

Minutes
Aurora City Council Meeting
Tuesday, September 12, 2014, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Mary Lambert, Finance
 Darrel Lockard, Public Works Superintendent
 Dennis Koho, City Attorney
 Pete Marcellais, Marion County Deputy

STAFF ABSENT: Kelly Richardson, City Recorder

VISITORS PRESENT: Yvonne Ruade King, Aurora
 Antonia Cam, Canby
 John Berard, Aurora
 Joseph Schaefer, Aurora

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Bill Graupp at 7:00 p.m.

2. Mayor does roll call

Mayor Graupp – present
Councilor Sallee- present
Councilor Brotherton -present
Councilor Sahlin – present
Councilor Vlcek – absent

3. Consent Agenda

- I. City Council Meeting Minutes – August 12, 2014, Councilor Brotherton points out two typos- Newcomber should be Newcomer and West Lynn should be West Linn. He also requested that the paragraph on pg 2 during Mayor’s report regarding Keizer be clearer.
- II. Planning Commission Meeting Minutes –August 2014
- III. Historic Review Board Minutes –June & July 2014

Correspondence

- I.

Motion to approve the consent agenda with changes as stated was made by Councilor Sallee and is seconded by Councilor Brotherton. Motion Approved by all.

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.

Antonia Cam, addresses the council regarding the email she sent involving the new construction house located at 20836 Yukon Street and the current deck violations. Mayor Graupp informs Cam that the council is waiting on a final staff report from the City Planner and believes the grade of land would be set at time of construction. City Attorney Koho informs council that this could be a quasi-judicial hearing and that it should not be deliberated at this time.

5. Public Hearing Opens at 7:11 pm

A. Discussion and or Action on LA-14-2 Recommendation from Staff and Planning Commission regarding Text Amendment in Commercial Zone. Chairman Schaefer of the Planning Commission reads/explains the Planners staff report as inserted below;

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

105 HIGH STREET S. E. SALEM, OREGON 97301-3667

TELEPHONE: (503)588-6177

FAX: (503)588-6094

TO: Aurora City Council
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 2014-02 (LA-14-02)
DATE: September 3, 2014 for presentation at September 9, 2014 hearing

REQUESTED ACTION

The City Council's options for taking action on Legislative Amendment 14-02 include the following:

- A. Adopt the findings in the staff report and adopt Legislative Amendment 14-02:
 - 1. As presented by staff; or
 - 2. As amended by the City Council (stating revisions).
- B. Recommend that no action be taking on Legislative Amendment 14-02.
- C. Continue the public hearing:

1. To a time certain, or
2. Indefinitely.

BACKGROUND

The Planning Commission and staff have received several solicitations and interest in allow for greater allowances of manufacturing and processing space related to fronting *retail* businesses in the commercial zone, *outside* of the historic district. The proposed revision allows greater allowances for processing of related retail goods, when a commercially zoned property does not abut a residential zone, in order to provide greater flexibility and production of retail goods while also preserving the intent of the commercial zone.

The following section of the Aurora Municipal Code (AMC) is proposed for amendment:

- 16.14 Commercial

Legislative Amendment 14-02 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 (see Exhibit A).

FINDING OF FACT AND CONCLUSIONS

The Aurora Planning Commission, after careful consideration of the testimony and evidence in the record, adopted the following Findings of Fact and Conclusions and recommended the City Council do the same:

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 July 15, 2014, which was 49-days prior to the first evidentiary hearing on September 2, 2014.
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. At least ten days prior to the first public hearing, the City published notice in a newspaper of general circulation- Canby Herald on August 20, 2014.
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 a September 2, 2014 public hearing. The City Council has also schedule a public hearing for September 9, 2014 to review the proposed legislative amendment.

FINDINGS

A. The recommendation by the Planning Commission and the decision by the City 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 September 2, 2014 and a second hearing will be held by the City Council on September 9, 2014. Notice was posted at City Hall and published in the Canby Herald. The staff report was available for review one week prior to the Planning Commission and City Council hearings. This is consistent with City procedures. Staff finds 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 for process. Goal 2 generally supports clear and thorough local procedures. Staff finds Goal 2 is met.

Goal 3, Agricultural Lands; Goal 4, Forest lands; and Goal 5, Open Spaces and Historic Areas are not found to be applicable **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 respond to a need identified within the business community. The proposed code amendments are not found to deter employment or business opportunities but rather to allow for greater economic uses of commercially zoned properties without hindering the intent of the commercial, retail zone. Staff finds 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 is not found to be applicable. **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 Legislative Amendments. ORS 227.186, more commonly known as Measure 56 notice, does not apply as the proposed amendments do not reduce permissible uses of properties in the affected zones.

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 commercial lands. 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 September 2, 2014 and a second hearing will be held by the City Council on September 9, 2014. Notice was posted at City Hall and published in the Canby Herald. The staff report was available for review one week prior to the Planning Commission and City Council 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 an adequate factual base for such activities.

FINDINGS: Adoption actions are consistent with the acknowledged AMC. 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 identified within the business community. The proposed code amendments are not found to deter employment or business

opportunities but rather to support commercial activities and increased economic opportunities. Staff finds this condition is met.

2. The applicable provisions of the implementing ordinances.

FINDINGS: The Commercial zone is stated as intended to provide areas for retail and service commercial uses. Manufacturing and processing are already a permitted use related to retail. The Planning Commission recommends expanding space allowance for processing of retail goods, *related to retail sales*, in order to increase production and economic viability for retail uses. Staff finds the proposed code amendments can be established in compliance with the development requirements 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, mistake or inconsistency in the comprehensive plan or implementing ordinances. This criterion does not apply.

EXHIBIT A- Aurora Municipal Code (AMC) section 16.14 for the Commercial zone

Motion to adopt LA-14-2 as recommended by staff is made by Councilor Sahlin and is seconded by Councilor Sallee. 4-0 motion passes.

6. **Mayor's Report, Mayor Graupp**

- Various Discussion Points/Topics
- Explains the SHPO presentation
- Wilsonville Chamber of Commerce is now including information for the surrounding area including Aurora, the Aurora State Airport and Hubbard. He would like to suggest a name change to reflect the more widespread area now covered.

It is the consensus of the Council to have Mayor Graupp draft a letter to the Wilsonville Chamber of Commerce in support of a more inclusive name change.

- At the School Board meeting it was suggested the security officer be armed. The council would like to have Deputy Marcellais offer his opinion on this subject.

7. **Discussion with Parks Committee**, There is a brief discussion regarding trees. Mayor Graupp and Darrel Lockard met with Mike Bruno Tree Care regarding 4 trees with fungus. They also asked for an estimate for removing 9 trees covering the walkway and to trim up the 2 trees in front of the Amphitheater. Also, an OSU student is volunteering to come up with a report and management plan for the park tree stand.

8. **Discussion with Traffic Safety Commission**, Officer Marcellais reported approximately 57 thousand cars coming into town via Ehlen and Airport Rd per the counter on the radar trailer. Mayor Graupp requests that stop lines at all 3 and 4 way stops be repainted or added and asked Public Works to get an estimate.

9. **Reports**

A. **Marion County Deputy Report – (not included in your packet)**

- There have been some thefts from porches of businesses with outside displays.
- A former reserve officer had been stopped by a Marion County Deputy and they produced an Aurora PD ID card.

Discussion regarding thefts - Mayor Graupp stated that we may need to revisit what the code language is because many of these businesses rely heavily on outside display for their success. It is suggested that we allow the businesses to offer some kind of alternative regarding displays before the council makes any decisions.

B. **Finance Officer's Report – Financials (included in your packets)**

1. **Revenue & Expense Report**

- Brief discussion regarding increased spending in public works to stock up on parts.

No more questions from Council.

C. **Public Works Department's Report – (included in your packet)**

1. **Monthly Status Report (Storm Water)**
2. **Monthly Status Report (Water)**
3. **Parks Report, OSU Tree Report**
4. **Sewer Dept Report**

- Councilor Sallee asks if the speed bumps to divert water on Bob's and Sayer have been put in - not as of yet
- Councilor Sallee asks about the storm water master plan - is it complete? Bob Southard is going to teach Mayor Graupp how to retrieve the data.
- We may need to visit our code regarding tree height along sidewalks and roadways because some are hanging too low.
- Still working on light pole at Albers Way.

D. **City Recorder's Report (included in your packet)**

- Election filings done and complete
- Working with HD Supply regarding new equipment for handheld and wand.

E. **City Attorney's Report – (not Included in your packet)**

- Nothing on Orchard view HOA. Discussion will continue at next month's meeting.

10. **Ordinances and Resolutions & Proclamations**

A. Discussion and or Action on Resolution Number 692, Resolution to Begin Foreclosure on 21520 Main Street Rodger Eddy Property.

A motion is made to approve Resolution Number 692 by Councilor Sahlin and is seconded by Councilor Brotherton. Passed by All.

Brief discussion and questions regarding this:

- Councilor Sallee asks if fines will continue to accrue. Dennis responds technically, yes, however they already exceed the amount of the property at this point;
- The fines total approximately \$180,000 which Mr. Eddy is responsible for;
- It takes about 1 year to complete the foreclosure process;
- Estimates \$50,000 to clean up the lot.

11. New Business

A. Discussion and or Action regarding Back Flow devices.

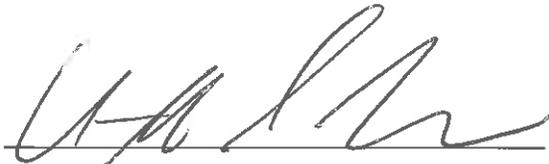
- There is a brief discussion. Mayor Graupp informs the group that Mary Howell with BMI has presented a draft Ordinance requiring customers to install and maintain a backflow device when any sprinkler system is installed.
- We will discuss next month when ORD is on the agenda.

12. Old Business

A. NA

13. Adjourn

Mayor Graupp adjourns the September 09, 2014 Council meeting at 8:14 pm.



Bill Graupp, Mayor

ATTEST:



Mary Lambert, Finance Officer