

Minutes
Aurora City Council Meeting
Tuesday, August 11, 2015, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT Kelly Richardson, City Recorder
Mary Lambert, Finance Officer
Darrel Lockard, Public Works Superintendent
Dennis Koho, City Attorney
Deputy Huitt, Marion County Sheriff's Office

STAFF ABSENT:

VISITORS PRESENT:

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Mayor Bill Graupp at 7:00 pm

2. CITY RECORDER DOES ROLL CALL

Mayor Graupp- Present
Councilor Sahlin - Present
Councilor Sallee-Present
Councilor Brotherton-Present
Councilor Vlcek - Present

3. CONSENT AGENDA

- a) City Council Meeting Minutes – June, 2015, Councilor Vlcek had a few clarification questions in the Planning Commission minutes regarding the bond issue. Councilor Vlcek also states that in the July Council minutes that he had not mentioned the Fire Dept property however he did refer to the property across the street from the old hotel property. Vlcek also asked about the action item on pg 4.
- b) Planning Commission – June, July, 2015
- c) Historic Review Board Meeting – May, 2015

ACTION ITEM;

Motion to approve the consent agenda as corrected was made by Councilor Vlcek and is seconded by Councilor Sallee. Motion approved by all.

4. CORRESPONDENCE –

- a) 2015 Legislative Report (electronic packet only)

5. VISITORS

Anyone wishing to address the Aurora 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 Aurora City Council could look into the matter and provide some response in the future. No comments were made during this section.

Susan Black wanted to thank all of the volunteers who participated in Colony Days events.

6. REPORTS

a) Mayor Bill Graupp

- Mayor reports the recent resignation of Raymond Lowe in public works and that the position has been posted. The recent spill was approximately 20,000 gallons of treated water it was caused by a broken flow meter on the affluent meter. DEQ has been notified and the new parts have been ordered. We are currently working on the completion of the waste water master plan.
- I have also been kicking around an idea and applying for a grant for a dog park I would like to have the North Marion school children help us design the dog park. I believe this would be a good use of the land by the pudding river.
- SB534 has passed and has been signed by the Governor.
- Recently the North Marion middle school and high school kids did the Mayor for a day writing contest and there were some very good papers written.
- Also I have been speaking to the Mayor of Mt. Angel and Silverton regarding a bike path idea to possibly adjoin our towns by way of Meridian Rd.
- Also during our discussions many of the Mayors are simply doing the same regulations for MMD and recreational marijuana.

Council discussed, NA

ACTION ITEM: NA

b) Marion County Deputy

- Deputy report there has not been anything critical is been all routine calls. Except we did have a theft that occurred at the Aurora Maternity Clinic which is under investigation.
- The majority of people are traveling at approximately 20-25 mile per hour on Liberty but please let me know if that changes.

Council discussed with Officer Huitt the temporary road closures during the Colony Days events Councilor Vlcek shared some frustrations. As Officer Huitt began explaining City Recorder Richardson wanted to make it clear that these were temporary closure while the events were taking place people were simply asked to wait until it was safe to

proceed they were not prevented from continuing their commute. Officer Huitt also explained to the Council that he was present during a few encounters with the public regarding the road closures and they were handled without incident. Councilor Sallee asks for the speed trailer to be placed on Liberty Street.

ACTION ITEM: Action to be.....

c) Traffic Safety Committee

- Traffic report, Mayor Graupp states that unless we are going to have a TSC then we should drop this from the agenda.

Council discussed.....

ACTION ITEM: Remove this from the agenda.

d) Finance Officer

- Finance officer reports that you all have the most up to date treasures report and that everything looks good.

Council discussed nothing at this time and there were no questions.

ACTION ITEM: NA

e) Public Works

- Public Works report is given by the Mayor in Lockard's absence. Mayor Graupp reads the report as presented. There are a few questions by the Council regarding the status of the trees in the park along with a few concerns regarding the need of work being done on 2nd street. Councilor Vlcek also asks why did we not apply for the 50,000 dollar Community Development grant that we normally do each year. Councilor Southard also points out a leak at or near the Park and wants a deadline as when it will be fixed. Mayor Graupp informs the group that they are aware of the leak and it's on the schedule to be fixed along with the other items as well. The trees will be taken care of this week.

Council discussed briefly that there needs to be a schedule of ongoing projects in the report. City Recorder Richardson volunteers to help Lockard with a better report style.

ACTION ITEM: Action to be.....

f) Parks Committee

- Park report

Council discussed the need of a quote for the extra areas of the downtown area from Living Color Landscape. Councilor Vlcek informs the group that he will be working on getting the striping done for the soccer season.

ACTION ITEM: NA

g) City Recorder

- Recorder report is routine Richardson informs Council that the job descriptions have been completed for the Administrative Department and working towards finishing the Public Works Department next. Richardson also informs Council that we need to schedule performance reviews. Councilor Sallee requests a copy of the Emergency Response Plan and wants to begin including a section of it each month in the council packets so everyone is familiar with the document.

Council discussed nothing at this time.

ACTION ITEM: Get a copy of EOP to Councilor Sallee.

h) City Attorney

- City Attorney report Koho informs the council that Mr. Bixler has withdrawn his application to combine his lots back into one legal lot rather than the 4 lots currently. Mr. Sills appeal hearing has been rescheduled until the September meeting. The Eddy property has a current deal in place and the purchaser wants to make a settlement offer to the city and have a non-encumbered title along with a timeline of when the property will be cleaned up.

Council discussed the need for more information regarding the Eddy property. Also we need to get moving forward on the falling down house on HWY 99E the Ranu property I believe.

ACTION ITEM: Continue on both properties Eddy and Ranu.

7. **PUBLIC HEARING**, Opens at 7:14 PM

- a) Discussion and or Action on Zone Change (ZC-2015-01), City Attorney Koho reads the staff report which is very clear and staff report outlines 4 options for you.

CITY OF AURORA CITY COUNCIL STAFF REPORT

FILE NUMBER: ZC-2015-01 and CPMA-2015-01
HEARING DATE: August 11, 2015

APPLICANT: City of Aurora

OWNER: Timothy & Susan Corcoran, PO Box 73, Aurora, OR 97002

REQUEST: Zone Change and Comprehensive Plan Map Amendment

SITE LOCATION: 21348 Hwy 99E, Aurora, OR 97002
Property ID R98010, Map 041.W.12BA, Tax Lot 3000

SITE SIZE: 0.166 acres

ZONING:	Low Density Residential (R-1) Zone with Historic Residential (HR) Overlay
COMP PLAN DESIG:	Low Density Residential with Historic District Overlay
CRITERIA:	<u>Aurora Comprehensive Plan</u> Chapter IX. Policies
	<u>Aurora Municipal Code (AMC)</u> Chapter 16.76 Procedures for Decision Making – Quasi-Judicial
ENCLOSURES:	Exhibit A: Assessor Map

I. REQUEST

Applicant has requested the following two actions:

- 1) Zone change from Low Density Residential (R-1) with Historic Residential (HR) Overlay to Commercial (C) with Historic Commercial (HC) Overlay; and
- 2) Comprehensive Plan map amendment from Low Density Residential with Historic District to Commercial with Historic District

II. PROCEDURE

Procedures and standards dictating review of map amendments and zone changes are provided in AMC 16.80.30. Quasi-judicial amendments shall be in accordance with the procedures set forth in Chapter 16.76. The Council shall decide the applications on the record. A quasi-judicial application may be approved, approved with conditions or denied.

The decision on an amendment to the Comprehensive Plan Map must precede the decision on a proposed zone change. Plan map amendments are not subject to the one hundred twenty (120) day decision making period prescribed by state law and such amendments may involve complex issues. The applicant requested consolidation of the plan map amendment and a zone change and waived the one hundred twenty (120) day time limit prescribed by state law for zone change and permit applications.

Notice of the August 4, 2015 Planning Commission meeting and August 11th City Council hearings was provided on July 23, 2015 to the applicant, owners of the subject property, and all owners of property within 200' of the subject property. Notice was also mailed to the Department of Land Conservation and Development and Aurora Public Works and published in the Canby Herald on July 15, 2015.

Appeals are governed by AMC 16.76.260 and 16.78.120 and 16.80.030.

III. CRITERIA AND FINDINGS

Subchapter 16.80.030 provides the criteria for amendments to the Code, Comprehensive Plan, and Maps and states quasi-judicial amendments shall be in accordance with the procedures set forth in

16.76. The City Council shall decide the applications on the record. A quasi-judicial application may be approved, approved with conditions, or denied.

FINDINGS: Aurora Municipal Code (AMC) sections 16.76.020 through 16.76.110 outline the procedures for the application process, noticing requirements, approval authorities, and hearings procedures. Noticing requirements are summarized above. The Planning Commission makes a recommendation to the City Council for final decision. Staff and the Planning Commission found the criteria under 16.76.020 through 16.76.110 are met.

Aurora Comprehensive Plan, Chapter IX. POLICIES

J. Historic Resource Policies (Goal 5)

Objective: Protect the community's historic character and sense of identity by conserving buildings and sites of historic significance and increasing the zone of control to include more of the original colony property.

FINDINGS: Staff and the Planning Commission found the proposed rezone will maintain the historic overlay zone and, based upon input from the property owner, will conserve buildings and properties of historic significance.

K. Economic Policies (Goal 9)

2. *The City will encourage the preservation and enhancement of the community's historic character.*

FINDINGS: The proposed rezone and map amendment affects property located in the City's historic district. The zone change and map amendment will allow a dilapidated residential structure in the historic district to be refurbished and used for commercial purposes. On February 26, 2015, the Historic Review Board (HRB) heard and subsequently approved the property owners request to refurbish the roof, paint, windows, foundation, and doors of the existing structure. Based on the proposed use and the approval of the HRB, Staff and the Planning Commission found the request will encourage the preservation and enhancement of the community's historic character.

3. *The City will promote the retention and expansion of existing business activities while promoting the recruitment of new businesses.*

FINDINGS: The property abutting the subject property to the north currently houses the Aurora Family Health Clinic. The proposed rezone and map amendment will allow the health clinic to expand into the subject property. Preliminary renderings submitted by the property owner show an expansion and remodel of the existing residential structure on the subject property for the purpose of accommodating the Aurora Family Health Clinic. Upon approval of a rezone and map amendment, the construction and change in use would be subject to Site Development Review. Staff and the Planning Commission found the request will promote retention and expansion of existing business activities.

Aurora Municipal Code (AMC)

16.76 Procedures for Decision Making – Quasi-Judicial

16.76.120 Standards for the decision. An application for quasi-judicial comprehensive plan map amendment or zone change shall be based on proof by the applicant that the application fully complies with:

1. *Applicable policies of the city comprehensive plan and map designation; and*

FINDINGS: Applicable Comprehensive Plan policies are addressed above. Staff and the Planning Commission found the request complies with applicable Comprehensive Plan policies and this criteria is met.

2. *The relevant approval standards found in the applicable chapter(s) of this title, the public works design standards, and other applicable implementing ordinances, including but not limited to, the Aurora Design Review Guidelines for Historic District Properties.*

FINDINGS: As stated above, on February 26, 2015, the HRB heard and subsequently approved the property owners request to refurbish the roof, paint, windows, foundation, and doors of the existing structure. Upon approval of the proposed rezone and map amendment, Historic District overlays will continue to apply, and any commercial development will be subject to Site Development Review and the Public Works Design Standards. Staff and the Planning Commission found the request met this criteria.

3. *In the case of a quasi-judicial comprehensive plan map amendment or zone change, the change will not adversely affect the health, safety and welfare of the community.*

FINDINGS: The proposed rezone and map amendment will result in Commercial (C) zoning of the subject property with Historic Commercial Overlay (HCO) zone, which will allow the dilapidated dwelling currently on site to be refurbished and used for commercial purposes. The redevelopment of a vacant and dilapidated structure will remove a potential safety and welfare hazard. Furthermore, preliminary plans for the subject property include an expansion of the neighboring Aurora Family Health Clinic. Notice of the proposed zone change and comprehensive plan map amendment was also mailed to property owners within 200 feet and provided to Aurora Public Works. At the writing on this staff report, Staff had not received written testimony regarding the subject application. Oral testimony was not received at the Planning Commission meeting. Consequently, Staff and the Planning Commission found the request would not adversely affect the health, safety, and welfare of the community. Staff and the Planning Commission found this criteria was met.

B. Consideration may also be given to:

1. *Proof of a substantial change in circumstances or a mistake in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application; and*
2. *Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in subsections (A) or (B)(1) of this section.*

FINDINGS: Properties to the north, south and west of the subject property are zone Commercial (C) with a Historic Commercial Overlay (HCO) zone. The property owner and Staff were able to locate documentation regarding the property zoning which conflicts with the current Residential zone shown on City maps and County assessor records. Staff believes that, at some point in the past during a map update, the City inadvertently mislabeled the subject property as Residential with a Historic Residential Overlay as previous land use applications for the subject property have identified it as Commercial with no evidence that the property was rezoned to Residential. The Planning Commission found this criteria was met.

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, Staff and the Planning Commission recommends that the City Council **approve** the request, subject to the following conditions of approval:

- 1) Future development shall occur in accordance with plans approved by the city.
- 2) Future development shall comply with all City of Aurora and State of Oregon development, building and fire codes.

V. CITY COUNCIL OPTIONS / SAMPLE MOTIONS

- 1) Approve the request for Comprehensive Plan Map Amendment and Zone Change (File ZC-2015-01 and CPMA-2015-01) and adopt the findings and conditions contained in the Staff Report.
- 2) Approve the request for Comprehensive Plan Map Amendment and Zone Change (File ZC-2015-01 and CPMA-2015-01), with findings/conditions as amended by the City Council (stating revised findings/conditions).
- 3) Deny the request for Comprehensive Plan Map Amendment and Zone Change (File ZC-2015-01 and CPMA-2015-01), with amended findings that the request does not meet the applicable approval criteria.
- 4) Continue the hearing (to a date and time certain) if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

Hearing Closes at 7:18

Council briefly discusses the fact that this is basically a clerical error and is now fixing that error.

A motion is made by Councilor Vlcek to approve the Zone Change App ZC-2015-01 as per option 1 to become zone commercial and is seconded by Councilor Sahlin. Passed by All.

8. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- a) Discussion and or Action on Resolution Number 701 to Amend the Current Business License Fees and Amend Resolution Number 642.

Motion to approve Resolution Number 701 and add a fee for MMD Applications is made by Councilor Sahlin and is seconded by Councilor Vlcek. Passed by All.

9. NEW BUSINESS

- a) Discussion and or Action on Appeal Notice (2015-01) Historic District Overlay, is rescheduled to the September meeting.

- b) Discussion and or Action on Planning Commission Recommendation to Appoint Aaron Ensign to fill the vacant Commission seat.
Motion is made by Councilor Vlcek to appoint Aaron Ensign to the Aurora Planning Commission and is seconded by Councilor Sallee. Passed by All.
- c) Discussion and or Action on Grove Mueller and Swank Contract for Audit Services.
Motion is made to approve the Contract with Grove Mueller and Swank for the Audit Services for the year. Passed by All.
- d) Discussion and or Action on City Engineer John Ashley Waste Water Engineering Services Report. Councilor Vlcek asks why does it take so long to complete and why charge for the document copies. Councilor Sahlin explains he believes because they need to monitor flows over a period of time is why it takes so long and it is normal to charge for the document because they do all the research involved it really is there document. Council would like to talk with Ashley at the next meeting before they approve the services report.
- e) Discussion and or Action on Better Ways of Council Communication. Councilor Sallee wanted this placed on the agenda and felt that there needed to be better communication between the boards. She felt the Council needed to be informed more of issues and concerns. City Recorder Richardson informs the council that the minutes in your packets inform the Council of discussion at other boards. As far as items before staff Richardson lets Council know that if it is not discussed in open meeting it will not be on the minutes. Sallee is concerned about the length of time it has taken for the Corcoran project and again Richardson informs the Council that all of the relevant procedures were followed in this case and had staff had all the information the application would have been deemed complete therefore along with noticing requirements everything was handled as it should have been. Sallee also had a few concerns regarding employee communications and concerns that come up and the process for that as well. Koho explains that each member of Council should be willing to assist employees as needed as I believe you have been. Koho maybe it's time to start looking into a different form of government your almost large enough for a City Manager.

Council is informed that Ashley is continuing work on the Storm Water Master Plan.

10. OLD BUSINESS

- a) NA

11. ADJOURN,

Mayor Graupp adjourned the August 11, 2015 Council Meeting at 9:05 PM.

Bill Graupp, Mayor

ATTEST:

Kelly Richardson, CMC
City Recorder

DRAFT