

AGENDA
Aurora City Council Meeting
Tuesday, June 10, 2014, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

1. Call to Order of the City Council Meeting

2. City Recorder Calls Roll

Mayor Graupp
Councilor Sallee
Councilor Brotherton
Councilor Sahlin
Councilor Vlcek

3. Consent Agenda

- I. City Council Meeting Minutes – May 13, 2014
- II. Planning Commission Meeting Minutes –May 2014
- III. Historic Review Board Minutes –April 2014

Correspondence

I.

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.

5. Mayor's Report

6. Public Hearing

- A. Discussion and or Adoption of 2014/2015 Budget as Proposed by the Aurora Budget Committee.

7. Discussion with Parks Committee

8. Discussion with Traffic Safety Commission

9. Reports

Aurora City Council Agenda

June 10, 2014

This is a public meeting and all interested citizens are invited to attend. The meeting place is not handicapped accessible; those needing assistance should contact the city Office three (3) working days before regularly scheduled meetings. The minutes of this and all public meetings are available at City Hall during regular business hours. All meetings are audio taped and may be video taped

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

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

1. Revenue & Expense Report
2. Discussion on Audit Report

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

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

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

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10. Ordinances and Resolutions & Proclamations

- A. Discussion and or Action on Resolution Number 686 Resolution In Accordance with ORS 221.760
- B. Discussion and or Action on Resolution Number 687 Resolution to Receive State Revenue Share Funds.
- C. Discussion and or Action on Resolution Number 688 Resolution to Adopt the 2014/2015 Budget.
- D. Discussion and or Action on Resolution Number 689 Resolution to Levy Taxes.

11. New Business

- A. Discussion and or Action on Proposed Rate Increase for Wave Broadband.
- B. Discussion and or Action on Recommendation from Planning Commission to Approve Extension of Previous Land Use Decision.
- C. Discussion and or Action on LOC Legislative Priorities Survey.
- D. Discussion and or Action on Recommendation to Hire Part Time Public Works Assistant.

12. Old Business

- A. Discussion and or Action on ACVA Grant Fund Request for Island Maintenance.

13. Adjourn

Minutes
Aurora City Council Meeting
Tuesday, May 13, 2014, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Pete Marcellais, Marion County Deputy
Mary Lambert, Finance
Darrel Lockard, Public Works Superintendent

STAFF ABSENT: Dennis Koho, City Attorney

VISITORS PRESENT: Eric Anderson, Wilsonville
Matt Cofer, Salem
Tom Schlachter, Woodburn
Pamela Rose, Salem
Ray Phelps, Woodburn
John Burt, Dallas
Bill Simon, Aurora
Derck Godwyn, Salem
Lori Coukoulis

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Bill Graupp at 7:02 p.m.

2. City Recorder does roll call

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

3. Consent Agenda

- I. City Council Meeting Minutes** – March 11, 2014, Footer error and on pg 2 referring to (they) please clarify who is speaking.

- II. **Planning Commission Meeting Minutes** – not in packet.
- III. **Historic Review Board Minutes** –not in packet.

Correspondence

I. Marion County Resolution approving 4H Extension 14R-3

John Meredith explains briefly to the council opting in or opting out of the district and participation or not.

Derrick Godwin, Region Administrator for Marion County Extension services explains that the funding goes to the OSU extension office and 3 of the County Commissioners will be the board of directors.

Councilor Brotherton asks if basically you are looking for a funding source and the clarification is yes from the Federal Government.

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

4. Visitors

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Annie Kirk, asks council if the parade form is on the agenda? Yes it is there is a brief discussion regarding the route proceeding down 3rd street or not.

No one else spoke....

5. Mayor's Report,

A. Mayor Graupp Most of the items that I want to address is already on the agenda so I really don't have anything at this time. We are wrapping up budget items and apparently there was some vandalism over the weekend.

6. Discussion with Parks Committee, Councilor Sahlin Councilor Sahlin is absent so no update is available. Annie Kirk asks council who is doing the islands and triangles around town and informs council that the RFP is being modified to fit what we need.

There is a brief discussion regarding the various uses of Revenue Sharing money.

7. **Discussion with Traffic Safety Commission**, Deputy Marcellais informs council that Ehlen Rd will be receiving new lines and signs. Also inform them that a letter from ODOT is on its way regarding the STIP and that 2nd and 3rd street proposals has been removed.

8. **Reports**

A. Marion County Deputy Report – (included in your packet)

- Vlcek asks about the body that was found, it was a suicide and the person was from Portland.
- We apprehended 3 suspects from the surrounding area which were minors they basically went around and vandalized and broke into cars. We have approximately 23 victims so far.
- Councilor Sallee states I like the reports.
- We have apprehended the suspect in the Main Street Mercantile theft.
- We have also apprehended the suspect in both of the store thefts.
- Waiting on fingerprints regarding the canvas theft.
- Yearend report will be at the June meeting.

No more questions at this time.

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

1. Revenue & Expense Report

- Finance Officer Mary Lambert reads her report as included in the packet.
- The Council would like to see the % spent report each month.

C. Public Works Department's Report – (not included in your packet)

1. Monthly Status Report (Storm Water)

2. Monthly Status Report (Water)

3. Parks Report, OSU Tree Report

Superintendent Lockard reads his report as presented.

- Sink hole on Main Street appears to be a back fill issue.
- Routine Operations are going well.
- Well 5 is back online currently we are at around 100 to 110 previously we were at 90 so it is an improvement.
- Councilor Vlcek ask what is the recovery time of water are we behind on the static level at this point? Darrell no not really it seems to be fine. What I really want to know is there going to be a problem this summer Darrel I cannot answer that with the data I have available right now. Is there a report that shows our usage levels yes but it doesn't show static levels and recovery rate. Vlcek have you been flushing lines because I have noticed and increase of brown lately Darrel yes we have.
- We will be graveling Filbert and Sayre Drive in the near future.
- I met with TTT regarding their park maintenance contract because currently I have not been happy with the way the park has been looking.

- Councilor Sallee asks if it would be possible to get a one year projection list of the top 5 priorities.

No more questions,

D. City Recorder's Report (included in your packet) reads her report.

Discussion items were,

Asks Council to look at the property schedule regarding the park structures it seems very low to me and it doesn't include the Amphitheater from 2010. What does the council feel comfortable increasing the values from 114,000? I propose increasing another 100,000. At this point the council would like to see what the premiums are now and what they would be with that amount of increase.

No more questions.

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

- Mayor Graupp informs Council that Dennis is the Keizer's budget chair and that is why he is absent this evening. He is currently working on acceptable conditions regarding a recent bid on the Eddy property.

10. Ordinances and Resolutions

A. Discussion and or Action on Ordinance Number 476 an Ordinance Proposed to Increase Permit and Inspection Fees. Second Reading.

Motion to approve ORD 476 is made by Councilor Brotherton and seconded by Councilor Vlcek. All passed. 4-0

B. Discussion and or Action on Resolution Number 682 a Resolution to Initiate Formation of Marion County 4H Extension.

A motion to approve Resolution Number 682 is made by Councilor Sallee and seconded by Councilor Vlcek. Passed by all.

C. Discussion and or Action on Resolution Number 683 a Resolution to Renew Contract with SEDCOR

A motion to approve the SEDCOR renewal is made by Councilor Brotherton and is seconded by Councilor Vlcek. Passed by all.

D. Discussion and or Action on Resolution Number 684 a Resolution for The 2015 Special City Allotment Grant.

A motion to approve Resolution Number 684 the SCA grant in the amount of 50,000 is made by Councilor Vlcek and is seconded by Councilor Sallee. All passed.

E. Discussion and or Action on Resolution Number 685 for Republic Services.

A Motion to approve Resolution Number 685 is made by Councilor Vlcek and seconded by Councilor Sallee and Councilor Brotherton abstains because he interacts with the business in another forum. All yes. 1 abstains.

11. New Business

A. Discussion and or Action on Republic Services Proposal for Rate Increase.

Matt Cofer, presents Toni Schlachter, Ray Phelps, I will answer questions if you have any. The proposal is for 8% the 35 gallon group is the largest impacted. Primary reasons for the increase are costs from fuel and employees. New equipment coming in and how does this help our costs because less time in the shop really. Larger trucks don't work very well on the small roads.

Talk to me about sustainability and how the money works for that first the fuel the trucks all have particulate filter we have to purchase trucks with those on it. Recycling really is the consumer and the volume is increasing.

How does this affect other cities they explain the break down amongst the other cities on PG 7.

it really is based on density and volume so it's not 8% across the board in other cities no because they are on a different schedule.

B. Discussion and or Action on Verizon Proposal and Preliminary Sketches.

Council wants clarification on term of years as 5 years and 5 year increments.

Consensus of the council is to move forward with the proposal if the terms are met.

Councilor Vlcek asks what the health risk of surrounding property owners is. What are the industry standards I would like to know both of these?

C. Discussion and or Action on Audit Proposal and Renewal with Grove Mueller and Swank for the 2013/2014 Audit Services.

A motion to is made to approve the Grove Mueller and Swank Proposal for 2013/2014 Audit Services is made by Councilor Brotherton and is seconded by Councilor Sallee. Motion passes by all.

D. Discussion and or Action on Letter of Resignation from Aurora Municipal Court Judge Zyryanoff.

Motion to accept letter of resignation is made by Councilor Sallee and is seconded by Councilor Vlcek. Motion passed by all.

E. Discussion and or Action on Letter of Interest and Recommendation for Lori Coukoulis as New Judge Candidate.

A motion to accept this candidate as the Aurora Municipal Court Judge is made by Councilor Sallee and is seconded by Councilor Brotherton. And move forward with a contract. Motion passed by all.

F. Discussion and or Action on OLCC License Renewal and Special Events License.

Motion to approve OLCC licenses is made by Councilor Brotherton and is seconded by Councilor Sallee. Motion passed by all.

G. Discussion and or Action on the 2014 Colony Day Parade Form and Parade Route.

Consensus of Council is to move forward with the proposed Parade Form with the route change to go down 3rd street.

H. Discussion and or Action on Revenue Share Request for Aurora Colony Days 2014/2015 Budget Year.

A motion to approve the Revenue Share request made from Colony Days is made by Councilor Brotherton and is seconded by Councilor Vlcek in the amount of \$2,500. Motion passed by all.

12. Old Business

A. Discussion and or Action on approval of ACVA Draft Letter to Citizens Regarding Weed Control. As long as the letter is signed by the ACVA the council is fine with it being sent out.

B. Discussion and or Action on ACVA Grant Fund Request for Island Maintenance. Tabled

Any other topics for tonight's meeting hearing none Mayor Graupp

13. Adjourn at 9:20 pm.

Bill Graupp, Mayor

ATTEST:

Kelly Richardson, City Recorder

Minutes
Aurora Planning Commission Meeting
Tuesday, May 06, 2014 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

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

STAFF ABSENT: NONE

VISITORS PRESENT: Eman Sadek, Tigard Oregon
Carl McKnight, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:03 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	Present
Commissioner, Willman	Present
Commissioner, Gibson	Present
Commissioner, Graham	Absent
Commissioner, Fawcett	Present
Commissioner, Weidman	Present
Commissioner, Rhoden-Feely	Present

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –April 01, 2014
- II. City Council Minutes – March, 2014
- III. Historic Review Board Minutes –

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

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.

Carl McKnight, States that he had submitted a business license for 21680 Main Street for a food cart this last Thursday and thought that it would be on the agenda however I see that it

is not. I was told this last Monday that I would need to do a conditional use permit. I have already had an electrical permit submitted and approved. On April 18th I had asked what the next steps were but through some miss communications I was not told until Monday morning that I needed a conditional use permit. So I would like to get it on the agenda for this evenings meeting rather than wait another month. My question is why it was not on the agenda since I had put in a business license application. **Schaefer** we don't as commissions take care of business license. Now a conditional use permit is a fairly precise procedure first you make application then property owners are notified and then a public hearing is scheduled. **McKnight** and I can appreciate all of that but since this process started in September and Council approved the food cart and because I was in communication with the city on this it really would be a shame to have it go another month. **Schaefer** well what the city council approved was a text amendment it was not geared towards any one project so the process is what it is. We really rely on the applicants to pay close attention to what the rules are and apply with the correct applications to move it forward properly and to get all the information in on time.

City Recorder Richardson asks if she may interject and Chair **Schaefer** states no. At which point Commissioner **Willman** asks why not and then goes into a discussion with the group regarding the fact that he is here now and needs approval in order to move forward with his plans. Is there anything we can do for him? **Chair Schaefer** explains that this is not allowed expressly by law and we cannot violate the law. **Weidman** did he have his application in by the deadline to be on tonight's agenda? Chair **Schaefer** no that's the whole point. **Willman** was he made aware of this process? **Chair Schaefer** I can't say but we were very clear in the text amendment what needed to be done and the process to follow. **McKnight** I still don't see why since you have a short agenda this evening. **Chair Schaefer** it would violate State law to do so because the process and postings along with notifications have not been done it's just not going to happen tonight. **McKnight** well I am not asking it to be approved this evening I asking it to be discussed so it can be sent out for comment. Well it cannot be discussed either.

Willman so there is nothing we can discuss to help him further along in this process? Chair **Schaefer** no not until the process and application is followed. **Schaefer** we have to follow the fundamental state laws.

Could you please tell me the process Chair **Schaefer** please contact City Planner **Wakeley**. City Planner **Wakeley** explains that she can get him an application and help him through the process.

McKnight then asks what criteria is needed for the HRB meeting it's my understanding that many of these items are listed and addressed therefore no approval is required except by staff. Chair **Schaefer** these are questions for HRB not us. Chair **Schaefer** thanks Mr. **McKnight** for coming.

5. Public Hearing Opens at 7:22 pm

A. Discussion and or Action on Variance Application File Continuance VAR-14-01

- Chair **Schaefer** reads the script and asks for ex-parte contact with the applicant or any reason to declare an issue. No one comments or raises an issue.
- City Planner **Wakeley** reads her staff report as follows.

CITY OF AURORA PLANNING COMMISSION

STAFF REPORT: Interpretation 2014-01 [INT-41-01]
DATE: April 21, 2014

APPLICANT/OWNER: Erika Zurita

REQUEST: Interpretation of the Aurora Municipal Code (AMC) by the Planning Commission in regards to approval of a non-remonstrance agreement for sidewalks in lieu of installation.

SITE LOCATION: 14943 Walnut Street NE, Aurora, OR 97002 (also known as Map 41W13CA Lot 4700)

SITE SIZE: Approximately 5,000 square feet, or 0.11 acres

DESIGNATION: Zoning: Moderate Density Residential (R2)

CRITERIA: Aurora Municipal Code (AMC) Chapter 16.34 Public Improvement and Utility Standards

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Non-remonstrance Application
Exhibit C: Photos of Walnut Street

I. REQUEST

Approval of a non-remonstrance agreement in lieu of sidewalk improvements as part of building permit review under AMC 16.34.030.A.2.

II. PROCEDURE

Pursuant to 16.34.030.A.2. and subject to approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements. AMC 16.78 requires Limited Land Use Decisions be processed as written notice of a decision to be provided to owners of adjacent property for which the application is made.

The application was received on April 10, 2014. The application was determined complete by Staff and placed on the next available Planning Commission agenda. Notice of a limited land use decision on this property was also posted at City Hall with the Planning Commission agenda on April 29, 2014. Pending a decision from the Planning Commission at the May 6th meeting, a Notice of Decision will be mailed to adjacent property owners. The City has until **August 4, 2014**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

Appeals are governed by AMC 16.78.120. An appeal of the Commission's decision shall be made, in writing, to the City Council within 15 days of the Planning Commission's final written decision.

IV. CRITERIA AND FINDINGS

The applicable review criteria for non-remonstrance agreements are found in AMC Chapter 16.34 - Public Improvements and 16.78- Limited Land Use Decisions

16.34 Public Improvement and Utility Standards

16.34.030.A.2. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements if the following conditions exist:

A. A partial improvement creates a potential safety hazard to motorists or pedestrians; or

FINDING: Staff finds installation of a sidewalk along the frontage of the subject property along Walnut Street would result in an unconnected sidewalk along properties to the north and south (see Exhibit C). Staff finds an unconnected sidewalk could create a safety hazard to pedestrians in an elevation change and a potential trip hazard. Staff finds this criterion is met.

B. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.

FINDING: Properties to the north and south of the subject property along Walnut Street do not have sidewalks. The applicant is proposing a new single family dwelling which staff finds does not result in a significant increase to vehicle or pedestrian traffic to the residential neighborhood. While the transportation system plan does identify Walnut Street as requiring sidewalks, it is unlikely other properties along Walnut will undertake frontage improvements in the near future. Staff also finds the installation of sidewalks along the subject property would not create a significant increase to safety or capacity and finds this criterion is met.

16.78 Limited Land Use Decision

16.78.090 Standards for the decision.

A. The decision shall be based on proof by the applicant that the application fully complies with:

1. The city comprehensive plan; and

FINDING: Staff finds the application meets the criteria under 16.34 for approval of a non-remonstrance agreement. The implementing ordinance of the comprehensive plan is included under Title 16- Land Development. A review of Title 16 is included below. Staff finds this criteria is met.

2. The relevant approval standards found in the applicable chapter(s) of this title and other applicable implementing ordinances.

FINDING: The property is zone Moderate Density Residential (R-2). Staff finds the property meets the size, width, and depth required under the zone. The applicant proposes construction of a single family residence on the property which is a permitted use under the zone and the building permit has been approved in compliance with height and setback requirements.

AMC section 16.34.060.A. states, "on public streets, sidewalks are required except as exempted by the Aurora transportation system plan (TSP) and shall be constructed, replaced or repaired in accordance with the City's public work design standards." While the City TSP does identify Walnut Street as requiring sidewalks, the AMC does allow the Planning Commission to accept a non-remonstrance agreement in lieu of improvements under certain conditions.

Staff finds the criteria under Title 16 can be met, with conditions.

V. CONCLUSIONS AND RECOMMENDATIONS

Based upon the findings outlined in the staff report, staff recommends Planning Commission action **VI.A.1** as outlined below for the Interpretation application (File No. INT-14-01) with the following conditions of approval:

1. The applicant executes and records a non-remonstrance agreement for sidewalks with Marion County. The non-remonstrance agreement shall be reviewed and approved by the City prior to recording.

VI. PLANNING COMMISSION SAMPLE MOTIONS

- A. Motion to adopt the findings in the staff report and approve Interpretation 14-01:
 1. As presented by staff, or
 2. As amended by the Planning Commission (stating revisions)

OR

- B. Motion to deny Interpretation 14-01 (stating how the application does not meet the required standards),

OR

- C. Continue the decision to a time certain or indefinite (considering the 120-day limit on applications) in order to collect additional information from the applicant or staff (stating the information required in order to make a decision)

Discussion and or testimony on the application as follows.

- Applicant Saul Ramirez explains his situation to the commission regarding what he is asking for and why. Once I take into consideration all of the setback requirements there is simply not enough room in my opinion to build the carport I cannot park my trailer and my other vehicles safely.
- Chair Schaefer asks a few questions regarding size of the proposed structure.
- Applicant it will be under 200 square feet.
- Through much discussion it is determined that the applicant really would like not to have a carport it would be much easier for me considering the size of the lot.

Public Hearing closes at 7:41pm

Discussion between the Commissioners again they consider a few options for the applicant but over all they all agree that the lot is small and it would hinder the applicant.

A few of the Commissioners are in favor of a carport if there is some way to make it work but through the discussion it is clear the applicant would prefer not to have one.

Commissioner Willman makes a motion to grant the variance as requested and not require a carport on this lot as recommended by staff's report provided and is seconded by Commissioner Mercedes-Feely. Passed by All.

6. New Business

- A. **Discussion and or Action on Non-Remonstrance Agreement [INT-14-01] with Applicant Erika Zurita Property Address 20855 Walnut Street.**

CITY OF AURORA PLANNING COMMISSION

STAFF REPORT: Interpretation 2014-01 [INT-41-01]
DATE: April 21, 2014

APPLICANT/OWNER: Erika Zurita

REQUEST: Interpretation of the Aurora Municipal Code (AMC) by the Planning Commission in regards to approval of a non-remonstrance agreement for sidewalks in lieu of installation.

SITE LOCATION: 14943 Walnut Street NE, Aurora, OR 97002 (also known as Map 41W13CA Lot 4700)

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ENCLOSURES: Exhibit A: Assessor Map
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Exhibit C: Photos of Walnut Street

I. REQUEST

Approval of a non-remonstrance agreement in lieu of sidewalk improvements as part of building permit review under AMC 16.34.030.A.2.

II. PROCEDURE

Pursuant to 16.34.030.A.2. and subject to approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements. AMC 16.78 requires Limited Land Use Decisions be processed as written notice of a decision to be provided to owners of adjacent property for which the application is made.

The application was received on April 10, 2014. The application was determined complete by Staff and placed on the next available Planning Commission agenda. Notice of a limited land use decision on this property was also posted at City Hall with the Planning Commission agenda on April 29, 2014. Pending a decision from the Planning Commission at the May 6th meeting, a Notice of Decision will be mailed to adjacent property owners. The City has until **August 4, 2014**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

Appeals are governed by AMC 16.78.120. An appeal of the Commission's decision shall be made, in writing, to the City Council within 15 days of the Planning Commission's final written decision.

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16.34 Public Improvement and Utility Standards

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A. A partial improvement creates a potential safety hazard to motorists or pedestrians; or

FINDING: Staff finds installation of a sidewalk along the frontage of the subject property along Walnut Street would result in an unconnected sidewalk along properties to the north and south (see Exhibit C). Staff finds an unconnected sidewalk could create a safety hazard to pedestrians in an elevation change and a potential trip hazard. Staff finds this criterion is met.

B. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.

FINDING: Properties to the north and south of the subject property along Walnut Street do not have sidewalks. The applicant is proposing a new single family dwelling which staff finds does not result in a significant increase to vehicle or pedestrian traffic to the residential neighborhood. While the transportation system plan does identify Walnut Street as requiring sidewalks, it is unlikely other properties along Walnut will undertake frontage improvements in the near future. Staff also finds the installation of sidewalks along the subject property would not create a significant increase to safety or capacity and finds this criterion is met.

16.78 Limited Land Use Decision

16.78.090 Standards for the decision.

A. The decision shall be based on proof by the applicant that the application fully complies with:

1. The city comprehensive plan; and

FINDING: Staff finds the application meets the criteria under 16.34 for approval of a non-remonstrance agreement. The implementing ordinance of the comprehensive plan is included under Title 16- Land Development. A review of Title 16 is included below. Staff finds this criteria is met.

2. The relevant approval standards found in the applicable chapter(s) of this title and other applicable implementing ordinances.

FINDING: The property is zone Moderate Density Residential (R-2). Staff finds the property meets the size, width, and depth required under the zone. The applicant proposes construction of a single family residence on the property which is a permitted use under the zone and the building permit has been approved in compliance with height and setback requirements.

AMC section 16.34.060.A. states, "on public streets, sidewalks are required except as exempted by the Aurora transportation system plan (TSP) and shall be constructed, replaced or repaired in accordance with the City's public work design standards." While the City TSP does identify Walnut Street as requiring sidewalks, the AMC does allow the Planning Commission to accept a non-remonstrance agreement in lieu of improvements under certain conditions.

Staff finds the criteria under Title 16 can be met, with conditions.

V. CONCLUSIONS AND RECOMMENDATIONS

Based upon the findings outlined in the staff report, staff recommends Planning Commission action **VI.A.1** as outlined below for the Interpretation application (File No. INT-14-01) with the following conditions of approval:

1. The applicant executes and records a non-remonstrance agreement for sidewalks with Marion County. The non-remonstrance agreement shall be reviewed and approved by the City prior to recording.

VI. PLANNING COMMISSION SAMPLE MOTIONS

- D. Motion to adopt the findings in the staff report and approve Interpretation 14-01:
 3. As presented by staff, or
 4. As amended by the Planning Commission (stating revisions)

OR

- E. Motion to deny Interpretation 14-01 (stating how the application does not meet the required standards),

OR

- F. Continue the decision to a time certain or indefinite (considering the 120-day limit on applications) in order to collect additional information from the applicant or staff (stating the information required in order to make a decision)

It would be staff recommendation to approve the non-remonstrance agreement as presented in my staff report.

Chair Schaefer welcomes Erika Zurita the applicant and ask her to tell the group a little about why she is here this evening. Erika gives some background about what it is they are doing which was replacing a mobile home with a new construction stick built home and didn't realize that sidewalks were her responsibility so that is why I am here tonight.

There is a brief discussion amongst the group hearing no more from the audience or the applicant Chair Schaefer calls for a motion.

A motion to approve the non-remonstrance agreement as recommended by staff is made by Commissioner Fawcett and is seconded by Commissioner Willman. Passed Unanimously.

B. Discussion and or Action on ODOT Letter of Concurrence Regarding Corridor Study.

Chair Schaefer, this is something we worked on for a couple years there is a sample letter from me to ODOT for an update on this, no comments from PC. **Wakeley** the draft has been available for review at City Hall. We really didn't like 1st & 2nd street proposal but we like Ottaway segment so we are thanking them is basically what this is about.

7. Old Business

A. Discussion and or Action on the City Regulation of Marijuana.

Chair Schaefer informs the Commissioners that the City Council adopted the 1 year moratorium they want us to continue discussion but not move forward with approving or recommending anything until after the November election.

Councilor Sallee how is that going to affect us right now, **Schaefer** we are not going to be allowing it in the commercial zone at this time until the moratorium is lifted and language in the code is changed.

How does Aurora citizens feel about this Chair Schaefer states it is mixed about 20% say absolutely not ever then the next smaller group says yes do it and then the rest are saying what is everyone else doing.

I (Emma Sadek a Realtor in the area) have always been no don't do it however now that I have seen children benefit from marijuana I have changed my mind. I think it will benefit Aurora because it can be a draw for Aurora. The reason we would allow this is to help people with the pain.

Mayor Graupp, the council and I have spoke to many others regarding this issue and it's not that we don't see the need for it but we are stepping back because we don't want to be the first we simply cannot afford a legal battle or changing our code language more than once.

Last Thursday there was a conference in Portland on this issue that the League of Oregon Cities put on which was very informative.

Everyone is cautious because legislature moved so quickly and there were attorneys from the league and many local police chiefs in the room and the opinions were so varied.

- Currently the question is what is public use or consumption? If someone is growing and there was some consumption and this is growing in back yard ok but if you can see it from the sidewalk then that is illegal because its public space or view.
- So you can't smoke on the sidewalk because you're in public view.
- Sean Oday does think local jurisdictions or states will be able to ban it but the legislative council doesn't agree with him so even attorneys at this point can't agree. No city wants to move forward on this.
- Land use regulations and what is or not approved cities should be able to say what zone.
- What priority is in 2015 require background check for people who work there a lot of safety issues as well.

So that really is why the council is taking the wait and see approach at this point.

B. Discussion and or Action regarding Manufacturing in the Commercial Zone.

Current Code 16.14.030D. Retail or wholesale business with not more than fifty (50%) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly incidental to the primary business conducted on the premises;

Proposed Addition,

16.14.030E Retail or wholesale business with not more than seventy-five (75%) percent of the floor area used for the manufacturing, processing or compounding of products on lots that do not abut a residential zone.

after brief discussion it is decided to have the proposed wording read as below;

16.14.030D. Retail or wholesale business with not more than fifty (50%) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with to the retail business conducted on the premises;

16.14.030E Retail or wholesale business with not more than seventy-five (75%) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premise on lots that do not abut a residential zone.

We can discuss further at our next meeting.

**C. Discussion and or Action on Email from Cliff Bixler regarding Property in Aurora.
Discuss regarding granting extension, and then we can notice.**

Platt status,

- Signatures have been done.
- Application of sub division and lot division. He received approval and then council granted a 1 year extension because things were slow. This comes to an end this June 2014.
- Now he has submitted Mylar and met conditions of approval and the Mylar is signed and off to be recorded.

It sounds like he will create the lots and record it for subdivision.

Chair Schaefer requests a copy of the Bixler bond. There has been discussion of not doing a 2nd storey.

Wakeley there isn't anything on agenda at this point but maybe for next month. There is no limit on your 1 year extensions.

Mayor Graupp remember that there is a for sale sign on the lot.

7. Commission Action/Discussion

- A.** City Planning Activity (in Your Packets)
Status of Development Projects within the City.
- City Planner Wakeley had no discussion items in addition to what has been previously discussed or presented on her report.

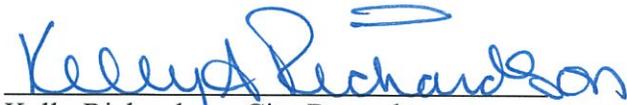
8. Adjourn

Chairman Schaefer adjourned the meeting at 8:52 pm



Chairman, Schaefer

ATTEST:



Kelly Richardson, City Recorder

HISTORIC REVIEW BOARD MINUTES
21420 MAIN ST. NE, AURORA OR 97002
April 24, 2014

Staff Members Present: Kelly Richardson, City Recorder

Others Present: Tara Weidman, Aurora
Bill Graupp, Aurora

The meeting of March 27, 2014 was called to order at 7:00 p.m. by Chairman Abernathy.

Chairman Townsend takes Roll Call

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

CONSENT AGENDA

A. Minutes

- I. Historic Review Board Minutes – March 27, 2014

A motion to approve the HRB minutes of March 27, 2014, as corrected was made by Member Simon, seconded by Member Frochen and passed unanimously.

CORRESPONDENCE

- I.

VISITORS

No one spoke.

5. OLD BUSINESS

- A. Discussion and or action on Application for Fence at 21358 Hwy 99E Aurora Family Health. Review Original application no revisions submitted.

A motion to approve the application as presented is made by Member Townsend 30x48 picket fence 17;40;070 section A 1, seconded by Member Simon. Unanimously. Passed.

B. Discussion and or action on Application for Fence at 21823 Airport Rd Vorge Castro Valdes, from original application in December 2013 and Violation Letter.

Discussion regarding fence, (Applicant Explains) Sorry that I preceded without an application but I thought that after our conversation it was ok to go ahead and I saw some people fishing in my pond and wanted to get it stopped. I had taken pictures of fences similar to mine and included them with my application. **Chair Abernathy** states that many of the fences that you are showing are grandfathered in but now we have a different fence code in place and we need to go with it.

Laura Johns, in the first 6 months living here my truck got broken into. **Chair Abernathy**, first of all what is allowed in the County this is Aurora because this is in the city limits and in the HRB we asked you to come back in January but you didn't do that you built it without permission and or a decision so that is why you were sent a violation letter. Laura originally he wanted a metal fence and you said wood so that is what he got out of your last conversation with him because his English is not too good.

Fence with lattice is only approved on the back yard and on the side yard up to the house anything beyond that on the side or in the front must be picket fence and cannot exceed 4ft in height. As per code section 17.40.70 non -contributing structure, wood, picket and painted white.

Motion to approve the amended application was made by Member Townsend and stated as follows the fence along Ehlen rd from front of house to rear of house must be a picket fence 4 feet in height it can be made from existing fence that is up illegally and the back 50 feet along Ehlen Rd from existing fence it doesn't need painted all fence in front of property is picket and no more than 4 feet high and is seconded by Member Simon. All in favor unanimously passed.

Railing,

If you are trying to match this then we could approve it however you need to check to see if it is high enough for building code.

A motion is made by Member Townsend on the railing which is to be erected on top of the cement bulk head it is to resemble as closely as possible the railing on the porch but this is subject to the state building height requirements Member Frochen seconds all in favor.

Send a letter to the Marmalade Business located in the old Tarte Building because they have not applied for sign application.

C. Discussion and/or action on paint color list.

Member Townsend will take home her notes and type them up for the next meeting discussion in May.

D. Discussion and or action on Historic Inventory list, everyone decided that category headlines were needed and will discuss further at the May meeting.

E. Discussion and or action on Sign Inventory, a brief discussion ensues regarding a possible loop hole as it is written regarding when an A-Board is displayed and if laying it down means it is not displayed.

Member Townsend would like to set a possible date regarding the guideline update they decide to have a progress report in May regarding Rehabilitation and alteration and in June building alterations.

6. NEW BUSINESS

A. Discussion and or action on Sign Application for 21620 Main Street Christa's Café.

Wall sign, pg 417 section B we have also used this as a parapet sign so it is easier to read and legible across the street. One wall sign for every 17 feet is allowed.

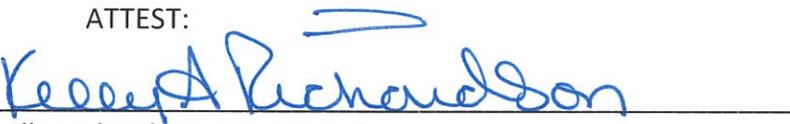
Motion to approve the application as presented is made by Member Simon and seconded by Member Frochen motion passes unanimously.

7. ADJOURN

Chairman Abernathy adjourned the meeting of April 24, 2014 at 8:50 pm.



Gayle Abernathy, Chairman

ATTEST:


Kelly Richardson, City Recorder

June 10, 2014 Report from the Finance Officer

- Checking account balance as of 6-4-2014 is \$ 172,829.55
- LGIP account balance as of 5-31-2014 is \$ 1,142,930.50. This is after our bond payment of \$245,406.25.
- Monitoring all funds to keep appropriations within budget.
- Finishing up the budget process.
- Keeping current with payables and receivables.
- Continuing with front office duties.

Respectfully,

Mary C. Lambert



City of Aurora

FOUNDED 1856
"National Historic Site"

Public Works department

City Council Public Works Activity Report June 2014

Waste Water: Lift station pumps are being repaired, 2 have been rebuilt, 2 installed. Expect to install fourth pump when repaired.

Water: Routine operation and maintenance. Wells have gone from 4-5 hours a day to 6-7 hours a day with the warmer weather.

Consumers Confidants Reports (CCR) are completed and ready for mailing with the next billing

Streets: Routine operation and maintenance. Filbert St has been repaired and re-graded

The Street light on Albers way, was not a proper installation, and to confirm the old base in driveway has bee disconnected before we pull the old base.

Park: The park has some issues with the schedule of mowing, edging, flower beds maintenance, ect. It has been prepped for the summer season

Recommend to hire new part time staff

Administration

Public Works scheduling and planning for staff.

Budget on track for current 2013-2014

Also reviewing Budget for 2014-2015

Respectfully: Darrel Lockard

Public works project list

sink hole status of 21370 Main st

Sayer Dr, these are gravel streets

The Street light on Albers way and old light pedestal needs removed

Leak on Liberty

Wastewater solids drying beds

Memo

To: City Council
From: Kelly Richardson
CC: None
Date: 6/5/2014
Re: Recorders Report Month of May 2014 report

Activities and ongoing projects are as follows:

- ❖ Ongoing secretarial duties for the City Council and Planning and Historic Review Board, along with attending the meetings once a month.
 - Working closely with Historic Review Board on guideline updates and changes.
- ❖ Attending Conference Committee Meetings
- ❖ Records Request update
 - None pending
- ❖ Working with City Planner on Aurora Municipal Code Updates.
- ❖ Working on Election Forms and Packets
- ❖ Working on Building Permits as there has been and increase in building.
- ❖ Ongoing needs of the City
- ❖ Working on organization of electronic files
- ❖ Working with CIS and Gustafson INS updating our insurance needs.
- ❖ Updating Planning and Zoning Files and Forms/Checklists.
- ❖ Working with HRB on Historic Review Guidelines Updates and Formatting.

RESOLUTION NUMBER 686

WHEREAS, ORS 221.760 provides as follows:

The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police protection
2. Fire protection
3. Street construction, maintenance and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning and subdivision control
7. One or more utility services

and

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760, now, therefore,

Be it resolved that the City of Aurora hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

- Police protection
- Street construction, maintenance and lighting
- Sanitary sewer
- Storm sewers
- Planning, zoning and subdivision control
- Water services

Approved by the City Council of the City of Aurora this 10th day of June, 2014.

Bill Graupp, Mayor

ATTEST:

Kelly A. Richardson, City Recorder

RESOLUTION NUMBER 687

**A RESOLUTION DECLARING THE CITY'S ELECTION TO
RECEIVE STATE REVENUES**

BE IT HEREBY RESOLVED:

Pursuant to ORS 221.770, the City of Aurora hereby elects to receive state revenues for the fiscal year 2013-2014.

PASSED by the Common Council the 10th day of June, 2014.

APPROVED by the Mayor this 10th day of June, 2014.

Bill Graupp, Mayor

ATTEST:

Kelly A. Richardson, CMC
City Recorder

I hereby certify that a public meeting before the Budget Committee was held on May 7, 2014, and a public hearing before the City Council was held on June 10th, 2014, giving citizens an opportunity to comment on the use of State Revenue Sharing.

Kelly A. Richardson, CMC
City Recorder

**City of Aurora
Resolution No. 688**

**A Resolution Adopting the 2014-2015 Budget
and Making Appropriations.**

Adopting the Budget

BE IT RESOLVED that the City Council of the City of Aurora hereby adopts the budget approved by the Budget Committee for the Fiscal Year 2014-2015, in the sum of \$2,675,070, now on file at City Hall.

Resolution Making Appropriations

BE IT RESOLVED that the amounts for the fiscal year beginning July 1, 2014 and for the purposes shown below are hereby appropriated as follows:

General Fund

Personnel Services	\$ 88,688
Materials and Services	341,100
Contingency	<u>259,601</u>
Total	\$ 689,389

City Hall Building Fund

Capital Outlay	\$ <u>119,827</u>
Total	\$ 119,827

Park Reserve Fund

Capital Outlay	\$ <u>1,146</u>
Total	\$ 1,146

Park SDC Fund

Capital Outlay	\$ <u>27,069</u>
Total	\$ 27,069

Street/Storm Operating Fund	
Personnel Services	\$ 27,131
Materials and Services	71,400
Capital Outlay	69,500
Contingency	<u>106,022</u>
Total	\$ 274,053

Street/Storm Reserve Fund	
Street Maintenance Projects	\$ <u>51,993</u>
Total	\$ 51,993

Street/Storm SDC Fund	
Capital Outlay	\$ <u>22,192</u>
Total	\$ 22,192

Water Operating Fund	
Personnel Services	\$ 89,089
Materials and Services	131,177
Capital Outlay	46,500
Transfers Out	28,000
Debt Service to Others	20,892
Contingency	<u>182,342</u>
Total	\$ 498,000

Special Public Works Maintenance Fund	
Materials and Services	\$ <u>39,717</u>
Total	\$ 39,717

Water Reserve Fund	
Capital Outlay	\$ <u>46,681</u>
Total	\$ 46,681

Water SDC Fund	
Capital Outlay	\$ <u>60,398</u>
Total	\$ 60,398

Sewer Operating Fund	
Personnel Services	\$ 81,318
Materials and Services	185,769
Capital Outlay	3,000
Contingency	<u>166,213</u>
Total	\$ 436,300
Sewer Reserve Fund	
Capital Outlay	\$ <u>55,727</u>
Total	\$ 55,727
Sewer SDC Fund	
Capital Outlay	\$ 22,778
Transfers Out	<u>10,000</u>
Total	\$ 32,778
G O Wastewater Bond Fund	
Debt Service	\$ 309,800
Unappropriated End Fund Balance	<u>10,000</u>
Total	\$ 319,800
TOTAL APPROPRIATIONS ALL FUNDS	\$2,675,070

Adopted this 10th day of June 2014.

Bill Graupp, Mayor

ATTEST:

Kelly A. Richardson, City Recorder



May 29, 2014

Aurora City Hall
21420 Main Street
Aurora, OR 97002

ATTN: City Administrator

RE: WaveDivision IV, LLC (“Wave Broadband”); Rate Adjustment Notice

We are providing the following details in compliance with the 30-day advanced notification of an adjustment to rates under the applicable FCC regulations and the requirements of our franchise with the City of Aurora, Wave Broadband will be adjusting the retail price of some of its video services starting July 1st, 2014.

The monthly rates for the following services will be adjusted: Basic Cable service, and any packages including that service, will increase by \$2.26. These rate changes are exclusive of franchise fees, regulatory fees, and other governmentally imposed charges.

This rate adjustment is a result of increased video programming license fees from TV networks owned by Viacom (such as Nickelodeon, Comedy Central, MTV, VH1, CMT, Spike) and Disney/ESPN (such as Disney Channel, ESPN, ABC Family).

At Wave, we offer our Basic Cable TV programming tier to customers at the same cost we pay for the content included in it. When network owners increase their monthly fees to our customers, we must increase this portion of our TV rates to match.

We work diligently on our customers’ behalf to manage TV programming costs, seeking more choice for customers in the channels they pay for and reasonable rates for the channels customers care about most. We will continue to invest in our network to bring our customers the latest technologies, enhancing their service experience, at very competitive prices.

Please contact me directly with any questions.

Sincerely,

Karen Hurlburt Daniher
Vice President of Operations

**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Interpretation 2014-02 [INT-14-02]
DATE: June 4, 2014

APPLICANT/OWNER: Clifford Bixler

REQUEST: Interpretation of the Aurora Municipal Code (AMC) in regards to an extension request for previous land use approvals for SUB-09-01 and SDR-09-01 and minor modification to previous Site Development Review approval.

SITE LOCATION: Northwest of intersection of Ottaway Road and Highway 99E.
Map 41.W.13B Tax Lots 1500 and 2002.

SITE SIZE: Lot 1500- 1.78 acres, or approx. 77,537 sq. ft.
Lot 2002- 0.57 acres, or approx 24,829 sq ft.

DESIGNATION: Zoning: Commercial (C) with Gateway Property Overlay

CRITERIA: Aurora Municipal Code (AMC) Chapter 16.58 Site Development Review and 16.78

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Request letter from applicant
Exhibit C: Revised Site Plans

I. REQUEST

Interpretation of the Aurora Municipal Code (AMC) in regards to an extension request for previous land use approvals for SUB-09-01 and SDR-09-01 and minor modification to previous Site Development Review approval.

II. PROCEDURE

Pursuant to 16.78.150, approvals for Site Development Review shall be effective for a period of two years from the date of approval. AMC 16.78.150.E. allows for additional one year extensions by request to the Planning Commission and recommendation to the City Council. Notice of the decision for extension shall be mailed to adjacent owners in compliance with 16.78.

Subject to 16.58.060 and 16.58.070, any modification to previously approved plans for development which is not determined to be a major modification shall be approved, approved with conditions, or denied following the Planning Director's review based on the finding that no code provisions will be violated; and the modifications is not a major modification. Minor modifications shall be processed and noticed in accordance with AMC 16.78.

The request for extension and revised site plans were received on May 8, 2014. The application was determined complete by Staff and reviewed by the Planning Commission at their June 3rd meeting.

Pending a decision by the City Council, a Notice of Decision will be mailed to adjacent property owners. The City has until **September 1, 2014**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

Appeals are governed by AMC 16.78. *Any party with standing may appeal the final decision to LUBA in accordance with ORS 197.830 to 197.84 within the 21-day appeal period of the mailed Notice of Decision.*

IV. CRITERIA AND FINDINGS

The applicable review criteria for an extension request for a previously approved SDR is found in AMC Chapter 16.78- Limited Land Use Decisions.

16.78.150 Expiration and extension of approvals

E. Following the first one year extension by the Planning Director, the applicant may submit a request to the Aurora Planning Commission so that the Planning Commission may transmit a recommendation to the Aurora City Council for additional one-year approval extensions.

FINDINGS: The applicant has received two previous extension requests. The original approval of SDR-09-01 and SUB-09-01 expired on June 5, 2011. The applicant requested a two year extension to the previously approved applications on September 15, 2012 which was granted by the City Council for all land use applications in the City- extending the approval to June 22, 2013. The Planning Commission previously granted a one year extension on October 9, 2012 to June 22, 2014.

On June 3, 2014, the Planning Commission recommended the City Council grant a one-year extension to SUB-09-01 and SDR-09-01.

Staff finds this criteria is met.

16.58.070 Minor modification(s) to approved plans or existing development.

A. Any modification which is not within the description of a major modification as provided in Section 16.58.060, may be considered a minor modification.

FINDINGS: Staff finds the proposed revision to remove the second story from Buildings 2 and 3 do not meeting the criteria for a major modification and the revision is considered a minor modification.

B. A minor modification shall be approved, approved with conditions or denied following the Planning Director's review based on the finding that no code provisions will be violated; and the modification is not a major modification.

C. Minor modifications shall processed and noticed in accordance with Chapter 16.78.

FINDINGS: A notice of decision of determination of minor modification will be issued with a decision on the extension request. Staff finds these criteria are met.

V. CONCLUSIONS AND RECOMMENDATIONS

Based upon the findings outlined in the staff report, the Planning Commission recommends the City Council Commission approve the application for the Interpretation (File No. INT-14-02).

VI. PLANNING COMMISSION SAMPLE MOTIONS

- A. Motion to adopt the findings in the staff report and approve Interpretation 14-02 for a one year extension:
 - 1. As presented by staff and the Planning Commission, or
 - 2. As amended by the City Council (stating revisions)

OR

- B. Motion to deny Interpretation 14-02 (stating how the application does not meet the required standards),

OR

- C. Continue the decision to a time certain or indefinite (considering the 120-day limit on applications) in order to collect additional information from the applicant or staff (stating the information required in order to make a decision)



1201 Court Street NE, Suite 200 • Salem, Oregon 97301
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

June 2, 2014

Dear Chief Administrative Official:

For the past three months, eight policy committees have worked very diligently to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2015 session. They have identified 22 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

The LOC Board of Directors has made long term commitments to two issues critical to cities: revenue and land use reform. **As a result of their designation as top legislative priorities on an ongoing basis neither of these issues appear on the enclosed ballot.**

The League will continue to advocate for a constitutional amendment that gives local voters the opportunity to pass local option levies outside of compression. Currently, statewide property tax limitations can prevent local voters from supporting the services they demand via local option levy. This amendment would enable voters to determine the level of services they desire and the associated level of taxation. The League will also advocate for a constitutional amendment that will improve the fairness of the property tax system by recalibrating taxes at the time a property is sold. Oregon's property tax system created a new assessed, or taxable, value based on 1995-96 real market values and capped annual growth. As property values have grown at different rates since that time, huge disparities in tax bills have emerged. The League will also continue to engage in legislative efforts to reform land use processes to reduce the burden on cities as they make local decisions about urban growth. Land use requirements have become increasingly difficult for cities to implement – with increased costs, time, and frequency of appeals – and the League will build on recent efforts to reform the urban growth boundary process to ensure that reforms streamline the land use process.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2015 legislative agenda. After your city council has had the opportunity to review the 22 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2015 session. **The deadline for response is July 25, 2014.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2015 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance for cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

A handwritten signature in black ink, reading "Michael J. McCauley". The signature is written in a cursive, flowing style with a long horizontal tail.

Michael J. McCauley
Executive Director

cc: Oregon Mayors

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2015.
2. Simply place an X in the space to the left of the city's top four legislative proposals (last page of the document).
3. The top four do not need to be prioritized.
4. Return by **July 25th** via mail, fax or e-mail to:

Angela Carey
League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, Oregon 97301
Fax – (503) 399-4863
acarey@orcities.org

Thank you for your participation.

LOC Policy Committees' Legislative Recommendations

Priority	Description
Community Development	
A. Provide tools for brownfield remediation including \$10 million in recapitalization of the redevelopment fund, new incentives such as tax credits, or regulatory modifications.	Supports finding funding sources and cost reductions for cleaning up brownfields to support economic development. The Brownfield Redevelopment Fund Program provides gap financing to clean-up industrial sites but has not been recapitalized to address the increasing need for clean-up of brownfield sites. However, the fund is not large enough to address this need on a statewide basis, so further support for efforts to determine alternative means to incentivize brownfield redevelopment will increase available industrial sites and help drive economic development. Overall, increasing tools to redevelop brownfields provides more options to cities looking to redevelop current brownfields into a better use.
B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.	Provides funding for two programs created in 2013 for addressing lands that are zoned industrial but are not being used for industrial purposes: the industrial site readiness program and the industrial site readiness assessment program. The first provides forgivable loans to local governments that bring industrial sites to shovel ready status, such as by placing infrastructure or cleaning up a brownfield. The second allows regions to determine what is preventing land designated for industrial use from being built for industrial use. However, no money was provided to fund either program in the 2013-2015 budget.
C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCDC's general grant funds to \$2 million.	In the last two biennia, the Oregon Department of Land Conservation and Development general fund grant program has seen a significant drop in the money allocated to it with increasing need from local governments to address technical planning issues and update pursuant to periodic review. In addition, the Oregon Seismic Safety Policy Advisory Commission, has released a report related to ongoing need for upgrading resilience in response to a major earthquake and recent natural disasters have raised awareness relating to land use planning. Raising the general fund grant program back to the 2009-2011 budget levels will help more cities address their planning needs and seek technical assistance. This would also alter the uses for these funds to include planning that increases resilience to natural disasters and meet their Goal 7 requirements.
D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.	Changing the appeals requirements for post-acknowledgement plan amendments (PAPAs) will keep decision making for land use policy at the local level first, allowing city official to determine the scope of legislative changes they make to their plans without trying to fight a new issue on appeal. This "raise it or waive it" standard currently exists for quasi-judicial decisions at the local level and insures that local decisions are not attacked on appeal on an issue that a city could have resolved in finalizing its decision. Modifying the PAPA appeal insures more land use decisions start with addressing all issues at the local level first.
Energy	
E. Modify the existing "1.5% green energy technology for public buildings" requirement to allow for offsite solar investments.	<p>Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.</p> <p>Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and that could provide for increased solar energy production.</p>

LOC Policy Committees' Legislative Recommendations

<p>F. Support efforts to eliminate the sunset on the Low Carbon Fuel Standard program.</p>	<p>Oregon's low carbon fuel standard, also known as the Clean Fuels Program, was initially adopted by the 2009 legislature. The standard would require fuel producers and importers to cut the carbon intensity of gasoline and diesel fuels by ten percent over a 10-year period in order to reduce greenhouse house gas emissions, reduce dependence on imported oil, and expand upon Oregon's renewable fuel industry. Fuel producers and importers can meet the standard through providing additional biofuels, natural gas or electricity, or by purchasing clean fuel credits. The program includes several consumer protection mechanisms to help ensure an adequate fuel supply and competitive fuel pricing.</p> <p>The program, as initially adopted is scheduled to expire, or sunset, on December 31, 2015. The League will work to support efforts to eliminate the sunset on the program.</p>
<p>Finance & Taxation</p>	
<p>G. Phase out the 3% discount for the early payment of property taxes.</p>	<p>Oregon law offers a 3% discount for property owners who pay the full amount due by November 15th. A 2% discount is offered for those that pay two-thirds of the amount due by November 15th.</p> <p>The League will phase out the discount over a period of time and adopt a penalty for failing to pay by November 15th to mitigate any cash flow issues for local governments.</p>
<p>H. Improve the fairness of how new and improved property is added to the tax roll.</p>	<p>New and improved property is brought on the tax rolls by applying an annual county-wide ratio of assessed values (AV) to real market values (RMV) to the new or added value of a property, in an attempt to replicate the property tax discount given to properties via Measure 50.</p> <p>However, significant variation between AV and RMV exist within a county, resulting in the discount often being inequitable compared to neighboring properties, as well as being out of line with the discount originally offered to properties when Measure 50 passed in 1997.</p> <p>As a result, similarly situated and valued properties can have significantly different property tax liabilities.</p> <p>The League will work to modify the property tax system to improve the fairness of how new property is added to the tax roll.</p>
<p>I. Improve clarity and certainty around transient lodging tax statute.</p>	<p>State law limits how transient lodging taxes increased or adopted after July 2003 can be spent, with statute requiring that 70 percent of increased or new transient lodging tax revenues be expended on tourism promotion or tourism-related facilities. There is uncertainty, however, as to what qualifies as a tourism-related facility and the timeline in which such expenditures can be legally challenged.</p> <p>The League will seek to improve the certainty around what qualifies as a tourism-related facility and reasonably limit the timeframe in which such expenditures can be legally challenged.</p>
<p>General Government</p>	
<p>J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.</p>	<p>Under Oregon law, an elected official may be recalled by an initiative petition for any reason after the first six months of their term. Limiting recalls to cases where there has been demonstrated wrong doing by a court or regulatory body (such as the Oregon Government Ethics Commission) would prevent the misuse of recalls without limiting the power of the electorate to reverse a decision. Recalls should be limited to acts of malfeasance or offenses involving moral turpitude.</p>

LOC Policy Committees' Legislative Recommendations

<p>K. Allow for price comparison when procuring architects and engineers.</p>	<p>In 2011 the Oregon Legislature required cities to use a qualifications based selection (QBS) process that prohibits the consideration of price until an initial selection has been made when hiring architects, engineers and photogrammetrists. This requirement prevents local governments from comparing pricing and effectively eliminates price competition when procuring these services.</p>
<p>L. Clarify and enhance medical marijuana dispensary regulations.</p>	<p>Existing restrictions on the placement of medical marijuana dispensaries (MMD) are inconsistent with land use regulations and should be clarified. Additionally, background checks are not required on people who work in MMD and there is no regulation on the manufacture of oils and other liquid marijuana products that use flammable/explosive substances in their processing.</p>
<p>M. Enhance mental health services.</p>	<p>Oregon's police departments have marked an increase in interactions with the mentally ill in recent years. Crisis intervention teams (CIT) have proven effective and deescalating interactions with the mentally ill, but this service model is not available in all parts of the state. Additionally, there is a demonstrated need for "drop-in" mental health services that allow for treatment before a person enters a state of crisis. There should be statewide access of CITs, and emergency access to mental health services to promote patient and community safety. Additionally, mental health services should be examined holistically to ensure that Oregon is providing the best possible care to the mentally ill.</p>
<p>Human Resources</p>	
<p>N. Ensure that arbitrator awards are in compliance with state, as well as local policies.</p>	<p>Currently, an arbitrator's award overturning an employer's disciplinary decision must comply with state policies on issues including, but not limited to: use of force, sexual harassment, or misconduct. Precedent has established that only state policies apply to the enforceability to an arbitrator's award.</p>
<p>O. Ensure that collective bargaining agreements trump state mandates on police investigations.</p>	<p>"The Police Officer's Bill of Rights" was intended to offer protections for officers who were under investigation if there was no collective bargaining contract or the contract was silent on how investigations were to be conducted. Changes made in 2009 have resulted in confusion and manipulation of the bargaining process. The statute needs to be amended to bring it back to the original intent of the bill.</p>
<p>P. Require earlier submission of last best offer.</p>	<p>Under current law, last best offers (LBOs) must be submitted 14 days prior to opening of arbitration in the event parties have declared an impasse, and binding arbitration is being used to settle the contract. Most arbitrators use a 30-day cancellation policy that requires payment even if parties settle prior to the commencement of arbitration. Requiring LBOs to be submitted 35 days prior to the opening of arbitration would provide an opportunity to settle without paying unnecessary fees.</p>
<p>Telecommunications</p>	
<p>Q. Support the reintroduction of legislation that repeals ORS 221.515 (HB 2455 -7 in 2013) removing the franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers, or other legislation that:</p> <ul style="list-style-type: none"> • Does not preempt local authority to manage the public ROW and be compensated for its use; • Maintains or increases the opportunity for revenue growth; and • Is technology neutral. 	<p>Protection of local authority to manage public rights of way (ROW) and receive compensation for any use of those facilities continues to be at the forefront of the League's telecommunications agenda. The League's "Oregon Municipal Policy" generally asserts local government Home Rule authority and specifically refers to the telecom management and compensation authority of Oregon cities.</p> <p>Since 1989 state statute has caused a disparity between certain types of telecommunications providers with regard to how franchise fees are collected. The League's preference is equity between all providers using the ROW, but with continued local ability to negotiate individual franchise agreements with individual service providers.</p> <p>During the 2013 legislative session the League supported efforts by Comcast to enact legislation doing away with the disparity. HB 2455 would have repealed ORS 221.515, thus allowing cities to charge all telecommunications in the same manner. The proposal received a hearing but was not approved in committee.</p> <p>The committee chair may be interested in re-introducing the proposal in 2015. However the telecom industry, this time including Comcast, is likely to introduce legislation dealing with the disparity in a manner that cities may find objectionable, including rate</p>

LOC Policy Committees' Legislative Recommendations

	caps on an overly narrow revenue base and other policies that could infringe upon both management and compensation authority and negatively impact city revenues.
<p>R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW including:</p> <ul style="list-style-type: none"> • Establishment of a “one-size-fits all,” state-wide franchise fee policy and collection system. • Prohibition of a city’s authority to levy franchise fees on other local government entities. 	<p><i>Same as above.</i></p>
Transportation	
<p>S. Pass a comprehensive transportation funding and policy package containing the following elements:</p> <ul style="list-style-type: none"> • A gas tax increase of up to 5 cents/gallon. • Index the gas tax either to the consumer price index or some other accepted and relevant economic index. • Continued development and expansion of the state’s commitment to a transportation user fee based on vehicle miles traveled (VMT). • License plate fee increases to include lightweight trailers. • No change in the constitutional dedication of State Highway Trust Fund dollars to highway, road and street projects (Article 9, Section 3a, Oregon Constitution). • New revenues coming to the State Highway Trust Fund should continue to be split between the state, counties and cities 50%-30%-20% respectively. • Increase in the statutory (ORS 366.805) “Small City Allotment” fund from \$1 million to \$5 million annually, split evenly between the Oregon Department of Transportation (ODOT) and the cities’ share of the trust fund. 	<p>The League of Oregon Cities agrees that the state’s transportation system and the policy and funding programs that support it must be multimodal in scope. The League will therefore support and work to achieve passage of legislation in 2015 that seeks to address funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing addresses such issues as:</p> <ul style="list-style-type: none"> • Connectivity • Safety • Jobs and economic development • Transportation impact on climate change • Active transportation and public health <p>Given the fact that maintenance and preservation needs have outpaced the resources available for streets, roads and highways, and given the threat that represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets.</p> <p>Note: The Small City Allotment has not been increased since its inception in the early 1990’s. The additional revenue to cities from the 2009 Jobs and Transportation Act did not increase road funding for small cities.</p>

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<ul style="list-style-type: none"> • No restriction, moratorium or preemption of local government ability to generate their own revenues for transportation funding. • Adequate funding for the maintenance and preservation of “orphan highways” in Oregon as part of a more robust jurisdictional transfer program. 	
<p>T. Continued or enhanced funding for <i>ConnectOregon</i></p>	<p><i>ConnectOregon</i> is the state’s premier multi-modal funding program, and is funded out of lottery revenues.</p>
<p>Water/Wastewater</p>	
<p>U. Support efforts and program funding to address Oregon’s long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning</p>	<p>According to the Oregon Water Resources Department, 2013 marked the fourth driest year on record for Oregon, with some areas experiencing their driest year on record yet. Oregon experienced below average precipitation in 2013 and continuing into 2014. As of May 2014, snow measurement sites in many part of Oregon show record lows for snowpack levels. As a result, summer streamflows are expected to be below average and water shortages are likely for many part of Oregon.</p> <p>The League will work in conjunction with the Oregon Water Resources Department to fund programs to address water supply shortages. These efforts will include support for ongoing funding of the Water Conservation, Reuse and Storage Grant program which provides grant funding for water supply project feasibility studies. The League will also support efforts for the Oregon Water Resources Department to establish a place-based planning pilot program to facilitate local collaboration among interested stakeholders and the creation of a blueprint for long-term integrated water resources planning and implementation.</p>
<p>V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.</p>	<p>According to the Oregon Department of Environmental Quality, over 30 percent of Oregonians rely on septic systems to treat wastewater from their homes and businesses. Many of these systems are within the boundaries of a municipal wastewater system, and a number of these systems are in need of repair or replacement. Failing septic systems, especially those within proximity to groundwater resources, create a significant human health hazard. However, significant costs to address failing septic systems often create a burden for homeowners who are unable to pay for costs associated with repair, replacement or conversion over to a public sewer system.</p> <p>The League will work with the Oregon Department of Environmental Quality to establish a revolving loan program that private residents can access in order to address failing septic systems. The League will further advocate that the program include mechanisms to encourage participants to convert over to a municipal wastewater system if conversion is at the request of the impacted municipality.</p>

City: _____

Please mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2015 legislative agenda.

Community Development

- A. Provide tools for brownfield remediation including \$10 million in recapitalization of the redevelopment fund, new incentives such as tax credits, or regulatory modifications.
- B. Support capitalization of the industrial site readiness loan program at \$10 million and the industrial site readiness assessment program at \$200,000.
- C. Prioritize grants providing assistance for natural disaster planning and updating comprehensive plans to address likely natural disasters in a community, and increase the grant funds available to cities through the DLCD's general grant funds to \$2 million.
- D. Reform the Post Acknowledgment Plan Amendment process to require appellants to raise issues before the local government before raising the issue on appeal.

Energy

- E. Modify the existing "1.5% green energy technology for public buildings" requirement to allow for offsite solar investments.
- F. Support efforts to eliminate the sunset on the Low Carbon Fuel Standard program.

Finance & Taxation

- G. Phase out the 3% discount for the early payment of property taxes.
- H. Improve the fairness of how new and improved property is added to the tax roll.
- I. Improve clarity and certainty around transient lodging tax statute.

General Government

- J. Reform Oregon's recall procedures to encourage a greater participation of the electorate and ensure that it is used for reasons involving misconduct.
- K. Allow for price comparison when procuring architects and engineers.
- L. Clarify and enhance medical marijuana dispensary regulations.
- M. Enhance mental health services.

Human Resources

- N. Ensure that arbitrator awards are in compliance with state, as well as local policies.
- O. Ensure that collective bargaining agreements trump state mandates on police investigations.
- P. Require earlier submission of last best offer.

Telecommunications

- Q. Support the reintroduction of legislation that repeals ORS 221.515.
- R. Oppose legislation preempting the ability of cities to manage and receive compensation for the use of a public ROW.

Transportation

- S. Pass a comprehensive transportation funding and policy package.
- T. Continued or enhanced funding for *ConnectOregon*.

Water/Wastewater

- U. Support efforts and program funding to address Oregon's long term water supply needs including recapitalization of the Water Conservation, Reuse and Storage Grant Program and implementation of a place-based pilot program for local water resources planning.
- V. Support efforts to establish a program that would provide low-interest loan opportunities to address failing residential onsite septic systems. The new loan program would support repair and replacement of failing systems or conversion to a municipal wastewater system, if the conversion is at the request of the impacted municipality.

Note: As indicated, property tax and land use reform will remain as priority efforts.