

AGENDA
Historic Review Board
City Council Chambers – 21420 Main Street NE, Aurora
Thursday, 7:00 pm
September 26, 2013

1. CALL TO ORDER BY CHAIRMAN

ROLL CALL

2. CONSENT AGENDA

A. Minutes:

- I. Historic Review Board Minutes – August 22, 2013 and Special Meeting August 29, 2013
- II. Planning Commission Minutes – August, 2013
- III. City Council Minutes – August, 2013

3. CORRESPONDENCE

None

4. VISITORS

Anyone wishing to address the Historic Review Board concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Historic Review Board could look into the matter and provide some response in the future.

5. OLD BUSINESS

A.

6. NEW BUSINESS

- A. Discussion and/or action on new home construction application from John and Sarah Marvin at 21825 Airport Road.
- B. Discussion and/or action on paint color list.
- C. Discussion and/or action on goals for the upcoming year.

7. ADJOURN

**HISTORIC REVIEW BOARD MINUTES
21420 MAIN ST. NE, AURORA OR 97002
August 22, 2013**

Staff Members Present: Kelly Richardson, City Recorder

Others Present: Jimmy Essien, Aurora
Scott Brotherton, City Council
Kris Sallee, Planning Commission
Rod Yoder, Chief Aurora Fire

The meeting of August 22, 2013 was called to order at 7:00 p.m. by Chairman Townsend.

Chairman Townsend takes Roll Call

Chairman Karen Townsend – Present
Vice-Chair Gayle Abernathy – Present
Member Bill Simon – Present
Member Merrra Frochen – Present
Member Mella Dee Fraser – Present

CONSENT AGENDA

A. Minutes

- I. Historic Review Board Minutes – July 18, 2013, Chairman Townsend, points out a spelling mistake on pg 4 sidewalks troweled. Two places, pg 3 also Fraser is spelled in correctly.
- II. Planning Commission Minutes – July, 2013
- III. City Council Minutes – July, 2013

A motion to approve the HRB minutes of July 18, 2013, with corrections stated, was made by Member Simon, seconded by Member Frochen and passed unanimously.

CORRESPONDENCE

None

VISITORS

No one spoke.

5. **OLD BUSINESS**

A. NA

6. **NEW BUSINESS**

A. A. **Discussion and/or action on A-Board sign application Heirloom Revival Co. 14936 3rd Street.** No one is present from the application,

This particular property is not in HRB however she wants to place the sign on the HWY in the Island and its HWY right away owned by ODOT. So as far as location goes we do not have the authority to approve because it is within the ODOT right-away. We could generalize it to be for the island however because we do not have authorization to allow this I am not sure we want to do that.

If she wants to put it in HRB and or on the sidewalk we could approve it, we can't control their actions if they move it to the hwy.

48 inches tall X 32 inches wide

White with black graphics

Materials, wood

Motion to approve per sign code 17.20.with placement within the Historic District only and it could be beside City sidewalk or near the island is made by member Simon because HRB doesn't give permission for state right away area and seconded by member Frochen. Motion Passes Unanimously.

B. **Discussion and/or action on Free standing sign application Aurora Fire District 21390 Main Street.** Sign location is Elen and Airport Rd which is already up and the realtor didn't have a permit and we were not aware a permit was needed so I (Chief Yoder) apologize that we are behind in the process but we want to make it right.

It would be exempt if it were less than 4 square feet so we need to treat it as a free standing sign at this point.

Per Sign Code 17.20 Free Standing sign all conditions are met.

- Size 4x8
- Font, Avante Garde
- Materials, Wood

It is supposed to be dark letters on light background so I think that it complies with the standard code.

Members like it.

A motion to approve the application as submitted is made by Member Simon and is seconded by Member Frochen. Motion Passes Unanimously.

Chairman Townsend points out that the Balldock rest area is going to be renamed to French Prairie Sept 9th will be the event.

C. Discussion and or action on paint application by Jimmie Ensien as added last minute because of the time factor. Business name Aurora Artisian Gallery, woodworking sculpture and ceramic from local artisans next to the wine bar at IDA Reds last location.

- Dark Teal Heavy Armor for the base
- Plucky Bicket for the trim.

Chairman Townsend this color is dark and it is very likely to look black if you stand a block away, (applicant) I was wondering what would happen if we did paint it a color and then didn't like it? (Townsend) well certainly we really like to know exactly what the paint color is before you paint it.

Member Abernathy, my concern is that dark colors would make the building look smaller.

Townsend generally these dark colors are used as trims so I thought when I first looked at it great. But I see differently now. We certainly don't have a reason to rule against this but I don't think I have seen anything like it before. (applicant) Do I have an option to go with another color and get approval (Townsend) well not really without another meeting?

Member Abernathy, I guess since it's not a historic building that he can paint it anything he wants (Townsend) its right next to a historic building and it might be a bit dark but it's not an orange or a bright color.

We could approve as is and then have him do a test strip and then recommend that lighter would be nicer.

A motion to approve the application as presented is made by Member Frochen and seconded by Member Simon. Motion Passes Unanimously.

- City Recorder Richardson also offers to the board and the applicant if they would like to have a special meeting on Thursday August 29th I will already be here so we could waive the fee if we need to approve a different color scheme.

Member Frochen wanted clarity on what was decided at the public hearing in regards to title 17 specifically regarding new construction. Chair Townsend explained that the HRB no longer will have authority to approve new construction projects however it has been stated we will have input.

Member Abernathy wanted to do some goal planning at the next meeting since there have not been a lot of recent applications made.

Chair Townsend did point out 4 items that should be at the top of the list of goals,

- *List of paint color's*
- *SHPO inventory*
- *Condense the current guidelines*
- *Continue signage inventory*

Also we need to steer the city towards becoming a Certified Local Government for the Historic District.

ADJOURN

A motion to adjourn was made at 7:55 pm by Member Simon, seconded by Member Frochen and passed unanimously.

Karen Townsend, Chairman

ATTEST:

Kelly Richardson, City Recorder

**Special Meeting HISTORIC REVIEW BOARD MINUTES
21420 MAIN ST. NE, AURORA OR 97002
August 29, 2013**

Staff Members Present: Kelly Richardson, City Recorder

Others Present: Jimmy Essign, Aurora

The special meeting of August 29, 2013 was called to order at 5:30 p.m. by Chairman Townsend.

Chairman Townsend takes Roll Call

Chairman Karen Townsend – Present
Vice-Chair Gayle Abernathy – Present
Member Bill Simon – Present
Member Merra Frochen – Absent
Member Mella Dee Fraser – Present

CONSENT AGENDA

CORRESPONDENCE

None

VISITORS

No one spoke.

OLD BUSINESS

- A. Discussion and or Action on Paint Color Application of 21860 Main Street, Aurora Artisan.** Colors presented Water Fowl, Ultra White and Brick Fleck trim color Windows white and Door red.

Motion to approve the application as presented was made by Member Simon and was seconded by Member Frochen. Motion Passes Unanimously.

ADJOURN

A motion to adjourn the August 29th, 2013 Special Meeting was made at 5:35 pm by Member Simon, seconded by Member Frochen and passed unanimously.

Karen Townsend, Chairman

ATTEST:

Kelly Richardson, City Recorder

Minutes
Aurora Planning Commission Meeting
Tuesday, August 06, 2013 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Excused

STAFF ABSENT: Kelly Richardson, City Recorder
 Renata Wakeley, City Planner

VISITORS PRESENT: Bill Graupp, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:01 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer - Present
Commissioner, Willman Absent
Commissioner, Gibson Present
Commissioner, Graham Present
Commissioner, Fawcett Present
Commissioner, Sallee Present

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –July 02, 2013
- II. City Council Minutes – June, 2013
- III. Historic Review Board Minutes –

No comments....

A motion is made by Commissioner Sallee to approve the consent agenda as presented and seconded by Commissioner Gibson. Motion Approved.

Correspondence

- I. NA

4. Visitor

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Planning Commission could look into the matter and provide some response in the future.

5. New Business

A. Discussion and or Action on Supreme Court Ruling on Takings. Not a lot of action Ruling on Koontz VS St.Johns River Water Management District they decided two things.

In this case the Koontz family had some wetlands that they wanted to develop. As often happens while development occurs surrounding it, the property got a lot wetter and so they proposed to develop and donate the rest to the water district. But the water district wanted more land and said if they didn't do as they asked the application would be denied. On that issue the Supreme Court agreed 9-0 that governments cannot escape the takings liability by denying an application. Many governments have used this in the past as a work around to have requirements be apart of the approval.

In the case of City of Tigard, they required an easement for a bike path to expand a plumbing store, and so many governments used it as a work around stating that if you don't include what we want we will deny you. This is what the Supreme Court said is unconstitutional. 9-0

Secondly, the water district told the Koontz family that if they didn't want to perform wetlands mitigation on their own property that they could pay a fee. Key thing is that if we ask someone to do something in response to an application, to dedicate a stream or something of that nature, that if we just decided to ask them to write us a check and we will take care of what actually needs doing we need to be careful that what we ask for is in direct impact of the development that is proposed.

6. Old Business

A. Discussion and or Action on Vending Carts on Private Property.

In your packet is a flyer that was prepared for the City of Portland that talks about the mechanics of how they regulate food carts however it really doesn't get to the issue of where food carts are allowed. I wanted it in the packet because it illustrates some of the practical issues that need to be flushed out.

- Zoning
- Permits
- Fire bureau
- Signs
- Health dept
 - Our bigger issue is when and where to allow food carts
 - Tricky thing is how they compare to other food businesses
 - We allow them to sell food items but not trinkets or other goods
 - I wanted to get a discussion going about this to see where everyone stands
- Sallee asks what is required of a food cart during Colony Days, that really is a temporary use permit or special event permit.
- Gibson has there been requests recently, Schaefer yes several recently.
 - On 99E at Southards property a few years ago that was denied
 - On 99E at Erickson's property we allowed one because it was actually where they manufactured the carts so it was an extension of that business.
 - There has been a request for the downtown area most recently.

Sallee what has been the cities response, **Schaefer** there not permitted the code doesn't allow them.

Gibson so they are being excluded, correct. We do not have a code provision that allows them.

Graham how come we allowed the one on 99E on the Erickson's property? Because it was considered as an accessory or promotional sale item for the original business on the premises. The cart is gone it is no longer operating on this site.

I would like to hear from others:

Sallee had not really thought about it

Fawcett I think that if it were an extension of the business in some way I think it would be ok. I think a food cart permanently would it be successful and how much business would it take away from other businesses in town that's really not fair. When Amy's food cart for coffee was done they didn't have running water they had to treat the water with salt products to sanitize. It really could be an issue or result in issues. In the summer they might be nice for the other businesses in town to utilize a food cart to promote themselves.

Schaefer my thoughts are to allow them as an accessory use to the main business in town. My thought behind that is not only that its fair because they are all ready following our code as an established business but that they already are aware of the sanitary issues that goes along with operating a food business and infrastructure such as restrooms.

Sallee on this flyer it states that if you are not connected to plumbing fixtures and sanitary sewer than it's not allowed.

Gibson I am certainly an advocate for a small business and not a lot of capital outlay to have a way of starting and then certainly it could grow into something larger. Schaefer then you could have the opposite effect. As well.

Sallee well then what about regulations on a certain length of time criteria that would allow a temporary business until you could grow.

Councilor Graupp in the audience, I think if they are on private property and they have access to water, and bathrooms. So my vision is to allow a Permanente cart on private property that has access to all services and are used for special events or seasons that already have a food business and then you have the temporary say taco truck that is there during lunch hour everyday during the weekend but is able to move.

Sallee right off I would say that the temporary or rolling cart is not flattering to our city. Even if not in the Historic District it's really not a look for Aurora.

Fawcett, isn't there something that specifically calls out drive through businesses, yes they are prohibited in the Historic District however in the remainder of the city it's ok.

There has been a recent application for a drive through at the old bank building on 3rd street and since it is not in the HRB then it is allowed.

Whats next?

Seems like everyone agrees with an extension of an established food service business in town mobile or fixed we should require access to bathrooms of the already established business.

Seems like everyone likes the concept and for the next step we present it to the HRB to see what they have as input.

Discussion goes on with a variety of comments..

B. **New discussion item is ODOT discussion** the I-5 Donald/Aurora interchange. Spoke with Dan Fricke with ODOT this is really on the back burner but they have been discussing realigning Bentz Rd to be potentially run around to the west.

C. **Discussion on SEDCOR**, We met with them myself (Sallee), Schaefer, Scott Brotherton and Bill Graupp with SEDCOR members Chad Freeman, President and Nick Harveld, Marion County Rep. about our tax incentives for our Enterprise Zone, to pick their brains on what those could be and set up a future meeting, The next steps would be for them to put a sample training together and then get volunteers in our area to collect data. At this point they are still approaching other communities.

Schaefer the main point I took away from that meeting was to focus on existing businesses and to help them grow and come into our community verses bringing others in from out of state.

Sallee, marketing our selves is very important for the success of this.

7. Commission Action/Discussion

- A. City Planning Activity (in Your Packets)
Status of Development Projects within the City.

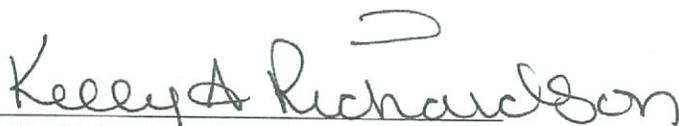
9. Adjourn 7:54 P.M.

A motion to adjourn the August 06, 2013 meeting is made by Commissioner Sallee and seconded by Commissioner Fawcett. Motion Passes Unanimously.



Chairman, Schaefer

ATTEST:



Kelly Richardson, City Recorder

Minutes
Aurora City Council Meeting
Tuesday, August 13, 2013, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Jan Vlcek, Finance Officer
Bob Southard, Water Superintendent
Otis Phillips, Waste Water Superintendent
Dennis Koho, City Attorney
Pete Marcellais, Marion County Deputy

STAFF ABSENT: NONE

VISITORS PRESENT: Kris Sallee, Aurora
Ernie Peter, 21383 Liberty Aurora
Karen Townsend, Aurora
Gayle Abernathy, 15109 2nd Aurora
Jim Metzger, 21151 Main Aurora
Mella Frasier, 20940 Yosemite, Aurora
Merra Frochen, Aurora
Ron & Mary Vankleef, 20787 Yukon
Josie Hyde, 14953 Ottaway
Patrick Harris, 15038 2nd ST
Bill Matthiu, Smith Rock
Joseph Schaefer, Aurora
Paul & Tina Zock, 14947 RoosterRock
Annie Kirk, 21370 Main

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Greg Taylor at 7:00 p.m.

2. Administrative Assistant does roll call

Mayor Taylor – present
Councilor Graupp - present
Councilor Brotherton -present
Councilor Sahlin – present
Councilor Vlcek – present

3. Consent Agenda

I. City Council Meeting Minutes – July 09, 2013

- II. Planning Commission Meeting Minutes – July 02, 2013
- III. Historic Review Board Minutes – June 27, 2013

Correspondence

- I. Letter of Resignation/Retirement from Public Works Assistant Ricky Sellers
- II. Email from Luanne Berkey in regards to the LED proposal and the bridge poles.
- III. Added at meeting Ted Reasler Letter
- IV. Added Resignation/Retirement letter's from Bob Southard, Public Works Superintendent and Jan Vlcek, Finance Officer.

Motion to approve consent agenda was made by Councilor Vlcek, seconded by Councilor Graupp. Motion passes.

4. Visitors

Anyone wishing to address the City Council concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the City Council could look into the matter and provide some response in the future.

Ernie Peter, Liberty Street informed Council about the puddle in front of my side walk, **Mayor Taylor** there are 2 leaks in a 60 year old line and we are trying to come up with a plan so we do not have to turn the entire town's water supply off while completing the work.

Jan Metger 21151 Main Street, water bills are so high and now because of the law suit we are expected to pay even more. **Mayor Taylor** 1st the law suits in the past have nothing to do with water prices we are not a loud to transfer money out of the water fund to pay those types of expenses the water sales are only for the water department expenditures and infrastructure. **Metger** asks about whether it is true or not if we have sold our water. **Mayor Taylor** we have sold water for bulk water permits which is metered however during this hot dry spell we have not. We did have one mistake where some water was sold however we did address this and it was not a lot.

Ron Vankleef, Yukon, how much water do we really have in the underground reservoir I thought we had enough to sustain Aurora.

Mayor Taylor many people do not understand where we get our water, many cities pull water from a river so there is more of it to go around. We pull our water from an aquifer we tap the Mt. Hood Troutdale aquifer and because there are so many before us we are last in line so then the ability to refill our wells has been slow to recover. Because of the surrounding area we are in a serious situation if the wells had gone much lower we could have been forced to shut the water off completely we were trying to avoid that.

We have a daily consumption lately of 204, 000, 00 gallons a day almost double what we pull during normal times. Of that 56,000 thousand gallons goes through the sewer plant that's

what you use in your home so the other 140 thousand gallons goes on the ground this is a serious situation. We are not the only city having this problem many cities are having this issue. We did initiate this a few years back and it was successful however this time the odd/even schedule was not observed and did not work so we were forced to declare an emergency.

Lois Smith Cody Lane, I don't understand the whole thing about the aquifer however during the rainy season maybe we need to store water in some sort of a tank for just these types of situations.

Mayor Taylor, we could look at this as a solution however currently it is not in the budget this is a very expensive issue and we have obligations to attend to.

Smith do we have a moratorium on building in our area because it seems to me that we should regulate that.

Mayor Taylor, let me put it to you this way if you were to stop all watering outside then it would put us back in the safe zone so please conserve water is not a never ending resource.

Annie Kirk, please clarify rumor or not is our current filtration unit taxed/over worked because of this issue. **Mayor Taylor** no it is not a problem it remains the same.

(Question from audience no name was stated) how many wells do we have and **Mayor Taylor** currently we have 5 but 3 are currently on line.

Smith is there any way to tap into the Pudding river? **Mayor Taylor** no there isn't.

Annie Kirk asks about the leak at the park **Taylor** both leaks will be taken care of at same time which will be very soon.

Vancleef, question I don't like it but now we have people policing each other and this is becoming an issue in my opinion.

Mayor Taylor, I understand but that is why we are trying to address this issue, this is a blanket deal this is not an individual problem please don't take offense to it.

No one else spoke.

5. Public Hearing Calls

Mayor Taylor calls to order at 7:25 pm

A. Discussion on Legislative Amendment 2013-01 (LA-13-01)

Mayor Taylor calls for the staff report, items below are read into the record it gives explanation of the hearing and that everyone was notified in the Historic District.

REQUESTED ACTION

Upon closing of the August 13, 2013 City Council public hearing on Legislative Amendment 13-01, the Council's task is to make a decision whether to adopt the proposed amendments to Title 17 of the Aurora Development Code.

The City Council's options and sample motions to support each option follow:

- A. Motion to adopt the staff report and direct staff to prepare an ordinance **approving Legislative Amendment 13-01**:**
1. As presented by staff and the Planning Commission; or
 2. As amended by the City Council (stating revisions)
- B. Motion to adopt the staff report with changes and direct staff to prepare a resolution **denying Legislative Amendment 13-01** for the reasons specified in the City Council's deliberations (the motion should include a summary of reasons for the denial from the deliberations)**
- C. **Continue** the public hearing:**
1. To a time certain, or
 2. Indefinitely

BACKGROUND

In 2012, the City Council directed the Planning Commission to work with the Historic Review Board on an update to Title 17- Historic Preservation, also known as the "Historic Preservation Ordinance of the City of Aurora", which provides preservation standards and regulations for the design of buildings and structures within the historic commercial and residential overlays of the City of Aurora.

Generally, the proposed update includes changes to the following:

- Clarify which structures in the district are considered "contributing" and "non-contributing".
- Clarify/establish standards related to: additions, porches, landscaping, paint colors, signage, etc.
- Clarify noticing requirements and the responsible entities for decisions in the historic district.
- Clarify/update design standards applicable to properties and structures within the historic district.

Legislative Amendment 13-01 includes the adoption of the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold** and ~~striketrough~~ format for review purposes under **Exhibit A**.

On July 2, 2013, the Planning Commission held a public hearing on the proposed amendments. The staff report was presented and testimony was received from the audience. The draft minutes from the July planning commission meeting are included under **Exhibit C**. The Planning Commission directed staff to adjust the proposed amendments based upon testimony received and deliberations among the Planning Commission.

FINDING OF FACT AND CONCLUSIONS

The Aurora City Council, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact and Conclusions:

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on May 29, 2013, which was 35-days prior to the first evidentiary hearing on July 2, 2013.
2. Amendments to the Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Legislative Amendments shall be made in accordance with the procedures and standards set forth in AMC 16.74-Procedures for Decision Making-Legislative. A legislative application may be approved or denied.
3. AMC 16.74.030 outlines notice requirements. 10 days prior to the first evidentiary hearing, the City sent written notice of both hearings to all property owners within the historic commercial and historic residential overlays. Section 16.74.030.C.3. requires notice to be published at least seven days prior to the scheduled hearing date. Notice was also published in the Canby Herald on July 3rd, 2013 for the City Council public hearing date. As there are two hearing dates, staff finds adequate notice to allow for comment period has been provided in conformance with the Aurora Municipal Code. Notice was also posted at City Hall on August 7, 2013.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action, not a quasi-judicial action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the planning commission and the decision by the city council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.
6. The Planning Commission reviewed the proposed legislative amendments at the July 2, 2013 public hearing and recommended approval of the amendment with minor changes.

The Aurora City Council reviewed the proposed legislative amendments at a August 13, 2013 public hearing.

FINDINGS

A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:

1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197;

FINDINGS: Goal 1, Citizen Involvement: A public hearing on the proposed amendments was held before the Planning Commission on July 2, 2013 and a second hearing was held by the City Council on August 13, 2013. Notice was posted at City Hall, published in the Canby Herald, and provide to the Historic Review Board. The staff report was available for review one week prior to the planning commission hearing. This is consistent with City procedures. Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged AMC. Goal 2 generally supports clear and thorough local procedures and the code update is intended to clarify, simplify and streamline regulations for the approval entity and the general public. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 states that state and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. The City consulted with the State Historic Preservation Office (SHPO) on the draft code amendments and received feedback from SHPO which was discussed by the Planning Commission at their July 2nd hearing. SHPO also provided feedback and a draft historic resources inventory for use by the City. Staff finds the code amendments are in compliance with Goal 5.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreational Needs: Goal 8 is not applicable. The proposal does not address Goal 8 resources.

Goal 9, Economic Development: The draft code amendments partially respond to a need identified within the business community to clarify code requirements. The proposed code amendments are not found to deter employment or business opportunities. Goal 9 is met.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: The draft code amendment provide for some parking exemptions for historic commercial properties to allow greater flexibility for historic resources in meeting newer code provision for parking. However, the proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

ORS 197 does not include specific notice requirements for legislative processes but the City met all notice requirements under AMC for processing a legislative amendment application. ORS 227.186, more commonly known as Measure 56 notice, does not apply as the proposed amendment does not reduce permissible uses of properties in the affected zone. However, the City did send notice to every property owner within the historic commercial and residential overlay for both hearings.

2. Any federal or state statutes or rules found applicable;

FINDINGS: Staff finds the adoption actions are consistent with Oregon Revised Statute 197.610(1) for notice to the Department of Land Conservation and Development. Measure 56 notice was not required as the proposed amendments do not reduce permissible uses on historic commercial and residential overlay zone properties. However, notice was mailed at least 10 days prior to the first public hearing to all historic commercial and residential overlay properties. lands. Notice was also mailed to the Oregon State Historic Preservation Office (SHPO) who provided comments on the draft code update (see **Exhibit B**). Staff finds this criterion is met.

3. The applicable comprehensive plan policies and map; and

The following Comprehensive Plan Goals and associated policies were found to be applicable to this application:

Goal 1- Citizen Participation: Develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS: A public hearing on the proposed amendments was held before the Planning Commission on July 2, 2013 and a second hearing was held by the City Council on August 13, 2013. Notice was posted at City Hall for both public hearings at least one week prior to the hearing and published in the Canby Herald on July 3rd for the August City Council meeting. The staff report was available for review one week prior to both hearings. This is consistent with City procedures. Staff finds this condition is met.

Goal 2- Planning Process: Establish a land use planning process and policy framework document (comprehensive plan) as a basis for all decisions and actions related to use of land and ensure adequate factual base for such activities.

FINDINGS: Adoption actions are consistent with the acknowledged AMC. The update to Title 17 is also intended to clarify when properties or structures are subject to decisions or actions and clarify the approval authority for said decisions. The intent of the update is also to provide better noticing of decisions and appeal opportunities for all decision. Staff finds this condition is met.

Goal 9- Economic Policies

- 3. Foster commercial and industrial activities to meet the expressed needs of City residents.*

FINDINGS: The draft code amendments respond to a need/concern identified within the historic overlay to clarify the code and remove interpretations of the code in order to all applicants a greater understanding and clarity on the regulations and design standards to be followed. The proposed code amendments are not found to deter employment or business opportunities. Staff finds this condition is met.

Goal 12- Transportation Policies

- 2. Encourage transportation improvements which support the community's economic development and create a pedestrian friendly atmosphere.*
- 3. Establish a street system which is consistent with orderly growth, minimizes conflicts with adjacent land uses, and provides a circulation system which is safe and efficient for both vehicles and pedestrians.*

FINDINGS: The draft code amendments reduce the parking standards for some commercial historic properties to be more in line with the small lot sizes and their potential inability to meet current parking standards. Staff finds this condition is met.

- 4. The applicable provisions of the implementing ordinances.*

FINDINGS: Title 17 is intended to provides preservation standards and regulations for the design of buildings and structures within the historic commercial and residential overlays of the City of Aurora. The application and legislative amendment intends to clarify implementing ordinance within Title 17. In addition, the update intends to clarify noticing requirements and decision authorities for properties subject to Title 17. Staff finds the proposed code amendments can be established in compliance with the development requirements and implementation ordinances of the Aurora Municipal Code.

B. Consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

FINDINGS: Staff does not find a change in circumstance or mistake but rather the City Council directed the Planning Commission to work with the Historic Review Board to clarify and update inconsistencies in the implementing ordinances so as to ease understanding of requirements for property and business owners within the historic district. Staff finds this criterion is met.

STAFF FOLLOW-UP /NEXT STEPS:

If the Council's oral motion is to approve the amendments, staff will prepare an ordinance for the Council to pass at the September 10, 2013 Council meeting. The ordinance will include a "clean copy" of the amended language (the ~~strikeout~~ and **bold italics** will be removed), and findings as an exhibit (same as above) to support the decision, along with a "mark-up" copy as an exhibit.

Once the ordinance has been passed and signed, a copy will be provided to the Oregon Department of Land Conservation and Development within 5 working days of being signed and a 21-day appeal period will ensue. A notice of the decision with appeal instructions will be provided to any party that participated at the Planning Commission or City Council public hearings.

The ordinance will be effective 30-days after passage and signature unless council would like to insert an emergency clause establishing an earlier effective date.

a) The Council should note that the proposed amendments to Title 17 include **noticing requirements** to property owners within 100 feet of a subject application on Notices of Decisions. This procedure has not been historically followed and the resulting procedures may add additional cost to the City for mailings and staff time. Staff suggests the City Council review the current Historic Review Board fee schedule to account for these additional costs.

b) Section VI. Public Facilities, Item K. Local Government of the Aurora **Comprehensive Plan** (page 79 of 100), the Historic Review Board is described as comprised of "a

representative from the Council, a representative from the Planning Commission, a member of the Aurora Colony Historical Society, a resident of the Historic District and either a licensed builder or architect, or a citizen at large". The City has found difficulty in staffing the HRB in the past and the current HRB does not meet this text. The Council should consider an update to HRB description within the Comprehensive Plan at some point in the future.

EXHIBITS:

Exhibit A- Draft code update to Title 17

Exhibit B- Review comments from State Historic Preservation Office (SHPO)

Exhibit C- Minutes from the July 2, 2013 Planning Commission hearing on draft code updates to Title 17

Open public testimony at this time,

Karen Townsend, The HRB recommends that the City Council not pass this yet– We believe that it still lacks some very important elements that could be achieved in a relatively short period of time. We are asking you to return it to PC to have a joint meeting with HRB to complete the following four elements:

- The sidewalk standard has been changed to require trowelled borders which are a conflict with the city's substantial investment in new sidewalks over more than ten years.
- A special designation and standards section for Colony structures is of vital importance in protecting their original facades and workmanship which is not fully covered in the proposed standards like it was in our current Guidelines. Landmark status alone does not answer our concerns and there are no special standards in the code for landmarks anyway.
- The code lacks a set of general guidelines to guide the board when a question arises that is not specifically addressed.
- Taking the responsibility for all new construction out of HRB has never been proposed or discussed at any PC or HRB meetings and needs to be addressed by the boards together.

Due to time constraints, other members of the board will address some of these points

Chapter 17.16.010 (page 10)

The Historic Review Board shall no longer have the authority to approve, deny or approve with conditions new construction within the historic overlay zones.

- *Why has this come up at the last hour of nearly a two year process with so little discussion?* This is a major change in the confidence the city has in the HRB and the process it has been using for more than twenty years. In that time, we are aware of no issues with previous applications for new construction that have gone through the board and been denied, no lawsuits based on any decision by HRB regarding new construction nor any appeals going to the city for a denial of a new construction application.
- *The Aurora Comprehensive Plan addresses Goal 5 requirements for Historic Resource Policies* by giving the HRB responsibility for "Maintaining the historic context within which significant sites and structures are located by managing of existing AND FUTURE DEVELOPMENT. (pg 59)
- *What all will constitute "new construction"?* Besides new buildings on vacant lots, will this also include new accessory buildings (see accessory structures) and what about new construction in attachments and additions to existing structures?
- *Why was this proposed change never brought forward prior to the end of the public hearing at PC?* There has been no opportunity until now to respond to it. It was never discussed at either PC or HRB meetings. We believe the PC acted on it at the public hearing without fully thinking it through and without any input from HRB. No one from the public was informed of this proposed change in advance of the