face, or scaled drawing of the same, from grade to roof ridgeline.

Environmentally sensitive areas - See “sensitive lands”.

Established residential area – An area within the Residential District that was platted prior to the effective date of a land use or zoning ordinance. See Chapter 2.1, Section 120.F

Evidence - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Family day care - See “child care facilities”.

Fire apparatus lane - As defined by the Uniform Fire Code.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement. See Chapter 2.1, Section 140.

Floor area ratio – Floor area ratio (FAR) is measured by dividing the gross enclosed floor area of a building by the land area of the development. See Chapter 2.2, Section 130.

Frontage- The dimension of a property line abutting a public or private street.

Frontage street or road - A minor street that parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

Functional classification - The classification given to streets (e.g., “local/collector/arterial”) by the City’s Transportation System Plan (TSP), by adopted County plans, and the Oregon Department of Transportation.

Ground cover - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. See also, Chapter 3.2 - Landscaping.

Habitable Space – Habitable space is any room within a structure designed for living, sleeping, eating, or cooking. This includes spaces like living rooms, bedrooms, kitchens, and dining rooms.

Neighborhood - A geographic area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those, which are primarily intended to accommodate automobile traffic.

Neighborhood commercial – Small scale commercial uses allowed within the residential/neighborhood commercial district. See Chapter 2.1, Section 200.K.

Non-conforming use/non-conforming development – A land use/structure that exists which would not be permitted by the regulations imposed by the code, but was lawful at the time it was established. See Chapter 5.2.

Non-native invasive plants - See current Oregon State University Extension Service Bulletin for your area.

Occupiable Space – a room or enclosed space designed for regular or non-regular human occupancy. This includes spaces where people congregate for activities, work, or educational purposes, and that are equipped with the necessary life safety features like egress, heat, light, and ventilation. It excludes spaces primarily intended for other purposes, such as storage or equipment rooms.

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter 3.3.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See also, Chapter 3.3.

Open space (common/private/active/passive) - Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses.

Orientation - To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

Outdoor commercial use - A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one land use district. See also Chapter 2.6.

Parcel - A unit of land that is created by a partitioning of land (ORS 92.010(6)). See also, Chapter 4.3.

Parking lot perimeter - The boundary of a parking lot area which usually contains a landscaped buffer area.

Parking vs. storage - Parking is the area used for leaving motor vehicles for a temporary time up to 72 hours unless permitted as parking for longer by other municipal codes. Storage is to place or leave in a

Residence - Same as “dwelling”.

Residential caretaker unit - A dwelling unit for caretakers living on-site in the General Industrial District. The unit must be served by water and sanitary sewage and conform with other applicable building standards. See Chapter 2.3, Section 160.B.

Residential care home/Residential care facility –Residential treatment or training homes or adult foster homes licensed by the State of Oregon. See Chapter 2.1, Section 200.G.

Residential trailer – A portable residence constructed prior to 1962.

Ridge line (building) - The top of a roof at its highest elevation.

Right-of-way - Land that is owned in fee simple by the public, usually for transportation facilities.

Roof pitch - The slope of a roof, usually described as a ratio (e.g., 1 foot of rise per 2 feet of horizontal distance, or 1/2).

Roof-top garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

Sensitive lands - Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

Setback - The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, side and rear yards.

Shared driveway - When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.

Shared parking –Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (daytime versus nighttime primary uses). See Chapter 3.3, Section 300.C.4.

Shipping Container – A standardized, reusable container designed for the efficient and secure transportation of goods across different modes of transport.

Shipping Container Reuse – The practice of taking decommissioned shipping containers, those no longer suitable for international transport, and giving them a new life as something else. Within the Boardman Development Code, they can be used for storage purposes within the Residential Use Zone and for primary and accessory uses within the Commercial and Industrial use zones.

Single-family attached housing (townhomes) - Two or more single family dwellings with common end-walls. See also, Chapter 2.1, Section 110 and Section 200.

Single-family detached house - A single family dwelling that does not share a wall with any other building. See also Chapter 2.1, Section 110.

Single-family detached zero-lot line house - A single family detached house with one side yard

2.1.190 - Special Standards for Certain Uses (continued)

F. **Accessory Uses and Structures.** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. All accessory structures shall comply with all of the following standards: (For standards applicable to Accessory Dwellings, please refer to Section 2.1.200.B.)

1. **Primary use required.** An accessory structure shall not be allowed before or without another permitted use (e.g., as listed in Table 2.1.110.A).
2. **Setbacks.**
 - a) Accessory structures shall meet setbacks identified in 2.1.120 unless identified otherwise in 2.1.190(F)(2)(b-d) below.
 - b) Accessory structures of 40 square feet or fewer are allowed to be located in a rear yard or side yard abutting a primary structure. Abutting an accessory structure to a primary structure is allowed provided 6 feet are allowed for emergency access, as measured from the wall nearest the property line of the accessory structure to the property line and no through wall openings (doors, windows, vents, etc.) in the primary structure are obscured or covered by the accessory structure.
 - c) Accessory structures of 41-200 square feet or less in size are allowed 1 foot rear yard setback and 1 foot side yard setback when placed in the rear yard of a lot, as long as structural features, such as eaves, do not encroach on adjacent properties.
 - d) Accessory building shall not be placed within ten (10) feet of any primary structure on the lot or adjacent lots with the exceptions noted in 2.1.190 (F)(2)(a-c) above.

3. Design Requirements.

~~a. The accessory structure shall be of a compatible and complimentary nature to the in color, material, and appearance similar 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). For accessory structures that are up to 200 square feet at least one design criterion will be used; accessory structures 201 to 400 square feet three design criteria will be used; and accessory structures 401 square feet to 1,200 square five design criteria will be used.~~

~~a.b. Shipping Containers can be placed on residentially zoned property only as an accessory structure not for use as an occupiable or habitable structure. They shall be sited behind a fence and within a backyard as to be not visible to limit visibility from the street. The double swing doors shall not be oriented towards the front yard and corner side if on a corner lot. They shall meet the design requirements outlined above be painted a compatible color to the primary structure and cover all markings and logos. As an alternative path for approval, an applicant may request discretionary review using the Type II decision process should the proposed unit not conform with the requirements here and elsewhere within the Development Code.~~

~~3.4. Restrictions.~~ A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

~~4.5.Placement in easement.~~ Only a portable accessory structure of 200 square feet or less in size may be placed in an easement with the approval of the utilities affected within the easement. Letters of approval from the utility must be submitted to the City for approval of this type of placement.

5-6. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

6-7. Floor Area. The floor area of the accessory structure shall not exceed 1200 square feet;

7-8. Building Height. The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.160; and

9. Buffering. A minimum 4-foot hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.

8-10. Accessory structures over 200 square feet will be required to obtain a Building Permit.

G. Bed and Breakfast Inns and Vacation Rentals.

1. Purpose. The purpose of this section is to provide standards for the establishment of a bed and breakfast inn.
2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.
3. Maximum size. The bed and breakfast structure is limited to a maximum of 4 bedrooms for guests and a maximum of 6 guests per night.
4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility.
5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.
6. Owner-occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
7. Signs. Signs must meet the standards in Chapter 3.6.500, Signs.
8. Monitoring. All bed and breakfast inns must maintain a guest log book. It must include the names and home addresses of guests, guests' license plate numbers if travelling by car, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.

H. Master Planned Neighborhood Development

1. Purpose and intent. The purpose of this Section is to ensure the development of fully integrated, mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.
2. Applicability. This Section applies to:
 - a. Parcels, and development sites with more than one parcel, in the Residential District which are 20 acres or larger; and
 - b. Development sites in the Residential District which are planned in accordance with the procedures in Chapter 4.5.
3. Master plan required. Prior to land division approval, a master plan shall be prepared for all sites meeting the criteria in subsection 2. Master plans shall follow the procedures in Chapter 4.5 - Master Planned Developments.
4. Land use and design standards. Master Planned Neighborhood Developments shall be evaluated based on the criteria in Chapter 4.5, and shall be consistent with the following design

- a) Buildings under 20,000 square feet (enclosed ground floor area) shall incorporate at least five(5) of the architectural features as follows:
 - i) Decorative cornice or facade (for a flat roof) or provision of eaves or other similar decorative feature for pitched roofs;
 - ii) Decorative display windows on ground floor;
 - iii) Entrance canopy, breezeway or kiosk;
 - iv) Changes in building color or texture;
 - v) Building articulation on street frontages;
 - vi) Decorative wall or security lighting;
 - vii) Regularly spaced and similarly shaped windows;
 - viii) Decorative window hoods or trim;
 - ix) Changes in building height along street frontages;
 - x) Decorative screening of roof mounted equipment;
- b) Buildings with greater than 20,000 square feet of enclosed ground floor space are considered “large scale buildings”.
 - i.) Measurement for these buildings shall be as follows:
 - a. Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
 - b. Multiple building developments with a combined ground floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public and institutional campuses, and similar developments).
 - ii.) Building and Site design for large scale buildings shall include at least two (2) of the following to provide human scale design:
 - a. Incorporating changes in building direction (i.e., articulation);
 - b. Dividing large masses into varying heights and sizes;
 - c. Include building offsets projections;
 - d. Changes in elevation or horizontal direction;
 - e. Sheltering roofs or terraces;
 - f. Providing a distinct pattern of divisions in surface materials;
 - g. Use of windows, screening trees; small scale lighting (e.g., wall mounted lighting, or up-lighting).
- c) Shipping Containers can be used in Commercial use zones as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.
 - i) As ~~an accessory~~ structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.
 - ii) As a ~~primary or accessory~~ structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures.

2.3.160 Special Standards for Certain Uses (continued)

- c. *Dust and/or Exhaust.* Dust and/or exhaust emissions from the development exceed ambient dust or exhaust levels, or levels that existed prior to development.
 - d. *Vibration.* Vibration (e.g., from mechanical equipment) is sustained and exceeds ambient vibration levels (i.e., from adjacent roadways and existing land uses in the surrounding area).
2. **Traffic.** Uses which are likely to generate unusually high levels of vehicle traffic due to shipping and receiving. "Unusually high levels of traffic" means that the average number of daily trips on any existing street would increase by 20 percent or more as a result of the development and 100 vehicles per day. The City may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by ODOT for developments that increase traffic on state highways.
 3. **Resource extraction,** such as the operation of mineral and aggregate quarries and similar uses, shall require a Conditional Use Permit. The applicant shall also be required to prepare a site reclamation plan for review and approval by the City and other affected agencies, prior to commencing resource extraction. The required scope of the reclamation plan shall be identified by the Conditional Use Permit, and shall comply with applicable requirements of State natural resource regulatory agencies.
- B. Residential Caretakers.** One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:
1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with City engineering requirements.
 2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.
- C. Wireless communication equipment.** Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter 3.6.200. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Industrial District.
- D. Shipping Containers.** Shipping containers can be used in the General Industrial use zone as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.
1. ~~As an accessory structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.~~
 2. As a primary or accessory structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures.

2.4.170 Special Standards for Certain Uses**A. High Traffic-Generating Uses.**

Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Section 4.4. “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 20 percent or greater and 100 vehicles per day as a result of the development. The City may require a traffic impact analysis (Chapter 4.10) prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by the Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter 3.4.1.

B. Wireless Communication Equipment.

Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Chapter 3.6.2. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Light Industrial District.

C. Shipping Containers. Shipping containers can be used in the Light Industrial use zone as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.

1. As a an-accessory structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.
- 1-2. As a primary or accessory structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures

4.4.400 Criteria, Standards and Conditions of Approval *(continued)*

- c. If the city determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete; or
 - d. If the city determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.
4. Expiration. A Conditional Use Permit for Transportation System Facilities and Improvements shall be void after three (3) years.

E. Medical Marijuana Dispensaries and Medical Marijuana Grow Facilities

1. Facilities will not be sited within Minor Children Safety Areas as defined by Chapter 9.04 of the Boardman Municipal Code.
2. No on-site consumption of products.
3. All Facilities must be licensed by the Oregon Health Authority.
4. Registry Identification Card and Oregon Health Authority license shall be displayed for public view.
5. Grow Facilities must be indoors, or sufficiently screened and ventilated to show no outward signs, or odors, of the grow operation.
6. Dispensary Facilities must be indoors, and sufficiently screened and ventilated to show no outward signs, or odors, of any product manufacture for edible marijuana products.
7. Hours of operation shall be restricted 8 hours per day and no later than 8:00 PM on week days, and no more than 6 hours per day and no later than 6:00 PM on weekends and holidays.
8. Shall not be sited within 1,000 feet of another marijuana dispensary.
9. Signs will be limited to 100 square feet per building face of the facility, with no more than two faces signed.
10. No outdoor storage of products.
11. Facilities shall be required to meet other applicable conditions found in Section 4.4.400 of this Chapter.

F. Shipping Containers as Occupiable Structures

1. Shipping containers can only be repurposed as an occupiable structure in the commercial or industrial use zones.
2. As an occupiable structure they can be sited as either a primary or secondary structure.
3. All siting standards of the underlying use zone are applicable.
4. The occupiable structure, regardless of square footage, will require a Building Permit from the Building Official and the submittal of engineered plans.
5. The submittal for review shall include architectural and engineered plans depicting at least 3 of the following design elements:
 - a. Outside Lights
 - b. Painting with two or more colors
 - c. Windows
 - d. Window Trim
 - e. Canopy Features
 - f. Doors including public access.

AGENDA BILL

City Council Meeting – October 7, 2025

Subject: Ordinance 9-2025 Amending the Boardman Municipal Code Title 5 Business Regulations

Category: Action Items- Ordinance

Staff Contacts: Carla McLane, Planning Official

Summary:

This chapter sets rules for **transient merchants** (people or businesses selling goods temporarily) in Boardman. Its purpose is to make sure they follow federal, state, and city laws, protect public health and safety, keep streets and sidewalks safe and clear, and help the city collect fees and useful information.

Key points:

- Anyone selling as a transient merchant in Boardman must have a **city license or permit**, unless specifically exempt.
- Exemptions include sales to wholesalers, schools, charitable organizations, political groups, or sales right next to a brick-and-mortar business.
- Each merchant on the same site must have a separate license. Employees or agents must also be licensed if acting on behalf of someone else.
- Applications are submitted online with required fees and must include details about the business.
- Transient merchants are **not allowed in residential areas**, and additional information about location, operations, and approvals may be required.

Attachment:

- Ordinance 9-2025 BMC Amendment Title 5 Business Regulations to add Transient Merchants
- Title 5 Transient Merchants DRAFT 09302025

Budget/Fiscal Impact: NA

Recommendation: Approve

Proposed Council Motion:

Step 1 – Reading into the record

I move to approve the reading by title only of Ordinance 9-2025 Amending the Boardman Municipal Code Title 5 Business Regulations.

Step 2 – Staff member reads title of ordinance

Ordinance 9-2025 Amending the Boardman Municipal Code Title 5 Business Regulations.

Step 3 – Adoption

I move to adopt Ordinance 9-2025 Amending the Boardman Municipal Code Title 5 Business Regulations.

CITY OF BOARDMAN
ORDINANCE NO. 9-2025

AN ORDINANCE AMENDING THE BOARDMAN MUNICIPAL CODE
TITLE 5 BUSINESS REGULATIONS

WHEREAS, the City of Boardman ("City") has authority granted by the Boardman Charter of 2024; and

WHEREAS, the City has an adopted Municipal Code; and

WHEREAS, the City has identified a need to amend provisions of the Boardman Municipal Code, creating Title 5 Business Regulations, to add provisions to regulate Transient Merchants; and

WHEREAS, the Boardman City Council considered similar provisions various times through 2024 and 2025; and

WHEREAS, the Boardman City Council working through the City Manager directed proposed regulations to focus on Transient Merchants with a focus to protect City of Boardman rights-of-way and pedestrian use of sidewalks.

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

Section 1 Affected and Attached Document. After full consideration of the matter, the City Council of the City of Boardman adopts the amendment to Title 5 Business Regulations of the Boardman Municipal Code attached as Exhibit A.

Section 2 Readings. The reading of this Ordinance shall be on October 7, 2025.

Section 3 Effective Date. This ordinance shall take effect 30 days after its reading and passage.

Passed by the Council and approved by the Mayor, this 7th day of October, 2025.

Paul Keefer, Mayor

ATTEST:

Amanda Mickles, City Clerk

Title 5 – BUSINESS REGULATIONS

CHAPTER 5.04 –TRANSIENT MERCHANT PERMITS AND REGULATIONS

Sections:

- 5.04.010 – Purpose.
- 5.04.020 – Applicability.
- 5.04.030 – Definitions.
- 5.04.040 – Activities Required to be Licensed, Permitted, and Regulated.
- 5.04.050 – Exemptions.
- 5.04.060 – Application Requirements.
- 5.04.070 – Reserved.
- 5.04.075 – Reserved.
- 5.04.080 – Transient Merchant Requirements.
- 5.04.085 – Reserved.
- 5.04.090 – Reserved.
- 5.04.100 – Reserved.
- 5.04.110 – Application Review.
- 5.04.120 – Fee Schedule.
- 5.04.130 – Approval Process.
- 5.04.140 – Denial, Suspension, or Revocation.
- 5.04.150 – Appeal.
- 5.04.160 – Posting and Display of License or Permit.
- 5.04.170 – Violations and Penalties.

5.04.010 – Purpose.

This Chapter is enacted to ensure that Transient Merchant activities are conducted in compliance with applicable federal, state, and local laws, regulations and ordinances and in a manner comporting with public health, safety, and the general welfare of the citizens of Boardman; to secure revenue to assist in defraying the city's cost of administering and enforcing its laws and ordinances and the city's provision of certain municipal services; and to obtain valuable information for emergency responders, planning and building personnel, and economic development.

The chapter also acts to authorize and regulate transient merchants on all property, including city rights-of-way, within the City of Boardman.

5.04.20– Applicability.

This Chapter provides reasonable and necessary regulations for the licensing of Transient Merchants located within the City of Boardman as described in this Chapter. Nothing in this Chapter shall be construed to apply to any person transacting and carrying on any business within the City of Boardman which is exempt from taxation or regulation by the city by virtue of the constitutions of the United States or the State of Oregon, or applicable federal or state law.

Through this Chapter reasonable and necessary regulations will maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public; prevent interference with the peaceful enjoyment of the areas open to the public; and preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the city.

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 and rights-of-ways.

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.

5.04.030 – Definitions.

As used in this chapter.

“Applicant” means the person applying for a license to conduct a particular business within the City.

“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.

“License Administrator” is the City appointed authority for reviewing, approving, or denying applications under this Title.

“Day” means a calendar day unless otherwise noted.

“Doing business” means to engage in any activity in pursuit of profit, gain, livelihood, or any other purpose.

“Income” means the net income arising from any business, as reportable to the State of Oregon for personal income, corporation excise or income tax purposes, before any allocation or apportionment for operation out of state, or deduction for net operating loss carry-forward or carry-back.

“License or Permit” means the permission granted by the City under this Title to operate, engage, conduct, or carry on a business within the City.

“Licensee or Permittee” means an applicant who has received a license or permit under this Title.

“Mobile Vending Unit” is a vehicle or other conveyance that is self-propelled, upon a street or highway and within which food is prepared, processed, or dispensed to consumers or other items are available for sale.

“Mobile Vendor” is a mobile vendor which offers food or other items for sale from a Mobile Vending Unit.

“Permanent location” means professions, trades, occupations, shops for every kind of calling carried on for profit, personal gain, trade or barter and livelihood at a fixed or permanently established place of business maintained within the city.

“Person” means the singular and plural of an individual, partnership, corporation, limited company, joint venture, cooperative or any other entity in law or in fact.

“Rights-of-way” means the public streets, alleys, avenues, thoroughfares, highways, places, and grounds located within city which are owned and controlled by city.

“Sidewalk Vendor” is a mobile vendor which offers food or other items for sale from a Mobile Vending Unit, and which can or does routinely change location, and which is located within the public right-of-way and/or property owned by a public entity.

“Sidewalk Vending Unit” is a vehicle or other conveyance that is pushed or can be pulled upon a street or highway and within which food is prepared, processed, or dispensed to consumers or other items are available for sale.

“Transient Merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.”

5.04.040 – Activities Required to be Licensed, Permitted, and Regulated.

- A. Except as exempt under Section 5.04.050 below, it shall be unlawful for any person to engage in Transient Merchant activity within the City without first having obtained the necessary licenses or permits for the current year as provided under this chapter.
- B. If more than one Transient Merchant is conducting business on the same premises, each must obtain a separate license.
- C. A person representing him or herself or exhibiting any sign or advertisement that he or she is engaged in a Transient Merchant activity within the City of which a license or permit fee as levied by this Chapter shall be deemed to be engaged in such business and shall be liable for the payment of such license or permit fee and will be subject to the penalties for failure to comply with the requirements of this Chapter.
- D. 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 or permit is issued.
- E. No person shall do Transient Merchant activities 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 Transient Merchant license or permit, no matter where the principal offices of that business are situated.
- F. Home occupations, as permitted uses or conditional uses in the Boardman Development Code, shall be required to obtain any necessary license or permit in accordance with the provisions of this chapter if they are engaged in Transient Merchant activities.

5.04.050 – Exemptions.

The following are exempt from the licensing and permitting requirements:

- A. Transient Merchants who exclusively or primarily sell to, deliver to, and/or solicit orders from local retailers, businesses, governments, schools, and/or wholesale firms.
- B. 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.
- C. Any political group seeking funds or membership.
- D. The sale of goods, merchandise, and/or food in, on, and/or about a right-of-way directly adjacent to the licensed brick and mortar business conducting the sale.

5.04.060 – Application Requirements.

Each person desiring to engage in Transient Merchant activity must apply for a license or permit to operate, engage, conduct, or carry on the activity on such forms and in such manner as the 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 or permit 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 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
- C. The name and physical address of the location where the Transient Merchant will engage in its business activity;
- D. A brief description of the nature of the business;
- E. The date that business operations will commence;
- F. The number of persons employed that will be engaged in the Transient Merchant activity;
- G. The person who may be contacted in case of an emergency and the phone number at which that person may be reached;
- H. 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;
- I. 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;
- J. 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
- K. Any other information necessary to enable the License Administrator or designee to review the application to determine whether the application should be approved.
- L. Once the application is received the application fee will be requested and shall be paid prior to any license or permit under this chapter will be issued.

5.04.070 – Reserved**5.04.075 – Reserved****5.04.080 – Transient Merchant Requirements**

Transient merchants shall not be permitted in residential zones within the City of Boardman. In addition to the application requirements stated above the following additional information shall be submitted for review.

- A. A description of the nature of the business operation the applicant will conduct.
- B. If prepared food is offered for sale, evidence that the Morrow County Health Department or other applicable state or local agency has approved of the activity.
- C. The location from which the applicant will operate or the area(s) within Boardman that the Transient Merchant activities will occur.
- D. The length of time the applicant will conduct the business.

- E. The hours of operation.
- F. Authorization of the landowner(s) for placement of a mobile or sidewalk vending unit, if applicable. Mobile vending units cannot be placed in public right-of-way. Sidewalk vending units can be placed on public streets through this permitting process.
- G. A mobile or sidewalk unit, including all items associated with the operation, shall not obstruct pedestrian pathways, driveways, or drive aisles of any off-street parking area, and shall not be located to create a traffic or safety hazards.
- H. Mobile or sidewalk unit operators shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter which is deposited by any person within 20 feet of the mobile unit when conducting business. Trash cans or other trash containers shall be available for customer use.
- I. The use of the right-of-way or public property will not interfere with existing utilities, pedestrian use, or pose a hazard to vehicular traffic. The use shall be consistent with the use for which the property is zoned. The location shall be limited to that which was approved on the permit or license.
- J. Proof of general liability insurance and proof of products liability and errors and omissions insurance if applicable to the type of business being conducted.

5.04.085 – Reserved

5.04.090 – Reserved

5.04.100 – Reserved

5.04.110 – Application Review.

The License Administrator may refer each application to the persons or departments designated by the License Administrator for review. The license or permit 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 or permit 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 or permit may be revoked as described herein.

5.04.120 – Fee Schedule

- A. An annual license or permit 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 1 of the respective year.
- C. Nothing contained in this chapter shall vest any right in a license or permit 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 pay the license or permit fee prescribed for each of the businesses, except as specifically provided by this Title.

5.04.130 – Approval Process.

- A. Approval of Application.
 - 1. The License Administrator shall issue a decision on an application for a license or permit 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.
2. The License Administrator shall issue a license or permit renewal upon 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 law.
 3. If an application for a new license or permit is approved, the License Administrator shall notify the applicant through CitizenServe, the online application portal. The notice shall state any conditions or limitations placed on the license or permit as a condition of maintaining the license or permit which the 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.

5.04.140 – Denial, Suspension, or Revocation.

- A. Denial, Suspension, or Revocation of Application. The License Administrator may deny, suspend, or revoke a license or permit issued under this Title upon finding that:
 1. The licensee or permittee 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 or permit;
 3. The applicant's past or present violation of law presents a reasonable doubt about their ability to perform the licensed or permitted 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 or permitted activity; or
 5. The licensed or permitted activity would endanger property or the public health or safety.
- B. Notice. The License Administrator shall provide written notice to the applicant or licensee or permittee of the denial, suspension, or revocation. The notice shall state the reason for the action taken and shall inform the applicant or licensee or permittee of the right to appeal under 5.04.150 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 License Administrator may discontinue the suspension or revocation proceedings.
- C. Reapplication. A person whose application for a business or activity license or permit 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 permit or reinstatement upon payment of the application fee and submission of a complete application.
- D. Disqualification. A person whose application for any license or permit 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 or permitted activity presents an immediate danger to a person or property, the 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 permittee or being delivered to the licensee or permittee's 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 or permittee of the provisions for appeal as outlined in 5.04.150.

5.04.150 – Appeal.

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

- A. The written notice of appeal to the City Manager shall be filed with the 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 in regard to 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.

5.04.160 – Posting and Display of License or Permit.

A licensee or permittee shall post the license or permit in a conspicuous place upon the business premises, available for inspection by the public and any employees and prospective employees of the business. When the licensee or permittee has no office, business premises or other established place of business within the City, the license must be in the possession of the agent or representative of the business who is present in the City at all times during which business is being transacted by the agent or representative in the City. If a licensed or permitted business is based in a motor vehicle, a photocopy of the license must be carried in the motor vehicle.

5.04.170 – Violations and Penalties.

- A. Any person convicted of violating any of the provisions of this Title shall be punished by a fine as determined in the Consolidated Fee Schedule for any one offense, each day constituting a separate offense.
- B. Offenses under this chapter shall be tried in the Morrow County Justice Court as a violation and not as a crime. As a violation there is no right to a jury trial or court-appointed counsel.
- C. Entity responsibility. An individual person and other entities may act in violation of this Title. If the party acting in violation of this Title is an entity, the entity shall be subject to fine, abatement or other penalties allowed by this Title and by law. In such cases where an entity is the offending party, a citation may be served upon the entity by serving an owner, officer, a person in charge of the premises, or any person or firm designated as an official or agent of the entity. The entity shall be named on the citation. The citation shall require appearance by a representative of the entity at the time indicated on the citation. If a representative fails to appear as required by the citation the city attorney may seek appropriate remedies for the failure to appear and default against the officers, owners and agents of the entity. For application of this section, the term "entity" shall also include corporations, partnerships, limited liability companies or partnerships, associations, sole proprietorships, and other forms of entities.
- D. Evidence of doing business. In a prosecution for a violation of this Title, evidence that the business made a public representation, by way of newspaper, radio, television or similar media advertisement or by signs conspicuously displayed for public view, that the business was being conducted, expressly or impliedly offering to sell goods or services in the course of the business to the public, shall constitute prima facie evidence that the business was transacting the business suggested by the public representation within the city on the date or dates during which the representations were made.

- E. Inspection and Right of Entry. Whenever they shall have cause to suspect a violation of any provisions of this Title, or when necessary to investigate an application to, or revocation of a license under any of the procedures prescribed in this Title, officials for the enforcement or administration of this Title, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation providing they do so in a reasonable manner. If an owner or occupant denies access for an inspection, the city will seek a warrant. No secured building shall be entered without the consent of the owner or occupant unless under the authority of a lawful warrant.
- F. Abatement. Any business which is established, operated, moved, altered, enlarged, or maintained contrary to the licensing or permitting requirements of this Title shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.
- G. Legal Proceedings by City Attorney. In addition to the enforcement provisions of this Title, upon request by the City Council, the City Attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this Title.

AGENDA BILL

City Council Meeting – October 7, 2025

Subject: Resolution 24-2025 Park Naming

Category: Action Item- Resolution

Staff Contacts: Carla McLane, Planning Official

Summary:

City council requested additional options for the Hillview area and Park blocks, as well as the top three choices for the River Ridge parks. Through consultation with the Parks Master Plan (PMP) Public Advisory Committee (PAC), the list of recommended park names has been updated to reflect both community input and PAC deliberations. The updated recommendations are as follows:

- **City Hall Park** will remain **Tatone Park**, keeping the name for the park adjacent to City Hall unchanged.
- **Hillview Park** is now recommended to be **Sunset Park**, a change from the previous recommendation.
- **Park Blocks** will be split into two areas with separate names: **Power Trail Park** for the blocks east of Main Street and **Parque Cultural** for the blocks west of Main Street. Parque Cultural is a slightly modified version of a community submission, while Power Trail Park comes from the original list of public submittals.
- **River Ridge Parks I–III** have been refined with new names and designated locations:
 - **Parque Los Niños** for River Ridge Park #1
 - **Meadowlark Park** for River Ridge Park #2
 - **Pájaro Azul Park** for River Ridge Park #3

Attachment:

- CC Park Naming Memo 09302025
- RESOLUTION 24-2025 - Naming City Parks

Budget/Fiscal Impact: NA

Recommendation: Approve

Proposed Council Motion:

Move approve Resolution 24-2025 A resolution naming parks.

MEMORANDUM

To: Mayor Keefer and members of the City Council
 cc: Brandon Hammond, City Manager
 From: Carla McLane, Planning Official
 Date: September 30, 2025
 RE: Park Naming

The discussion last month was informative and the request before you has been modified based on that discussion and a follow up with the Parks Master Plan (PMP) Public Advisory Committee (PAC). The following are the name recommendations as modified:

- City Hall Park = **Tatone Park**
- Hillview Park = **Sunset Park**
- Park Blocks = **Power Trail Park** (east of Main Street) and **Parque Cultural** (west of Main Street)
- River Ridge Parks I – III = **Parque Los Niños** (River Ridge Park #1), **Pájaro Azul Park** (River Ridge Park #3), and **Meadowlark Park** (River Ridge Park #2)

The PMP PAC is forwarding the above suggestions after a lengthy discussion. The recommendation is to retain **Tatone Park** for the park adjacent to City Hall, but all others have been amended.

Sunset Park is recommended for the park within the Hillview Subdivision which is a departure from the previous recommendation. It was not submitted by the public but was suggested by a PAC member and is fully supported by the PAC.

For the park blocks the PAC did go back to the list of park name submissions and are forwarding two names, one for the blocks west of Main Street and another for the blocks east of Main Street. **Parque Cultural** is a slightly modified version of a community member submission with **Power Trail Park** coming from the list of submittals.

For the River Ridge Parks the PAC has refined the submittal focusing on three park names and including the suggested locations as follows: **Parque Lox Ninos** for River Ridge Park #1, **Meadowlark Park** for River Ridge Park #2, and **Pajaro Azul Park** for River Ridge Park #3. Blayden Park has been removed with the PAC acknowledging that it could be used for the fourth River Ridge Park if needed.

Please refer to the previous City Council packet for additional background information on the community submittals.

**CITY OF BOARDMAN
RESOLUTION 24-2025**

Section 8, Item A.

A RESOLUTION NAMING PARKS

WHEREAS, the City of Boardman is drafting a Parks Master Plan; and

WHEREAS, the City of Boardman had a public engagement event that requested community members provide suggested names for the following park areas – city hall park, the future park areas below the Bonneville Power Administration powerlines, the neighborhood parks within the River Ridge subdivision, and the park area within the Hillview Subdivision; and

WHEREAS, the Public Advisory Committee (PAC) for the Parks Master Plan forwarded proposed names for each of these park areas to the City Council for consideration after which the City Council sent the request back to the PAC for further input. Based on further consideration by the PAC the proposed names have been refined for the City Council's adoption.

NOW, THEREFORE, BE IT RESOLVED: The City of Boardman adopts the following park names:

City Hall Park	Tatone Park
Hillview subdivision park area	Sunset Park
BPA park blocks	Power Trail Park (east of Main Street) Parque Cultural (west of Main Street)
River Ridge neighborhood parks	Parque Los Niños (River Ridge Park #1) Pájaro Azúl Park (River Ridge Park #3) Meadowlark Park (River Ridge Park #2)

DATED this 7th day of October 2025.

CITY OF BOARDMAN

Mayor – Paul Keefer

Council President – Ethan Salata

Councilor – Karen Pettigrew

Councilor – Richard Rockwell

Councilor – Brenda Profitt

Councilor – Cristina Cuevas

Councilor – Heather Baumgartner

ATTEST:

Amanda Mickles – City Clerk

AGENDA BILL

City Council Meeting – October 7, 2025

Subject: CREZ II Member Appoint

Category: Action Item

Staff Contacts: Brandon Hammond, City Manager

Summary:

The City Council will discuss and appoint 2 members and 1 alternate member to CREZ II.

Currently Appointed: Karen Pettigrew, Paul Keefer, Alt: Heather Baumgartner

Attachment: NA

Budget/Fiscal Impact: NA

Recommendation: NA

Proposed Council Motion:

Move to appoint _____, _____ as members and _____ as an alternate member of Columbia River Enterprise Zone II.

AGENDA BILL

City Council Meeting – October 7, 2025

Subject: CREZ III Member Appoint

Category: Action Item

Staff Contacts: Brandon Hammond, City Manager

Summary:

The City Council will discuss and appoint 3 members and 1 alternate member to CREZ III.

Currently Appointed: Karen Pettigrew, Paul Keefer, Heather Baumgartner, Alt: Vacant

Attachment: NA

Budget/Fiscal Impact: NA

Recommendation: NA

Proposed Council Motion:

Move to appoint _____, _____ and _____ as members and _____ as an alternate member of Columbia River Enterprise Zone II.

AGENDA BILL

City Council Meeting – October 7, 2025

Subject: Housing Advisory Committee- Comprehensive Real Estate Development Master Plan

Category: Action Item

Staff Contacts: Brandon Hammond, City Manager

Summary:

During the September 2, 2025, council meeting, a motion was made. This action item refines the language of the original motion, providing clearer guidance and a more detailed description to support moving forward.

Attachment:

- Boardman Housing Fund Advisory Committee- September 2025

Budget/Fiscal Impact: \$50,000

Recommendation: Approve

Proposed Council Motion:

"Move to rescind the previous motion in the September 2, 2025 meeting, and move to approve the Housing Advisory Committee to spend up to \$50,000 out of the current Housing Initiative Fund to hire a consultant to develop and prepare a Comprehensive Real Estate Development Master Plan with the intent the Housing Advisory Committee will seek additional funding from external sources for any cost exceeding \$50,000."

So what do we want in a master plan?

Section 9, Item C.



Overarching Goal:

Create a comprehensive and sustainable framework for future growth and development within Boardman, with a specific focus (but not exclusively) on sites the City controls, and an emphasis on housing

Specific Objectives:

Optimize land use and zoning regulations – the “system”

Promote economic development and job creation – “balance”

Enhance housing diversity, including attainable options

Create a “road map and timeline” – what goes where, and in what order

Use market forces as a guide – get bang for the buck on investments

Integrate sustainable design principles – greenspace?

Preserve culture and history – small town feel – neighborhoods with amenities

So what do we want in a master plan?

Discovery and Assessment Phase:

Review of existing plans, studies, and demographic data
Site analysis, including environmental impact, geological conditions, ownership, and existing infrastructure – awareness of immoveable barriers/constraints
Market analysis to assess real estate trends, demand, and competitive landscape – lead to financial realities
Stakeholder engagement through interviews, workshops, and surveys to identify needs and preferences.

Visioning and Conceptualization Phase:

Develop a shared vision, goals, and objectives with stakeholders – how do you define how big we might someday be?

Explore various land use and urban design concepts
Preliminary infrastructure planning (transportation,

So what do we want in a master plan?

Section 9, Item C.



Master Plan Development Phase:

Urban Design: Establish design guidelines for building aesthetics, setbacks, public spaces, and landscape elements, especially around housing development

Land Use and Zoning: Propose detailed land use allocation, zoning recommendations, and potential changes to existing regulations in concert with ongoing planning work – DON'T DUPLICATE!

Infrastructure: High level design and plan for roads, utilities, green infrastructure, and other necessary infrastructure – focus on CONNECTION

Transportation/Ec Dev: Coordinate with ongoing plans and highlight pedestrian, bicycle, vehicle, and public transportation networks; and ID opportunities for growth and strategies for attracting investment

Housing: Outline strategies for diverse housing options at strategic locations throughout Boardman, with a special focus on City and friendly-control sites

Innovation: Identify opportunities to highlight housing innovation strategies

Implementation Plan: Outline a phased implementation strategy, identifying how

So what do we want in a master plan?



Next Steps

- Scope of Work DRAFT to committee next week for review
- Comments due back to Nate and MMHF the week after
- Take those comments and start “shopping” the SOW to other funders
- Raise an additional \$30K-\$75K in commitments by November-ish
- Begin!

AGENDA BILL

City Council Meeting – October 7, 2025

Subject: Housing Advisory Committee- Moderate Income Revolving Loan Fund

Category: Action Item

Staff Contacts: Brandon Hammond, City Manager

Summary:

Oregon is running a pilot program to help build more middle-income housing. It's a \$75 million fund that relies on cities to work with state and county offices and developers on loans, grants, and rules. Small rural cities often don't have the staff, experience, or money to handle all the paperwork and monitoring.

Community Impact Partners (CIP) is helping by working with a few cities to create templates and procedures that other cities can use. This way, each city only pays a small share of the work.

The Housing Advisory Committee recommends that Boardman City Council approve up to \$5,000 from the Housing Fund to be one of the test cities.

Attachment:

- Boardman MIRL

Budget/Fiscal Impact: \$5,000

Recommendation: Approve

Proposed Council Motion:

"Move to approve the Housing Advisory Committee to use \$5,000 of the current Housing Initiative fund to access the Moderate-Income Revolving Loan Fund the State of Oregon has set up for housing."

Moderate Income Revolving Loan Program

What it is:

The State provides interest-free loans to city and county governments ("Sponsoring Jurisdictions") to support moderate-income housing development.

OHCS – Interest free loan to a City

City – Grant to developer for “gap” funding

Total State allocation is \$75 Million

A minimum of 40% is reserved for rural communities

Moderate Income Revolving Loan Program

The Issue:

- The State has created a multi-step process to access and distribute funds
- Smaller cities lack resources to set up the program on their own

Our Approach:

- Develop a Handbook and set of standardized documents for Cities
- Provide training and assist with initial set up and roll-out of local program

Moderate Income Revolving Loan Program

Where We Are:

- Program is technically open, but cities have to create their own systems and several questions remain unanswered.
- Working with Lincoln City - using specific project to develop materials
- Have enlisted other rural cities to participate in initial development (Coos Bay, BOARDMAN)
 - Preliminary work on Form Documents: City Ordinance, Grant Application, and Grant Agreement
- Outreach with OHCS to address open technical and implementation questions

AGENDA BILL

City Council Meeting – October 7, 2025

Subject: City Attorney Appointment

Category: Action Item

Staff Contacts: Brandon Hammond, City Manager

Summary:

The City of Boardman received a letter from David Blanc, City Attorney, stating he was “terminating the agreement for city attorney services effective October 15, 2025”. The City Manager is recommending the council to appoint Berry, Elsner & Hammond, LLP as City Attorney. They have been providing legal services for the City of Boardman since September 2021.

Attachment:

- David Blanc, Termination of Agreement
- Berry, Elsner & Hammond, LLP, Amended Personal Services agreement

Budget/Fiscal Impact: NA

Recommendation: Appoint Berry, Elsner & Hammond, LLP

Proposed Council Motion:

Move to approve City Manager Hammond to sign the amended Personal Services Agreement for Berry, Elsner & Hammond, LLP for City Attorney services.

David M. Blanc*
Nick R. Blanc**

Of Counsel
Andrew D. Hallman

*Licensed in OR & WA
**Licensed in OR & CA



132 SE Court Ave.
Pendleton, OR 97801
Phone: (541) 215-4810
Fax: (541) 215-6609
www.blancfirm.com

dblanc@blancfirm.com

September 17, 2025

Via Email HammondB@cityofboardman.com and First Class Mail

City of Boardman
Attn.: Brandon Hammond, City Manager
P.O. Box 229
Boardman, OR, 97818

Re: City Attorney Services

Dear Brandon:

I am writing regarding my representation of the City of Boardman as its city attorney.

Due to changes in my practice, I am forced to make the difficult decision to reduce the number of my clients. Under my present workload I do not feel I can provide all clients with the attention and service each deserves and at the level I wish to do so.

I am writing to provide the City of Boardman with notice that I am terminating the agreement for city attorney services effective October 15, 2025. I enjoyed working with you in regard to legal matters related to the City of Boardman. It appears that the City has a bright future, and I wish you, city staff and city council the best.

Sincerely.

A handwritten signature in blue ink, appearing to read "D. Blanc", written over the word "Sincerely." and above the printed name "David M. Blanc".

David M. Blanc

AMENDED AND RESTATED

PERSONAL SERVICES AGREEMENT

CITY OF BOARDMAN
and
BEERY, ELSNER & HAMMOND, LLP

THIS PERSONAL SERVICES AGREEMENT (“Agreement”) is made and entered into as of the last date of signature below, by and between the City of Boardman an Oregon municipal corporation (“CITY”), and Beery, Elsner & Hammond, LLP, an Oregon limited liability partnership (“ATTORNEY”).

WHEREAS, ATTORNEY has served as legal counsel for CITY since September of 2021; and

WHEREAS, CITY continues to have need for legal services with the particular training, ability, knowledge and experience possessed by ATTORNEY; and

WHEREAS, CITY has determined that ATTORNEY is qualified and capable of performing the professional services as CITY does hereinafter requires require; and

WHEREAS, the parties desire to amend and restate the contractual terms of their professional relationship under these terms and conditions set forth below; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. LEGAL SERVICES

ATTORNEY will provide legal advice upon request of the City Manager, City Council, Mayor or other consultants representing CITY. Additional terms of engagement are provided in Exhibit A, which is incorporated into this Agreement.

2. ATTORNEY IDENTIFICATION

ATTORNEY shall furnish CITY with its employer identification number, as designated by the Internal Revenue Service.

3. COMPENSATION

A. Payment will be made to the ATTORNEY for the services identified based upon a detailed monthly billing showing work performed. Payment will be made within 30 days of CITY’S receipt of the detailed monthly billing from ATTORNEY.

B. Hourly rates:

Partners and Of Counsel	\$305.00
Senior Associates	\$285.00
Associates	\$265.00
Paralegals	\$185.00
Legal Assistants	\$160.00
Law Clerk	\$100.00

It is understood that the above rates may be adjusted or changed by ATTORNEY on not more than a yearly basis with not less than 60 days written notice to CITY.

C. CITY shall reimburse ATTORNEY for out-of-pocket expenses at ATTORNEY’S direct cost without additional markup.

4. INDEPENDENT CONTRACTOR

ATTORNEY shall be an independent contractor for all purposes and shall be entitled to no compensation other than the compensation provided for under paragraph 3 of this Agreement.

5. TERM AND TERMINATION

At any time with or without cause, CITY or ATTORNEY shall have the right to terminate this Agreement. If CITY terminates the Agreement, it shall deliver full payment to ATTORNEY for services rendered to the date of termination.

6. INDEMNITY AND INSURANCE

- A. Indemnity: ATTORNEY shall defend, indemnify, and hold the CITY, its officers, and employees harmless from any third-party claims that result in liability, loss, or expenses to the CITY, provided that such duty is limited to the proportional extent that the liability, loss, or expense results from the negligence or willful misconduct of ATTORNEY in the performance of its services under this agreement. Notwithstanding the foregoing, CITY acknowledges that ATTORNEY while performing legal services is acting in its capacity as City Attorney as an Officer and an Agent of the City, and therefore CITY agrees to be responsible under the terms of the Oregon Tort Claims Act (ORS 30.260 to 30.300) for defending, saving harmless, and indemnifying ATTORNEY while it is acting within the professional scope of its engagement for the performance of legal services as City Attorney. Any claim by the CITY against ATTORNEY for legal malpractice is excluded from this indemnity.
- B. Liability Insurance: ATTORNEY shall maintain professional liability insurance insuring ATTORNEY against errors or omissions in the amount and on the conditions required by the Professional Liability Fund of the Oregon State Bar. ATTORNEY shall also maintain commercial general liability insurance covering Bodily Injury, Property Damage, and

Personal Injury for at least \$1,000,000 per occurrence and at least \$2,000,000 in the aggregate per project.

- C. Workers Compensation Coverage: ATTORNEY hereby certifies that ATTORNEY has qualified for State of Oregon Worker’s Compensation coverage either as a carrier-insured employer or as a self-insured employer.

7. NOTICES

All notices shall be made in writing and may be given by email or by mail, addressed as follows:

CITY: Brandon Hammond City Manager/Administrator
 City of Boardman
 PO Box 229
 Boardman, OR 97818-0229
 Email: hammondb@cityofboardman.com

ATTORNEY: Chad A. Jacobs, Partner
 Beery, Elsner & Hammond, LLP
 1804 NE 45th Ave.
 Portland, OR 97213-1416
 Email: chad.jacobs@behlaw.com

8. BAR MEMBERSHIP

ATTORNEY is responsible for maintaining professional standing, as members of the Oregon State Bar Association, of all its attorneys providing services pursuant to this contract.

9. WORK IS CITY PROPERTY

All work, including, but not limited to documents, drawings, papers, electronic media, and photographs, performed or produced by ATTORNEY under this Agreement, shall be the property of CITY.

10. SUCCESSORS AND ASSIGNMENTS

- A. ATTORNEY shall not assign any of its obligations hereunder without the prior consent of CITY.
- B. ATTORNEY may, with CITY’S consent, subcontract services provided under this agreement when a specialized need for legal services arises.

11. MODIFICATION

Any modification of the provisions of this Agreement shall be reduced to writing and signed by the parties.

12. NO WAIVER OF LEGAL RIGHTS

A waiver by a party of any breach by the other shall not be deemed to be a waiver of any subsequent breach.

13. COMPLIANCE WITH LAWS

ATTORNEY shall comply with all applicable Federal, State and local laws, codes, ordinances and regulations applicable to the work in this contract. All provisions of ORS 279B.220 through ORS 279B.235 and ORS 279C.500 through ORS 279C.870 are incorporated herein to the extent applicable to services contracts. Unless otherwise specified, ATTORNEY shall obtain all permits necessary to perform the work.

14. FORCE MAJEURE

Neither ATTORNEY nor CITY shall be held responsible for delay or default caused by an act beyond their reasonable control including but not limited to fire, riot, acts of God, war or pandemic. The party whose performance is delayed or is in default shall make all reasonable efforts to remove or eliminate the cause of the delay or default, and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this contract.

15. INTEGRATION

This Agreement contains the entire agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the same subject. If any provision of this contract is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular provision held to be invalid.

[Signatures on next page]

IN WITNESS WHEREOF, CITY has caused this Agreement to be executed by its duly authorized undersigned agents and ATTORNEY has executed this Agreement effective as of the date last signed below.

CITY OF BOARDMAN

BEERY, ELSNER & HAMMOND, LLP

By: Brandon Hammond, City Manager

By: Chad A. Jacobs, Partner

Date: _____

Date: _____

Approved by Boardman City Council on _____, 2025.

EXHIBIT A

TERMS OF ENGAGEMENT

Thank you for selecting our firm to represent your organization. We are pleased to serve you and look forward to a successful professional relationship.

We explain our client service practices and billing procedures below. These practices and procedures will apply to your account unless you have reached a different written understanding with us. We encourage you to discuss them with our attorneys at the start of an engagement and whenever you have any questions during that engagement.

GENERAL PHILOSOPHY AND CONCEPT OF REPRESENTATION

The firm operates as a team. While the firm assigns an attorney to serve as the primary contact for each client, we share work and will involve whichever lawyers and personnel as circumstances warrant are best suited to serve your legal needs. While we can never guarantee a particular outcome, our goal is to see that your legal needs are met in the most cost-effective and efficient manner possible, and this team approach permits us to achieve that goal. Please do not hesitate to reach out to your primary contact or a partner at the firm with any concerns about a lawyer or firm personnel working on a matter for you.

COMMUNICATION PRACTICES

Our firm will communicate with authorized representatives of your entity regarding the work we are asked to perform on your behalf. We typically use standard means of professional communication, including telephone discussions, videoconferencing and e-mail communications, although there are times we may use less standard forms of communications such as text messaging. In today's world of technology of viruses and hacking, there is some risk that third parties may intercept or otherwise gain access to confidential communications between our firm and your authorized representatives. We believe the benefits of using these forms of communication outweigh the risk of accidental or malicious disclosure. But we will use whatever means of communication that you prefer if you inform us of your preferences. Nonetheless, we recommend that your authorized representatives avoid using computers or other communication tools that are owned, controlled, or accessible by others, such as public Wi-Fi networks or shared public computers when communicating with our office. Use of any computer, device, or account that is accessible by others increases the risk of disclosure of confidential information. Any devices used to communicate with our firm should be password protected.

BILLING PRACTICES

We bill monthly throughout the engagement for a particular matter, and our periodic bills are due when rendered. Our bills contain a concise summary of each matter for which legal services are rendered and a fee is charged. We bill in one-tenth hourly (six-minute) increments. Payment is due within 30 days of receipt, and the firm retains the right to charge interest on overdue bills at

an annual rate of 9%. Please review your bills upon receipt. If you do not object to a bill within 30 days, the bill is deemed final. Please do not hesitate to contact us if you have a concern about a fee or billing issue.

COSTS AND EXPENSES

We strive to serve you through the most cost-effective and efficient support systems available. Our internal charges typically include such items as courier services, certain charges for legal research, engagement of outside contractors and charges for photocopying materials. We may request an advance cost deposit when we expect that we will be required to incur substantial advanced costs on your behalf. We pass along out-of-pocket expenses at cost. Travel time is billed at our hourly rates and mileage is billed at current IRS rates.

RATE CHANGES

We adjust our standard rates and chargeable costs from time to time but not more than yearly. Such adjusted rates will be charged for time spent only after the effective date of the adjustment. We will provide you with at least 60 days' notice of any rate change. If you have any questions or concerns regarding billing matters or our rates, please contact us.

CONFLICTS OF INTEREST

We have checked a list of our other clients to see whether representing you would create a conflict of interest. We are not aware of any such conflicts. Please inform us immediately if you become aware of any actual or potential conflict of interest that may arise.

PRIVACY/CONFIDENTIALITY POLICY

Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than other privacy laws. We have always protected each client's right to privacy and will continue to do so. We want you to know that all information that we receive from a client is held in confidence, and is not released to people outside the firm, except as agreed by the client, or as required under applicable law. To accomplish this, we maintain physical, electronic, and procedural safeguards that comply with our professional standards.

TERMINATION OF SERVICES

We retain the right to stop performing legal services and to terminate our legal representation for any reason consistent with the applicable ethical rules, including unanticipated conflicts of interest or unpaid legal fees and expenses. You retain the right to discharge the firm for any reason at any time. You agree that if you discharge the firm or we terminate our legal representation as provided above, you remain liable for all fees, costs, and expenses actually incurred under this contract, which may include work we are required to perform on your behalf after you transition to another attorney, and that you will make payment in full.

CHOICE OF LAW/VENUE

This agreement shall be considered to have been negotiated, signed, and delivered, and to be wholly performed, in the state of Oregon in the United States, and the rights and obligations of the parties to this Agreement shall be construed and enforced in accordance with, and governed by, the laws of the state of Oregon without giving effect to that state's or any other state's or country's choice-of-law principles. You further agree that any claim or dispute you may have against the firm will be resolved by a state or federal court located in Multnomah County, Oregon. You agree to submit to the personal jurisdiction of the courts located within Multnomah County, Oregon, for the purpose of litigating any and all such claims or disputes. Each party shall be responsible for its own costs and attorney fees for any claim, action, suit or proceeding, including any appeal.

FILE RETENTION

We securely store our electronic files either on a local server, a remote backup server or using a cloud service. Physical files, of which there are not many, are stored securely at the firm's offices or an offsite storage facility. Email communications are stored in the cloud unless and until they are downloaded to a local server. We believe your files and information are secure using these methods, however, if you have any concerns about the security of your files, please let us know and we will take reasonable and appropriate steps to alleviate your concerns. Upon termination, we will return any requested files to you. Unless otherwise required by law to be kept for a longer period of time, electronic and physical files will be destroyed after 10 years. Collection and returning of files is charged at our then in-place billable rates.

MARKETING

Our firm will, on occasion, publicize the clients with which we work. For example, we generally list the names of clients on our website or refer to them in proposals for new clients. Any information we share about clients includes only that which is publicly available. We will assume that by engaging the services of our firm, you consent to our firm using your entity's name and any publicly available information in such marketing. You may withdraw this consent at any time by providing written notice to our office manager.

QUESTIONS

We take pride in delivering legal services effectively and efficiently and in providing accurate and understandable billings. Please direct any questions about our services or billing practices to the lawyer responsible for your account. Any questions regarding the billing or payment status of your account should be promptly directed to the primary attorney on your matter or to Yen Huynh at (503) 226-7191.

September 2025 Patrol Synopsis – Boardman Police Department

During September, the Boardman Police Department handled a total of 386 incidents, including:

241 calls for service
145 officer-initiated activities, consisting of:
54 traffic stops
91 other officer-initiated incidents
7 bus/building checks
44 vehicle/pedestrian checks
Officers generated 44 reports, consisting of:

3 felony reports
18 misdemeanor reports
20 information cases
3 unclassified reports
Arrests totaled 15 (11 misdemeanors / 4 felony).
Officers also issued 20 citations (all violations).

This summary reflects the department's ongoing balance of proactive policing, responsive service to the community, and case follow-up.



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	404	433	511	491	557	616	484	386				
Calls for Service	163	136	180	199	189	241	284	222	241				
Officer Initiated Incidents	282	268	253	312	302	316	332	262	145				
Traffic stops	157	131	126	174	160	151	157	133	54				
Other OIA Incidents	125	137	127	138	142	165	175	129	91				
Bus/Building Checks	7	14	13	14	7	14	14	9	7				
Veh/Ped check	59	81	70	79	73	103	96	81	44				
 Total Officer Reports	 51	 43	 47	 51	 51	 68	 58	 51	 44				
CIS Conversion	0	0	0	0	0	0	0	0	0				
Crash	3	2	0	1	1	3	1	0	0				
Felony	7	3	4	5	3	7	2	5	3				
Information Case	17	15	13	22	18	15	20	9	20				
Misdemeanor	18	16	21	15	21	23	27	30	18				
Violation	0	0	1	0	1	1	0	1	0				
Voided	3	2	1	1	2	1	1	1	0				
Unclaissified Reports	3	5	6	7	5	18	6	5	3				
 Total Misdemeanor & Felony Arrest	 18	 10	 22	 14	 21	 19	 21	 27	 15				
Misdemeanor Arrests	14	9	15	10	19	15	20	24	11				
Felony Arrests	4	1	7	4	2	4	1	3	4				
 Total Citations	 17	 27	 26	 40	 34	 46	 48	 36	 20				
Code	0	0	0	0	0	0	0	0	0				
Criminal	7	2	0	3	3	1	7	4	0				
Violation	16	25	26	37	29	45	41	32	20				
Unclassified	0	0	0	0	2	0	0	0	0				
 FI's	 1	 1	 1	 1	 2	 0	 0	 2	 0				

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,.

Here’s a simple summary of our permit activity from **August 2024 to September 2025**:

- **Total permits issued:** 843
- **Most active month:** October 22 – November 22 (142 permits)
- **Least active month:** December 23 – January 22 (28 permits)

 By Region:

- **Boardman:** 219 permits, mostly new home construction
- **Morrow County (ZIP 97818):** 278 permits, highest volume overall
- **Morrow County (excluding 97818):** 153 permits
- **Irrigon:** 82 permits, with some multi-family units
- **Gilliam County:** 111 permits
- **State Electrical:** 35 permits

 By Type:

- **Manufactured Home Placements:** 34 total
- **New Home Constructions:** 70 total
- **Multi-Family Units:** 14 total

	Aug 23 to Sept 22	Sept 23 to Oct 22	Oct 22 to Nov 22	Nov 23 to Dec 22	Dec 23 to Jan 22	Jan 23 to Feb 22	Feb 23 to Mar 22	Mar 23 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 Section 12, Item B.	Totals
2024 - 2025														
Total Permits Sold	80	67	142	66	28	27	40	100	83	38	89	54	59	843
Boardman														
Permits Sold	36	28	29	14	11	7	7	14	27	3	14	21	8	219
Manufactured Placement Permit	0	0	1	0	0	0	0	1	1	0	0	16	6	25
New Home Construction	11	5	6	4	4	1	3	3	7	1	2	0	0	47
Multi Family Units	0	4	0	0	0	0	0	0	0	0	0	0	0	4
Morrow County (Excludes 97818)														
Permits Sold	33	10	22	13	8	3	5	12	8	5	11	7	16	153
Manufactured Placement Permit	0	1	1	1	0	0	0	1	0	0	0	1	0	5
New Home Construction	0	1	2	0	3	0	1	0	1	0	0	0	3	11
Multi - Family (units)	0	0	0	0	0	0	0	2	0	0	0	0	0	2
Morrow County - 97818														
Permits Sold	1	10	54	36	1	8	9	50	32	4	39	12	22	278
Manufactured Placement Permit	0	1	0	0	0	0	0	0	0	0	0	0	0	1
New Home Construction	0	0	0	0	0	0	0	2	0	0	0	0	0	2
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Irrigon														
Permits Sold	7	2	15	1	1	3	5	7	11	5	13	4	8	82
Manufactured Placement Permit	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Home Construction	2	0	0	0	0	0	0	4	1	1	2	0	0	10
Multi - Family (units)	0	0	0	0	0	0	0	0	6	2	0	0	0	8
State Electrical														
Permits Sold	4	3	13	1	1	0	1	1	3	2	4	1	1	35
Gilliam County														
Permits Sold	4	14	9	1	6	6	13	16	2	19	8	9	4	111
Manufactured Placement Permit	0	0	0	0	0	0	0	1	0	0	0	2	0	3
New Home Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0

City Council Public Works Report

Reporting Period: September 2025

WATER & SEWER SERVICES

- Repaired 6 water service leaks throughout the city.
 - Installed new tap at City Center Circle.
 - Installed new water service (2-inch line) to laundromat.
 - Installed new water services on SW Front Street in conjunction with completion of Loop Road.
 - Flushed manholes citywide.
 - Completed GIS mapping of new water system line.
 - Winterized the splash pad – off for the season.
 - Replaced batteries in all irrigation control valves in the River Ridge area.
 - Serviced and repaired hydraulic hoses on Hyster.
 - Serviced Vac Truck.
-

CITY VEHICLES & EQUIPMENT MAINTENANCE

- Performed routine maintenance on all Public Works vehicles.
 - Serviced Police Department (PD) vehicles.
 - Serviced City backhoe.
 - Serviced Hyster and repaired hydraulic hoses.
-

STREETS & STORMWATER

- Prepped perma stripe for city roads.
 - Conducted street sweeping around the city.
 - Painted curbs and hydrants citywide.
 - Cleaned all city storm drains.
-

FACILITIES & INFRASTRUCTURE

- Installed meter and setter at Roadway Inn.
 - Installed TV mount in City Council Chambers.
 - Installed 3 TV brackets on PD side.
 - Relocated recycling station bins to City Hall.
-

PARKS & RECREATION

- Work continues at new Dog Park:
 - Grubbing, irrigation work, and post installation for fencing underway.
 - Had several pavilion rentals during the month of September.
-

CODE ENFORCEMENT & ANIMAL CONTROL

- Picked up several dogs around the city.
-

TRAINING & CERTIFICATIONS

- 4 employees completed Backflow Prevention Training.

MEMORANDUM

To: Mayor Keefer and members of the City Council
 Cc: Brandon Hammond, City Manager
 From: Carla McLane, Planning Official
 Date: September 30, 2025
 RE: Planning Department Monthly Update

Strategic Planning Program: Work continues as we approach the end of the calendar year with three projects nearing completion – the Transportation System Plan, Parks Master Plan, and the Economic Opportunities Analysis. Since the last update, the following has occurred: we have kicked off the development of UrbanForm with the project consultants leading two meetings reaching out to a broader interest group; the DRAFT Parks Master Plan has been provided to the PMP PAC for review with the fifth PAC meeting held on September 25th; the DRAFT TSP has been submitted to the Department of Land Conservation and Development initiating the upcoming public hearing process; and PAC meeting #4 has been scheduled for the Comprehensive Plan/Boardman Development Code project where we will evaluate recent outreach and begin discussion about how the Comprehensive Plan and Development Code will be amended. As always you can follow these projects at [this location](#) on the City’s website.

- Transportation System Plan (TSP):** The DRAFT TSP has been noticed to the Department of Land Conservation and Development (DLCD), a requirement prior to the public hearings process. The Planning Commission public hearing is scheduled for October 16 with the City Council public hearing scheduled for November 18. You can follow the TSP Update and the PAC [here](#).
- Economic Opportunity Analysis (EOA):** A second DRAFT of the EOA will be coming soon, which will then be followed by notice to DLCD and the required public hearings. You can follow the EOA PAC [here](#).
- Housing Capacity Analysis (HCA):** The Scope of Work for this project has been drafted and work is happening with DLCD for refinement. We are targeting November 1 as the kick off date for the project. The appointment of the PAC would be an early action.
- Parks Master Plan (PMP):** The fifth PAC meeting has been held. Work is progressing to submit a final DRAFT of the PMP to DLCD in October that will allow public hearings to begin in November with adoption targeted for early 2026. You can follow the PMP PAC [here](#).
- Boardman Development Code (BDC) and Comprehensive Plan (CP):** We are in Phase II of this project with a community outreach event recently concluded and the fourth PAC meeting scheduled for October 13. You can follow the CP/BDC PAC [here](#).

- **System Development Charge (SDC) Update:** We have reached out to the contractor and requested that this project be reengaged with the adoption of the Parks Master Plan and Transportation System Plan pending as significant input.

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

- **Boardman Municipal Code (BMC):**
 - Addressing Ordinance: Work continues at the staff level.
 - Business License Ordinance: This regulation has changed focus to transient merchants and mobile vendors. This version will be available for discussion and potential adoption at this month’s (October 7) City Council meeting.
- **Code Enforcement and Animal Control Program:** A current focus area is around junk, garbage, and debris. Vouchers have been provided for some residents to help assist with compliance.

The chicken ordinance is now effective. Should you hear anything in the community please share those comments with Brandon so he can pass them along.

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:** A preconstruction meeting has been held with the new developer of the Chaparral Phase II Subdivision. They continue their due diligence which we anticipate will lead to construction activities being initiated this fall.
- ✓ **Commercial Development:** Planning Commission did not meet in September. The October public hearing will be to review the Transportation System Plan. There are ongoing conversations on several fronts that will lead to future reviews for various types of commercial and industrial development.



City Manager September Report

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

1. City Hall will be closed on **Thursday, November 13, and Friday, November 14** to provide staff uninterrupted time to conduct a comprehensive review of current and historical records. Proper record retention is a critical component of City Hall operations, and this dedicated period will ensure the continued accuracy, efficiency, and compliance of our records management system. In addition, staff will receive training on the records retention process to strengthen consistency and support long-term best practices.
2. Over the years, Boardman has grown and developed into a vibrant community, shaped by its unique history and the dedication of its residents. Although efforts to incorporate the City of Boardman began in 1921, the official incorporation was not finalized until 1927. As the city approaches its 100th anniversary, preparations are underway to celebrate this milestone centennial in 2027, honoring the city's rich heritage and looking forward to its continued growth and success.
3. Boardman students got creative! Kids from **Sam Boardman Elementary** and **Windy River Elementary** helped name our new city vehicles in a fun contest. The winning names? **"Lil Sweep"** for the street sweeper and **"Big Boy"** for the vac truck—ready to roll through the city with style! A big thank you to the students for their creativity and participation in our vehicle-naming contest!
4. The City of Boardman is working with Anderson Perry & Associates and GEL Oregon, Inc. to study water and wastewater rates for 2025. The project will review the city's current systems, budgets, and plans, and create a **20-year financial forecast** to ensure the water and wastewater systems are financially sustainable.

The study will look at:

- How much it costs to operate and maintain the systems, including staff, materials, and equipment.
- How much revenue is needed for ongoing operations, capital improvements, and debt payments.
- Different scenarios for rates, including keeping current rates or adjusting them to meet minimum fund requirements.

The goal is to give the city council clear information on how rates may need to change to keep the systems running efficiently and sustainably over the long term. A workshop will be held in December to review the final draft of the analysis.

5. Exciting progress continues on the new greenspace area! Fencing is being completed and hydroseeding is close behind. The loop road is now open to the public, allowing S. Main Street to be temporarily closed. Paving on S. Main is expected to be finished by the end of November, and we ask for your continued patience as this final stage of construction is completed.

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. NEACT | L. Morrow County SD- Weenaha |
| B. US Corp of Engineers | M. Apple Valley News |
| C. Urban Form | N. Safety Committee |
| D. Fire District Board Mtg | O. Chamber Luncheon |
| E. Clean Water Consortium | P. League of Oregon Cities |
| F. Boardman Chamber | Q. Rec District Board |
| G. Port of Morrow | R. BIZ Oregon |
| H. BCDA Monthly Mtg | S. Park Master Plan |
| I. Technology Consulting | T. MCURD |
| J. Community Connection-Video | U. Health District Board Mtg |
| K. Housing Advisory | V. LOC Annual Conference |

CAPITAL IMPROVEMENT PROJECTS

2025-26

<u>General</u>	PROGRESS	Cost Estimate
BPA Greenspace	Oct. est. completion	\$390,000
Splash Pad	TBD	\$550,000
<u>Planning</u>		
Economic Opportunity Analysis	Oct est. completion	\$60,000
Transportation System Plan	Dec est. completion	Grant Funded
Parks Master Plan	July est. completion	\$40,000
Development Code	May 2026	\$150,000
Municipal Code	In progress	-----
<u>Streets/Sidewalk</u>		
S Main Project	In progress	\$5,000,000
Annual Street Improvements	Est February 2026	\$2,000,000
Storm Water Flow	TBD	\$600,000
<u>Water/Wastewater</u>		
NE Front Sewer	Completed	\$160,000
Bio Solids Removal	Summer 2026	\$1,250,000
Headworks Screen & Septage	2025-26 Budget	\$1,050,000
Receiving Station		
Hypochlorite System	Est December 2025	\$380,000
Collector 2 Improvements	Est December 2025	\$150,000

MEMORANDUM

To: Brandon Hammond, City Manager
Marta Barajas, Finance Director
Mike Lees, City Engineer

From: Andy Parks, CPA
President, GEL Oregon, Inc.

Date: October 4, 2025

Subject: Preliminary Water Rate Adjustments - City and Outside City Customers

Introduction

This memorandum presents preliminary findings from an analysis of the City of Boardman's water utility rates and financial forecasts for fiscal years (FY) 2026 through 2045. The analysis draws from the attached financial forecasts. These projections incorporate revenue, expenditures, population growth estimates from Portland State University (PSU), expected inflation from the Cleveland Federal Reserve, capital improvement plans (CIP), and debt service obligations. Additionally, comparative data from Cividata on the attached reports; water costs for single family residential 0 – 21,000 gallons across 26 entities in Oregon and Washington and commercial 2" meter for 0 – 24,000 gallons informs the recommendations.

The primary objective of the financial and rate analysis is to achieve long-term financial sustainability for the water fund, ensuring adequate funding for operations, maintenance, infrastructure replacement, and debt service (from outside-city customers). Key considerations include equitable rate structures for city and outside-city customers, incorporation of general obligation (GO) debt service impacts, and alignment with industry best practices. The forecasts assume infrastructure replacement at inflation-adjusted costs, excluding GO-funded assets during their 20-year debt repayment period (to avoid cost duplication).

Financial Projections and Rate Adjustment Scenarios

A Baseline 20-year financial forecast model was created. The forecasting model was utilized to analyze minimum rate adjustments needed to recover projected costs for personnel, materials and services, historical maintenance capital expenditures (approximately \$30,000/year) and transfers and retain adequate fund balance for operating working capital (90-days), a 10% contingency for expenditures, and accumulation of reserves for capital replacement (limited to



existing capital investment prior to \$14.9 million investment from GO debt proceeds). Additionally, the Baseline 20-year model was modified to include the water fund's allocation of GO Bond debt service to determine the minimum rate impacts for outside city customers that do not pay GO debt service.

The Baseline forecast, without rate adjustments, projects revenues from fees and services starting at approximately \$1.16 million in FY 2026 and growing modestly to \$1.40 million by FY 2045, driven by population growth (from PSU estimates: Boardman's population rising from 5,749 in 2025 to 7,477 in 2045) and wholesale charges. Expenditures, including operations, maintenance, and capital outlays, are projected to increase due to inflation (Cleveland Fed expected inflation averaging around 2.3-2.8% annually over the period) including the addition of two personnel (.5 full-time equivalent positions in FY 2027 and FY 2037) during the 20-year period, and CIP needs, such as pipe replacements and pump station upgrades. Without rate increases, the fund shows persistent deficits, with net position (ending fund balance) turning negative in FY 2028, with a negative balance of more than \$16 million as of June 30, 2045, indicating unsustainability.

The modified Baseline model incorporates needed rate hikes to cover GO debt service (principal and interest on the 2021 GO bond allocated to the water fund of approximately \$914,000 per year with full payoff in FY 2045). This debt, funded by city taxpayers via property taxes, is not directly recovered from rates for city customers but must be equitably allocated to non-city customers. The forecasts include annual depreciation for existing infrastructure, adjusted by CPI (from the "CPI" sheet, showing U.S. CPI-U increases from 3.0% in 2023 to 2.7% in 2025), ensuring replacement costs are built into long-term planning. GO-funded assets are excluded from depreciation recovery during the debt term; however, at the end of the 20-year period (FY 2042), capital replacement costs for these assets should be integrated into rates to avoid future funding gaps.

Preliminary findings indicate two main scenarios for rate adjustments to achieve sustainability:

1. **Excluding Debt Service in Rates (City Customers Only):** To fund operations, maintenance, and non-debt CIP, rates require annual increases of 10% for the first three years (FY 2026-2028), followed by 5% increases for years 4-13 (FY 2029-2038), and then CPI-linked adjustments (approximately 2.5-3%) for years 14-20 (FY 2039-2045). This results in projected revenues growing from \$1.89 million in FY 2026 to \$5.20 million in FY 2045, covering expenditures and maintaining a stable net position.
2. **Including Debt Service in Rates (Non-City Customers):** For equitable treatment of customers not paying GO debt via taxes, rates incorporate debt service costs. This necessitates a sharper initial adjustment: 65% increase in year 1 (FY 2026), 10% in years 2-3 (FY 2027-2028), 5% in years 4-13 (FY 2029-2038), and CPI thereafter. The net effect is non-city rates at 150% of city rates, consistent with practices in comparable

municipalities where outside customers bear additional costs for not contributing to tax-funded infrastructure.

These adjustments ensure the water fund's resources (including retail charges, wholesale to the Port, and miscellaneous fees) match uses. Population growth drives additional demand, with Boardman's population projected to increase by about 30% over 20 years, necessitating capacity expansions.

Comparative Analysis and Current Rate Positioning

Residential Rates

Boardman's current residential rates are significantly below regional averages, as detailed in the attached "SFR - Boardman 0 - 21,000 gallons.pdf" report comparing 26 utilities (e.g., Bend, Hermiston, Kennewick) for single-family residential (SFR) costs with 3/4" meters and usage from 0-21,000 gallons. Boardman's fixed rate of \$17.33 (including 7,000 gallons) is 43% lower than the average of \$30.34. At 7,000 gallons (where additional charges begin in Boardman), Boardman's cost remains \$17.33, compared to the average \$43.15—a \$25.82 difference (149% higher average). Boardman's consumption rate of \$0.47 per 1,000 gallons is \$2.07 below the average of \$2.54.

The report's chart illustrates Boardman's flat cost line, establishing the minimum of the range of the 26 cities, except for the base cost where one municipality's fee structure is fully consumption based (Klamath Falls).

Commercial Rates

Similarly, Boardman's commercial rates for customers with 2" meters are well below averages, setting the minimum for the comparable utilities. See the "Comm 2 0-24,000 gallons - Boardman.pdf" report comparing 22 utilities for usage from 0-24,000 gallons. The smaller sample size (22 vs. 26 for residential) reflects that some smaller utilities do not specify rates for 2" metered commercial customers. Boardman's base rate of \$21.53 is \$87.24 less than the average of \$108.77. The average consumption rate across comparators is \$2.48 per 1,000 gallons, which is \$1.64 greater than Boardman's commercial rate of \$0.84 per 1,000 gallons (nearly 200% greater).

Boardman's costs remain flat at \$21.53 up to 8,000 gallons, then increase incrementally (e.g., \$34.97 at 24,000 gallons), underscoring its low positioning. The accompanying chart shows Boardman's cost curve substantially below the average and median lines, reinforcing the opportunity for rate adjustments to align with regional norms while maintaining competitiveness.

Notably, Boardman is unique among comparators in funding water debt via tax levies rather than rates, shifting the burden to property taxpayers. Incorporating debt into rates (as recommended for non-city customers) would add 55-75% to the rate increases needed (net of the 10% hikes in years 1-3 excluding debt), aligning with equity principles.

Recommendations and Best Practices

To implement these findings, I recommend the following:

- **Rate Structure Reforms:** Adjust fixed charges for larger meters to reflect capacity (e.g., scaling up from 3/4" base). Eliminate included water in the base rate to encourage conservation and align with cost-of-service principles. Increase both fixed and consumption charges to generate sufficient revenue, targeting the 150% ratio for non-city customers.
- **Phased Implementation:** Adopt the proposed increases to minimize shock while achieving sustainability. Monitor actual vs. projected revenues annually, adjusting for variances in population, inflation, or CIP.
- **Long-Term Planning:** Update model annually, and post-FY 2041, incorporate GO asset replacement into rates.
- **Equity and Communication:** Emphasize that non-city rates at 150% of City rates promote fairness, as city residents bear tax burdens. Engage stakeholders through public hearings to explain the rationale, using comparative data to demonstrate Boardman's low starting point.

These changes position the water utility for resilience amid growth and inflation. I am available to discuss details, refine models, or conduct further sensitivity analyses.

Attachments:

- SFR - Boardman 0-21000 gallons.pdf
- Comm 2" meter, 0-24,000 gallons - Boardman.pdf

City of Boardman
Water Rates
Oct-25

DRAFT

Inside City Customers

Customer Type	Meter Size	Capacity Factor	Present	Water Included	Preliminary	Water Included	Change \$	Change %
Residential	3/4"	1.00	17.33	7,000	19.06	-	1.73	10.0%
Residential	1"	1.67	17.33	7,000	30.16	-	12.83	74.0%
Consumption rate (per 1,000 gallons)			0.47		0.54		0.07	14.9%
Commercial	3/4"	1.00	21.53	8,000	19.06	-	(2.47)	-11.5%
Commercial	1"	1.67	21.53	8,000	30.16	-	8.63	40.1%
Commercial	1.5"	3.33	21.53	8,000	57.64	-	36.11	167.7%
Commercial	2"	5.33	21.53	8,000	90.76	-	69.23	321.6%
Commercial	3"	10.67	21.53	8,000	179.20	-	157.67	732.3%
Commercial	4"	16.67	21.53	8,000	278.56	-	257.03	1193.8%
Commercial	6"	33.33	21.53	8,000	554.44	-	532.91	2475.2%
Commercial	8"	53.33	21.53	8,000	885.64	-	864.11	4013.5%
Consumption rate (per 1,000 gallons)			0.84		0.54		(0.30)	-35.7%

Outside City Customers

Customer Type	Meter Size	Capacity Factor	Present	Water Included	Preliminary	Water Included	Change \$	Change %
Residential	3/4"	1.00	25.20	7,000	28.59	-	3.39	13.5%
Residential	1"	1.67	25.20	7,000	46.07	-	20.87	82.8%
Consumption rate (per 1,000 gallons)			0.67		0.81		0.14	20.9%
Outside City base rates to inside city rate			145%		150%			5%
Outside City consumption rate to inside rate			143%		150%			7%

City of Boardman
Water Rates
Oct-25

Inside City Customers

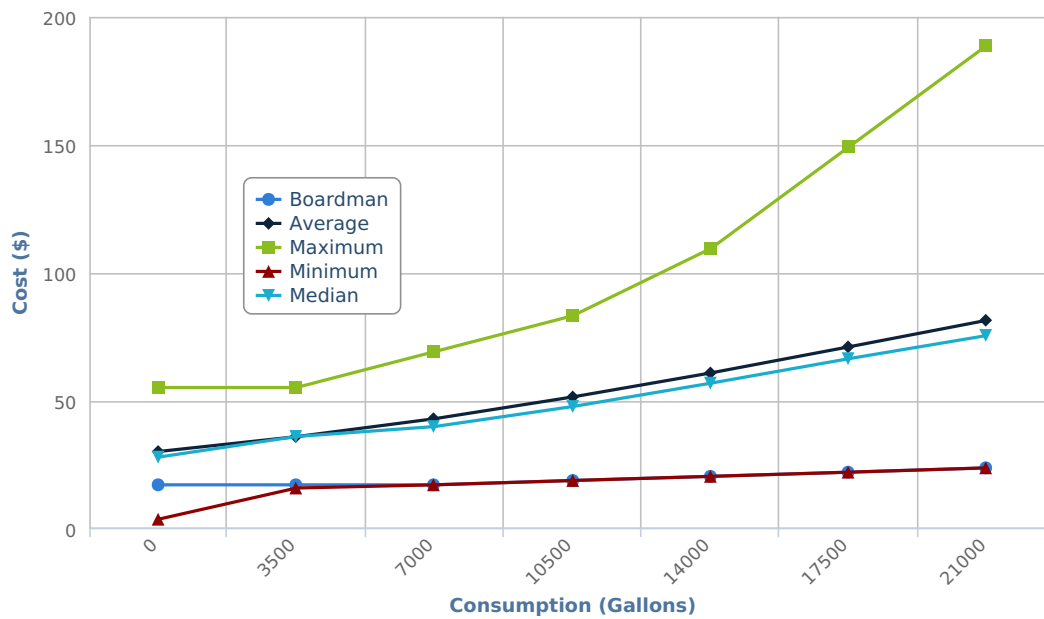
Customer Type	Meter Size	Capacity Factor	Present	2026	2027	2028	2029	2030
Residential	3/4"	1.00	17.33	19.06	20.97	23.07	24.22	25.43
Residential	1"	1.67	17.33	30.16	33.17	36.49	38.31	40.23
Consumption rate (per 1,000 gallons)			0.47	0.54	0.59	0.65	0.68	0.71
				-				
Commercial	3/4"	1.00	21.53	19.06	20.97	23.07	24.22	25.43
Commercial	1"	1.67	21.53	30.16	33.17	36.49	38.31	40.23
Commercial	1.5"	3.33	21.53	57.64	63.41	69.75	73.24	76.90
Commercial	2"	5.33	21.53	90.76	99.84	109.82	115.31	121.08
Commercial	3"	10.67	21.53	179.20	197.11	216.82	227.66	239.04
Commercial	4"	16.67	21.53	278.56	306.41	337.05	353.90	371.60
Commercial	6"	33.33	21.53	554.44	609.89	670.88	704.42	739.64
Commercial	8"	53.33	21.53	885.64	974.21	1,071.63	1,125.21	1,181.47
Consumption rate (per 1,000 gallons)			0.84	0.54	0.59	0.65	0.68	0.71

Outside City Customers

Customer Type	Meter Size	Capacity Factor	Present					
Residential	3/4"	1.00	25.20	28.59	31.45	34.60	36.33	38.15
Residential	1"	1.67	25.20	46.07	50.68	55.75	58.54	61.47
Consumption rate (per 1,000 gallons)			0.67	0.81	0.89	0.98	1.03	1.08
Outside City base rates to inside city rate			145%					
Outside City consumption rate to inside rate			143%					
Rate increases - preliminary forecast					10%	10%	5%	5%

Water Utility Total Costs Report

Section 12, Item F.



26 Entities



Search parameters: Water | Average, Maximum, Minimum, Median | Boardman | | Population 0 - Max | Distance 0 - Max | Single Family | 3/4" meter | Usage 0 - 21000

Entities

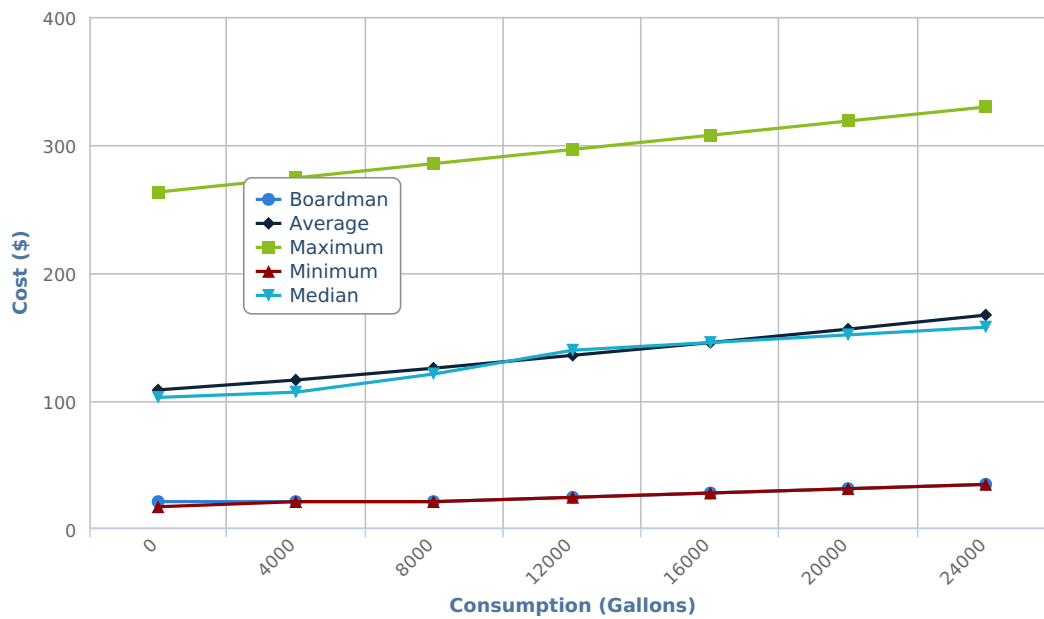
Entity Name	Location	Population	Cost						
			0	3500	7000	10500	14000	17500	21000
Bend	Bend, OR	104,557	\$28.40	\$39.44	\$50.48	\$61.53	\$72.57	\$83.61	\$94.65
Boardman	Boardman, OR	3,690	\$17.33	\$17.33	\$17.33	\$18.97	\$20.62	\$22.26	\$23.91
Canby Utility	Canby, OR	15,830	\$27.90	\$39.04	\$51.59	\$67.93	\$87.40	\$106.86	\$126.32
Grandview	Grandview, WA	11,149	\$27.77	\$30.31	\$39.27	\$48.23	\$57.19	\$64.87	\$72.05
Hermiston	Hermiston, OR	20,177	\$35.92	\$38.02	\$40.12	\$42.22	\$44.32	\$55.34	\$69.94
Irrigon	Irrigon, OR	2,008	\$44.09	\$44.09	\$44.09	\$45.67	\$56.61	\$67.54	\$78.47
Kennewick	Kennewick, WA	85,158	\$32.29	\$40.88	\$49.48	\$58.07	\$66.67	\$75.26	\$83.86
Klamath Falls	Klamath Falls, OR	21,890	\$3.90	\$16.06	\$28.23	\$40.39	\$52.56	\$64.72	\$76.89
La Grande	La Grande, OR	13,340	\$27.31	\$27.31	\$31.88	\$39.12	\$45.67	\$52.22	\$58.77
Lake Oswego	Lake Oswego, OR	39,924	\$31.17	\$46.47	\$59.01	\$81.05	\$109.56	\$149.23	\$188.91
Mattawa	Mattawa, WA	3,761	\$38.58	\$38.58	\$38.58	\$38.58	\$38.58	\$41.41	\$44.25
Milton Freewater	Milton-Freewater, OR	7,105	\$34.31	\$34.31	\$39.31	\$48.06	\$56.81	\$65.56	\$74.31
Molalla	Molalla, OR	9,625	\$15.02	\$31.16	\$48.83	\$68.67	\$88.83	\$109.00	\$129.16
Pasco	Pasco, WA	80,038	\$26.07	\$31.31	\$36.55	\$41.79	\$47.03	\$52.27	\$57.51
Pendleton	Pendleton, OR	16,810	\$39.25	\$50.71	\$62.18	\$73.64	\$85.10	\$97.66	\$110.30
Redmond	Redmond, OR	37,146	\$24.26	\$31.37	\$38.48	\$45.60	\$52.71	\$59.82	\$66.93
Richland	Richland, WA	63,757	\$24.21	\$28.19	\$32.16	\$36.14	\$40.12	\$44.09	\$48.07
Sisters	Sisters, OR	2,725	\$22.42	\$22.42	\$22.42	\$28.35	\$35.23	\$42.11	\$48.99
Stanfield	Stanfield, OR	2,099	\$39.00	\$39.00	\$44.40	\$53.85	\$63.30	\$72.75	\$82.89
Sunnyside	Sunnyside, WA	16,264	\$21.35	\$25.01	\$35.21	\$44.23	\$51.71	\$59.20	\$66.69
The Dalles	The Dalles, OR	14,735	\$55.30	\$55.30	\$55.30	\$56.14	\$62.02	\$67.90	\$73.78
Toppenish	Toppenish, WA	8,592	\$54.53	\$54.53	\$59.80	\$67.15	\$74.49	\$81.84	\$89.18
Umatilla	Umatilla, OR	7,755	\$24.86	\$32.46	\$40.05	\$47.64	\$55.24	\$62.83	\$70.43
Walla Walla	Walla Walla, WA	31,731	\$41.30	\$55.31	\$69.33	\$83.34	\$97.36	\$111.37	\$125.39
West Richland	West Richland, WA	18,456	\$38.15	\$45.15	\$52.15	\$59.15	\$66.15	\$73.15	\$80.15

Entity Name	Location	Population	Cost							
			0	3500	7000	10500	14000	17500	21000	
Yakima	Yakima, WA	96,645	\$14.03	\$24.88	\$35.74	\$46.59	\$57.45	\$68.30	\$79.16	

Section 12, Item F.

Water Utility Total Costs Report

Section 12, Item F.



22 Entities



Search parameters: Water | Average, Maximum, Minimum, Median | Boardman | | Population 0 - Max | Distance 0 - Max | Commercial | 2" meter | Usage 0 - 24000

Entities

Entity Name	Location	Population	Cost						
			0	4000	8000	12000	16000	20000	24000
Bend	Bend, OR	104,557	\$55.95	\$68.57	\$81.19	\$93.81	\$106.43	\$119.05	\$131.67
Boardman	Boardman, OR	3,690	\$21.53	\$21.53	\$21.53	\$24.89	\$28.25	\$31.61	\$34.97
Canby Utility	Canby, OR	15,830	\$181.10	\$192.17	\$203.24	\$214.31	\$225.37	\$236.44	\$247.51
Grandview	Grandview, WA	11,149	\$63.25	\$67.07	\$77.31	\$87.55	\$97.28	\$105.48	\$113.68
Hermiston	Hermiston, OR	20,177	\$35.92	\$38.32	\$40.72	\$43.12	\$49.09	\$65.77	\$82.45
Kennewick	Kennewick, WA	85,158	\$218.12	\$227.94	\$237.77	\$247.59	\$257.41	\$267.23	\$277.06
Klamath Falls	Klamath Falls, OR	21,890	\$17.51	\$31.41	\$45.32	\$59.22	\$73.12	\$87.02	\$100.93
La Grande	La Grande, OR	13,340	\$110.47	\$110.47	\$110.47	\$110.47	\$110.47	\$111.72	\$120.49
Lake Oswego	Lake Oswego, OR	39,924	\$77.64	\$100.42	\$123.20	\$145.98	\$168.76	\$191.54	\$214.31
Molalla	Molalla, OR	9,625	\$80.11	\$98.68	\$119.35	\$142.40	\$165.45	\$188.49	\$211.54
Pasco	Pasco, WA	80,038	\$165.98	\$171.97	\$177.96	\$183.95	\$189.94	\$195.92	\$201.91
Pendleton	Pendleton, OR	16,810	\$137.45	\$150.55	\$163.65	\$176.75	\$190.45	\$204.89	\$219.32
Redmond	Redmond, OR	37,146	\$95.30	\$103.43	\$111.56	\$119.68	\$127.81	\$135.94	\$144.07
Richland	Richland, WA	63,757	\$129.01	\$132.49	\$135.96	\$139.44	\$142.91	\$146.39	\$149.86
Sisters	Sisters, OR	2,725	\$66.52	\$66.52	\$67.54	\$75.40	\$83.26	\$91.12	\$98.98
Sunnyside	Sunnyside, WA	16,264	\$113.88	\$119.00	\$130.65	\$139.97	\$148.52	\$157.08	\$165.63
The Dalles	The Dalles, OR	14,735	\$78.95	\$78.95	\$89.78	\$104.22	\$118.66	\$133.10	\$147.54
Toppenish	Toppenish, WA	8,592	\$179.93	\$179.93	\$185.52	\$191.88	\$198.24	\$204.61	\$210.97
Umatilla	Umatilla, OR	7,755	\$128.36	\$137.04	\$145.72	\$154.40	\$163.08	\$171.76	\$180.44
Walla Walla	Walla Walla, WA	31,731	\$263.30	\$274.38	\$285.47	\$296.55	\$307.64	\$318.72	\$329.81
West Richland	West Richland, WA	18,456	\$133.21	\$141.21	\$149.21	\$157.21	\$165.21	\$173.21	\$181.21
Yakima	Yakima, WA	96,645	\$39.38	\$51.79	\$64.19	\$76.60	\$89.00	\$101.41	\$113.81