

AGENDA
Aurora City Council Meeting
Tuesday, September 08, 2015, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

1. CALL TO ORDER OF THE AURORA CITY COUNCIL MEETING

2. CITY RECORDER DOES ROLL CALL

Mayor Graupp
Councilor Sahlin
Councilor Vlcek
Councilor Southard
Councilor Sallee

3. CONSENT AGENDA

- a) City Council Minutes – August, 2015
- b) Planning Commission – August, 2015
- c) Historic Review Board Meeting Minutes – July, 2015

4. CORRESPONDENCE - NA

5. VISITOR

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.

6. REPORTS

- a) Mayors Report
- b) Marion County Deputy
- c) Finance Officer
- d) Public Works
- e) Parks Committee
- f) City Recorder
- g) City Attorney
 - Discussion and or update on Eddy Property.

7. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- a) Resolution Number 702 A Resolution Amending Resolution 651 to Include Employee + Children.

8. NEW BUSINESS

- a) Discussion and or Conversation with John Ashley, City Engineer.
- b) Discussion and or Action on Email Regarding Charging a Fee for SEDCOR Applications.

9. OLD BUSINESS

- a) Discussion and or Action on Appeal Notice (2015-01) Historic District Overlay Sills Property

10. ADJOURN

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.

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

Minutes
Aurora Planning Commission Meeting
Tuesday, August 4, 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
 Renata Wakeley, City Planner

STAFF ABSENT:

VISITORS PRESENT:

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Chairman Schaefer at 7:00 pm

2. CITY RECORDER DOES ROLL CALL

Chair Schaefer - Present
Commissioner McNamara- Present
Commissioner Fawcett - Present
Commissioner Gibson - Present
Commissioner Rhoden-Feely - Absent
Commissioner Weidman - Present
Commissioner TBA

3. CONSENT AGENDA

- a) Planning Commission Minutes – July, 2015
- b) City Council Meeting Minutes – NA, 2015
- c) Historic Review Board Minutes – June, 2015

Motion to approve the consent agenda as presented was made by Commissioner McNamara and is seconded by Commissioner Gibson. Motion approved by all.

4. CORRESPONDENCE –

- a) DLCD Legislative Report for 2015
- b) DLCD Directors Report for 2015.

Chair Schaefer points out that SB534 is on the Governor’s desk but not yet signed.

5. VISITORS

Anyone wishing to address the Aurora 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 Aurora Planning Commission could look into the matter and provide some response in the future.

6. Public Hearing , Opens at 7:08 PM

Commissioner Weidman declares a conflict of interest as she works at the location. Chair Schaefer declares ex-parte contact regarding what the zoning was and why it is conflicting, so therefore that is why I asked that the city initiate the process as it was an error and I spoke to the Corcoran's regarding this.

- a) Discussion and or Action on Comprehensive Plan Map Amendment (CPMA-2015-01) Zone Change (ZC 2015-01) 21348 Hwy 99E.

CITY OF AURORA PLANNING COMMISSION STAFF REPORT

FILE NUMBER: ZC-2015-01 and CPMA-2015-01
HEARING DATE: August 4, 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 DESIGN: Low Density Residential with Historic District Overlay
CRITERIA: Aurora Comprehensive Plan Chapter IX. Policies
Aurora Municipal Code (AMC)
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 and August 11th 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.

Appeals are governed by AMC 16.76.260 and 16.78.120 and 16.80.030.

ID. CRITERIA AND FINDINGS

Subchapter 16.80030 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 finds 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 finds 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 finds 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 finds 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 finds 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 finds the request meets the criteria.

1. *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 no received written testimony regarding the subject application. Consequently, Staff finds the request will not adversely affect the health, safety, and welfare of the community. Staff finds this criteria is 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)(l) 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.

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, Staff recommends that the Planning Commission 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. PLANNING COMMISSION OPTIONS / SAMPLE MOTIONS

- 1) Recommend the City Council 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) Recommend the City Council 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 Planning Commission (stating revised findings/conditions).
- 3) Recommend the City Council 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.

Public Hearing Closes at 7:23 PM

There is a brief discussion regarding clarification of setbacks and square footage.

Motion is made to approve and Recommend to City Council (ZC 2015-01 and CPMA 2015-01) as recommended by staff in sample 1 by Commissioner McNamara and is seconded by Commissioner Fawcett. Motion passes by all.

7. New Business

- a) Discussion and or Action on Code Sections 16.36.50, 16.52.040, 10.08.040, 10.08.100 along with Oregon Vehicle Code referencing parking, storage and RV parking and storage.

There is a brief discussion regarding various issues in and around town regarding parking and storage of Recreational Vehicles and using them as an accessory structure. During the discussion they came up with three items; no more than 1 RV, not to be used as a shed or accessory structure, and a parked RV must be mobile and cannot have a porch up to it. No decision was made.

Action Item; put this back on the agenda for the September meeting.

8. OLD BUSINESS

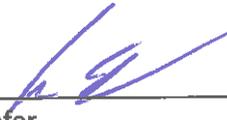
- a) Discussion and or Action on Recreational Marijuana, there has been several laws passed regarding recreational marijuana, local jurisdictions have more options than they did before Chair Schaefer states he would like Council direction before we pursue this further. Time, space and manner are much the same as during MMD. There are a few options Council can consider.
- b) Discussion and or Action on Aurora Corridor Study, ODOT made some changes and this is just for review and FYI.

9. COMMISSION/DISCUSSION

- a) City Planning Activity (in your packets) Status of Development Projects within the City. Chair Schaefer discusses with the group the container that was recently approved in the commercial zone, I personally don't feel we should have storage containers being installed in the commercial zone, and Chair Schaefer states he thinks it's more an industrial zone use. I (Schaefer) admit it is painted and has a window but I am surprised to see it. I suggest tightening the code regarding these.

10. ADJOURN

Chair Schaefer adjourned the August 4, 2015 Aurora Planning Commission Meeting at 7:59 P.M.



Chair Schaefer

ATTEST:



Kelly Richardson, CMC
City Recorder

Minutes
Aurora Historic Review Board Meeting
Thursday, July 23, 2015, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT Kelly Richardson, CMC City Recorder

STAFF ABSENT: None

VISITORS PRESENT:

1. CALL TO ORDER OF THE HISTORIC REVIEW BOARD MEETING

The meeting of July 23, 2015 was called to order by Chair Abernathy at 7:05 pm

2. CITY RECORDER DOES ROLL CALL

Chair Abernathy – Present
Member Berard - Present
Member Frochen – Absent
Member Fraser – Absent
Member Townsend - Present

3. CONSENT AGENDA

- a) Historic Review Board Meeting Minutes – June 25, 2015, item number 2 incorrect members McNamara is on Planning Commission.
- b) City Council Minutes – NA
- c) Planning Commission – June, 2014

A motion to approve the Historic Review Board minutes of June 25, 2015, with the corrections as stated was made by Member Townsend and is seconded by Member Berard.

4. CORRESPONDENCE - NA

5. VISITORS

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

No one was present.

6. NEW BUSINESS

- a) Discussion and or Action on Sign Application for the Aurora Artesian 21680 Main Street Applicant Carl McKnight. Applicant was not present at the meeting there was a brief discussion regarding the application and the board made it very clear that the sign needed to be made of wood or metal and can only be covered with wood or metal no exceptions. Based on code section 17.24.070 (A). Color proposed is acceptable along with the font selection per code 17.24.070

A motion is made to accept the application as presented and clarified by the Board that the sign itself must be made of wood or metal and can only be covered with wood or metal by board member Townsend and is seconded by board member Berard. Motion passed by all.

7. OLD BUSINESS

- a) Discussion and or Action on Historic Inventory, tabled
- b) Discussion and or Action on CLG Grant, the board briefly discusses the progress of the grant projects and is hopeful by the next month's meeting to have a draft ready for review.

Action: Speak with SHPPPO regarding forms that may be useful for project 3 of the grant.

8. ADJOURN

Chairman Abernathy adjourned the meeting of July 23, 2015 at 7:45 pm.


Gayle Abernathy, Chairman

ATTEST:


Kelly Richardson, CMC
City Recorder



August 31, 2015

City of Aurora
21420 Main Street
Aurora, OR 97002

RE: WaveDivision Holdings, 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 October 1st, ~~2014~~ **2015, KR**

The monthly rates for the following services will be adjusted: Standard Cable, and any packages including that service, will increase by \$1.67. These rate changes are exclusive of franchise fees, regulatory fees, and other governmentally imposed charges.

This rate adjustment is the direct result of annual programming cost increases from TV networks owned by A&E Networks, Discovery Communications, Disney/ESPN, FOX Broadcasting Company, NBCUniversal, Scripps Networks Interactive, Turner Broadcasting System, Viacom, regional sports programmers, and independent channel providers.

Additionally, in the coming months, the local TV Stations' fee will be adjusted to reflect the increasing fee local broadcast stations charge Wave for the right to carry their signals.

At Wave Broadband, we work hard to establish the best channel selection for our customers and communities while balancing rapidly increasing programming costs. We will continue to invest in our network to bring customers the latest technologies, enhancing their service experience, at very competitive prices.

Please contact me directly with any questions.

Sincerely,

Cyndi Wikstrom
Vice President of Operations

recorder

From: Paul M. Eliason [meliason@up.com]
Sent: Wednesday, September 02, 2015 3:35 PM
To: recorder
Subject: Reporting Crossing Issues on Union Pacific Tracks & Introduction of New Public Affairs Director

Dear Ms. Richardson,

I wanted to take this opportunity to provide you and your staff with information about Union Pacific's Response Management Communications Center (RMCC). Around the clock, RMCC critical call dispatchers answer phone calls from employees, law enforcement and the public reporting emergencies, community event notifications, and other incidents occurring on Union Pacific property. Union Pacific's highest priority is the safety of our employees and the communities we serve. Therefore, we encourage you and the City of Aurora community to immediately notify the railroad by contacting UP's RMCC at 1-877-0877-7267 for any of the following:

- **Community Event Notifications:** If an event or activity - such as a parade, sporting event, or other large gathering - is scheduled to take place across or near our tracks, event planners should immediately notify the railroad by contacting RMCC. Only in rare circumstances will train traffic be stopped or rerouted for an event. For more information, please visit our website at http://www.up.com/aboutup/community/safety/community_event/index.htm.
- **Reporting an Emergency:** Any emergency or incident at or around the railroad crossing, including a vehicle stuck/stalled on the tracks, track obstruction or unusual or suspicious occurrences should be immediately reported. Notifying the railroad will help us provide a timely response.
- **Reporting Rough or Damaged Grade Crossings or Vegetation Concerns:** Safety is our number one priority. In the event of a rough or damaged grade crossing, including signal malfunctions, or a crossing blocked or obscured by vegetation, we want to know about it immediately so that we dispatch our maintenance crew to address the issue.

I also want to let you know that Brock Nelson has now retired as Public Affairs Director and I started in the position at the end of July. I have served as a lobbyist and attorney in Oregon since 2008, working with the Association of Oregon Counties and Associated General Contractors in previous roles. I am definitely looking forward to working with you and other local officials in my new capacity with UP.

Feel free to reach out to me anytime with any questions or concerns you may have. Thank you for being a partner and for helping promote safety in your community.

Sincerely,

Mike Eliason

Mike Eliason
Director of Public Affairs
Union Pacific Railroad
503-249-3079

**

This email and any attachments may contain information that is confidential and/or privileged for the sole use

Report from the Finance Officer
September 8, 2015

- Revenue and expense report for the first month of fiscal year 2015/2016 is included. This report shows budgeted amounts and percent of budget received/spent.
- Met with Misty Hess, CPA, today to discuss contracting with her to assist with closing out the last fiscal year and preparing for the audit.
- Continuing work with the auditors for the Fiscal Year 2014-2015 audit.
- Keeping current with payables and receivables.

Respectfully,



Mary C. Lambert

CITY OF AURORA - TREASURER'S REPORT Ending July 31, 2015

	FUND	BUDGET	BALANCE @ July 1, 2015	TOTAL REVENUES	% TO DATE	BUDGET less contingency	TOTAL EXPENSES	% TO DATE	END BALANCE July 31, 2015
10	GENERAL	839,042.00	394,783.47	21,410.40	4.52%	514,452.00	36,422.52	7.08%	379,771.35
15	CITY HALL BUILDING	132,500.00	120,479.82	186.50	1.52%	132,500.00	0.00	0.00%	120,666.32
20	Aurora Colony Days	23,540.00	0.00	6,412.50	27.24%	18,468.00	5,267.72	28.52%	1,144.78
25	PARK RESERVE	7,148.00	1,142.70	0.52	0.01%	7,148.00	0.00	0.00%	1,143.22
29	PARK SDCs	36,055.00	31,523.23	2,219.96	95.07%	36,055.00	0.00	0.00%	33,743.19
30	STREET/STORM	309,400.00	182,499.94	5,193.34	4.01%	206,944.00	8,251.16	3.99%	179,442.12
35	ST/STORM RESERVE	85,700.00	52,069.95	33.10	0.10%	85,700.00	0.00	0.00%	52,103.05
39	ST/STORM SDCs	31,000.00	22,633.03	2,911.33	25.81%	31,000.00	0.00	0.00%	25,544.36
40	WATER OPERATING	510,200.00	222,270.10	1,375.17	0.48%	351,068.00	25,351.62	7.22%	198,293.65
42	SPW MAINTENANCE	39,710.00	39,710.00	0.00	0.00%	39,710.00	0.00	0.00%	39,710.00
45	WATER RESERVE	106,510.00	46,709.66	38.33	0.06%	106,510.00	0.00	0.00%	46,747.99
49	WATER SDCs	77,376.00	62,368.57	5,573.12	27.10%	77,376.00	0.00	0.00%	67,931.69
50	SEWER OPERATING	535,300.00	258,954.46	-0.93	0.00%	335,793.00	33,709.55	10.04%	225,243.98
55	SEWER RESERVE	95,940.00	55,763.72	24.74	0.06%	95,940.00	0.00	0.00%	55,808.46
57	G. O. DEBT SERVICE	332,975.00	21,789.67	2,589.81	0.82%	332,975.00	0.00	0.00%	24,379.48
59	SEWER SDCs	29,036.00	24,863.24	2,043.93	32.88%	29,036.00	0.00	0.00%	26,907.17
	TOTALS	3,191,432.00	1,537,571.56	50,011.82		2,400,675.00	109,002.57		1,478,580.81

City Council
Public Works Activity Report
September 2015

Waste Water:

Working on new irrigation system. Sludge pipe and tanks are on site. Tanks are positioned on slab.

TMDL report is completed and will be submitted after work shop from DEQ. ted. This report is normally due in September but has been extended because of the work shop . I have been in contact with the agency and will be attending in September 17 to confirm the document .

I&I reports is due February First of each year. 2014 report mailed 1/8/2015

Flow meter calibration report is due before December 31 of each year. This is done in April 9, 2015. Cert letter will be sent this month

Water: Consumption has been ranging between 200,000-260,000 gallons per day and the water system is maintaining the demands.

CCR report was put together and has been sent on the last billing cycle.

Cross connection update . 2014 Report has been filed

Back Flow:

108 devices have been tested and 27 devices have been removed this year

Streets:

Routine operation and maintenance. Clearing catch basin of debris. Graveled roads are being checked for pot holes and repaired as needed.

Park: Risk assessment bids for the Fir trees have been asked for again.\$ trees have been removed in the tree grove that were deemed hazardous. Logs for firewood was moved to Liberty street and is now gone to residents. 4 more will be removed in September that the City staff will do, these are smaller trees and not close to any structures or other hazards.

Notice for Council

Water Plant repairs. estimated dated 8/8/15

Wastewater treatment (ongoing now)

Administration

Public Works scheduling and planning for staff.

Maintaining Budget for 2015-2016

Respectfully: Darrel Lockard

Public works project list

Irrigation for WWTP summer discharge(in progress)

Sludge tank (in position)

Stop Lines

Prep second irrigation field (mowed, some repairs need to be made ie connection points need modifications)

Backflow is ongoing

Memo

To: City Council
From: Kelly Richardson
CC: None
Date: 9/3/2015
Re: Recorders Report Month of August 2015 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.
 - Working closely with Patrick Harris, Colony Museum and Typist Aleasha Garber on the CLG grant.
- ❖ Attending Conference Committee And Records Committee Meetings
- ❖ Records Request update
 - O pending request
- ❖ Ongoing needs of the City, discussion items.
- ❖ Updating Planning and Zoning Files and Forms/Checklists **ONGOING**
- ❖ Gather information for website updates, continued to work on this.
- ❖ Working on various punch list items requested. (most items on hold)
- ❖ Continued work almost daily on Backflow Device Status.
- ❖ Finished City Recorders, Finance Officers, Utility Worker and Administrative Assistant Job descriptions just need to finish Public Works Superintendent now.
- ❖ Did interviews for the Administrative Assistant position and from that selected our candidate. Rhonda Rae was the successful candidate she started August 31. So far all is going well with her training and her schedule is 9-2 Monday-Thursday.
- ❖ We have many open permits and currently there are 5 new homes being built.

- ❖ We have begun the very long process of our V7 migration for Springbrook this should be completed in February of 2016.
- ❖ Webber consulting has begun the process of updating our server and this should be completed by end of 2015 or before.
- ❖ New heating and air conditioning units have been installed and they are so very nice.

RESOLUTION NUMBER 702

A RESOLUTION ESTABLISHING POLICY ON EMPLOYEE HEALTH INSURANCE AMENDING RESOLUTION NUMBER 651.

WHEREAS, the City of Aurora values the contributions made by its employees and wants to provide health insurance benefits to the greatest extent possible; and

WHEREAS, the City Council desires to have a steady and predictable rate of contribution to health insurance costs to assist the employee, the taxpayers, and the budget;

WHEREAS, the City Council needs to keep up with the continually changing health insurance needs of its employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT:

It shall be the policy of the City of Aurora to provide health care insurance to its full-time employees as follows:

- Resolution 651 is amended as follows with the addition of and include employee + children;
- Employees shall pay the first \$50 on a monthly basis of the cost of health insurance which covers the employee only and the City shall pay the remainder of the cost;
- Employees shall pay the first \$150 on a monthly basis of the cost of health insurance which covers the employee and spouse only and the City shall pay the remainder of the cost;
- Employees shall pay the first \$150 on a monthly basis of the cost of health insurance which covers the employee and one child only and the City shall pay the remainder of the cost;
- Employees shall pay the first \$200 on a monthly basis of the cost of health insurance which covers the employee and more than one child only and the City shall pay the remainder of the cost;
- Employees shall pay the first \$250 on a monthly basis of the cost of health insurance which covers the employee and family and the City shall pay the remainder of the cost; and
- These contribution levels are subject to review by the Council every six months.

/ / / /

/ / / /

ADOPTED by the Aurora City Council at the regular City Council meeting held on Tuesday, September 08, 2015. This resolution is effective immediately.

Dated this ____ day of September, 2015.

ATTEST

Bill Graupp, Mayor

**Kelly Richardson, CMC
City Recorder**

Dental Coverages

Aurora (AUR)

2015

Staff		EE Only	EE +Ch	EE +Chn	EE + Sp	EE + Fam
Req. Work Hours: 32.00						
Waiting Period: FIRST AFTER 1 MONTH						
ODS DENTAL III	Employee:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Effective Date: 1/1/2015 Termination Date: 12/31/2015	Employer:	\$64.24	\$98.46	\$169.91	\$112.08	\$195.37
Display the Employee Cost Share? YES	Total:	\$64.24	\$98.46	\$169.91	\$112.08	\$195.37

2016

Staff		EE Only	EE +Ch	EE +Chn	EE + Sp	EE + Fam
Req. Work Hours: 32.00						
Waiting Period: FIRST AFTER 1 MONTH						
ODS DENTAL III	Employee:	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Effective Date: 1/1/2016 Termination Date: 12/31/2016	Employer:	\$64.24	\$98.46	\$169.91	\$112.08	\$195.37
Display the Employee Cost Share? YES	Total:	\$64.24	\$98.46	\$169.91	\$112.08	\$195.37

Medical Coverages

Aurora (AUR)

2015

Staff		EE Only	EE +Ch	EE +Chn	EE + Sp	EE + Fam
Req. Work Hours: 32.00						
Waiting Period: FIRST AFTER 1 MONTH						
REGENCE COPAY A RX4 AC VSP-1 (12/12/24)	Employee:	\$50.00	\$150.00	\$150.00	\$150.00	\$250.00
Effective Date: 1/1/2015 Termination Date: 12/31/2015	Employer:	\$512.48	\$894.30	\$1,246.68	\$1,041.37	\$1,357.82
Display the Employee Cost Share? YES	Total:	\$562.48	\$1,044.30	\$1,396.68	\$1,191.37	\$1,607.82

2016

Staff		EE Only	EE +Ch	EE +Chn	EE + Sp	EE + Fam
Req. Work Hours: 32.00						
Waiting Period: FIRST AFTER 1 MONTH						
REGENCE COPAY A RX4 AC VSP-1 (12/12/24)	Employee:	\$50.00	\$150.00	\$150.00	\$150.00	\$250.00
Effective Date: 1/1/2016 Termination Date: 12/31/2016	Employer:	\$556.21	\$975.58	\$1,355.29	\$1,134.08	\$1,482.86
Display the Employee Cost Share? YES	Total:	\$606.21	\$1,125.58	\$1,505.29	\$1,284.08	\$1,732.86

TASK ORDER NO. CE-15-1

**TO THE AGREEMENT TO FURNISH PROFESSIONAL ENGINEERING SERVICES
TO THE CITY OF AURORA, OREGON**

WASTEWATER FACILITIES PLAN UPDATE

This Task Order is issued by the **City of Aurora, Oregon** and accepted by **Ashley Engineering Design, P.C.** pursuant to the mutual promises, covenants and conditions contained in the Agreement between **Ashley Engineering Design, P.C.**, hereinafter called CONSULTANT and the **City of Aurora, Oregon**, hereinafter called CITY, to furnish Professional Engineering Services, dated June 5, 2009. All conditions of the Agreement apply to this Task Order unless specifically modified below.

This Task Order is for the preparation of a Wastewater Facilities Plan Update and will be prepared with the assistance of Keller Associates, Inc (707 13th Street, Suite 280, Salem, Oregon 97301, (503) 364-2002), hereinafter called SUBCONSULTANT. The facilities plan will address existing and future needs for the wastewater treatment.

ARTICLE 1 - SCOPE OF SERVICES

The project services provided by CONSULTANT and SUBCONSULTANT are summarized below. The SUBCONSULTANTS' Scope of Services and Fee for the project is set forth in the Agreement between CONSULTANT and SUBCONSULTANT and their associated Task Order, which by this reference are incorporated herein. Professional engineering services for the project will be performed in a manner consistent with the degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances within and around the CITY.

WORK BY CONSULTANT

Overall management of the project will be performed by CONSULTANT. The Scope of Services for CONSULTANT shall consist of the following Task:

- **TASK 1 – OVERALL PROJECT MANAGEMENT.** The purpose of this Task is for the overall management of the project. CONSULTANT will administer the SUBCONSULTANT Agreement throughout the project, participate in regular communications with the CITY, plan and attend review meetings/workshops, and coordinate project submittals with CITY. CONSULTANT will also monitor and track the project budget and schedule, assist with establishing the planning criteria, coordinate the activities being performed, and review and submit monthly invoices to the CITY.

DELIVERABLES / MEETINGS

- Attend a Project Kickoff meeting.
- Attend two Technical Review Committee meetings.
- Attend one City Council Workshop.
- Prepare and submit monthly invoices.

WORK BY SUBCONSULTANT

The SUBCONSULTANT's Scope and Budget are included as **Attachment A** to this Task Order. A list of the SUBCONSULTANT'S Tasks to be performed is shown below and further described in **Attachment A**.

- Task 1: Project Management
- Task 2: Project Planning
- Task 3: Existing Wastewater Treatment Facilities
- Task 4: Need For Project
- Task 5: Alternatives Considered
- Task 6: Selection Of An Alternative
- Task 7: Proposed Project
- Task 8: Report Documentation

ARTICLE II – ASSUMPTIONS

The assumptions presented in **Attachment A** have been made part of this Task Order.

ARTICLE III – EXCLUSIONS

Any work items that have not been described and defined in the above Tasks and in **Attachment A** are not part of this Task Order. The following services are specifically excluded:

- Sewer Collection System or Airport Annexation Impacts
- Environmental, Wetlands, Noise, Archaeology, Soils/Geotechnical, Structural, Etc.
- Floodplain/Floodway Studies
- Land Use/Zoning/Planning
- Engineering Designs, Surveying, and/or Construction Services
- Easements, Legal Descriptions, and/or Right-of-way
- Financial Planning, Utility Fees/Rate Studies, and/or System Development Charges
- Computer Modeling, Water Quality, Testing, and/or Monitoring
- Permitting, City and/or Agency Fees
- Other Workshops/Public Outreach or Presentations
- Other Reports/Studies/Master Plans

ARTICLE IV – SCHEDULE

Professional engineering services will proceed upon execution of this signed Task Order. It is anticipated that the preparation of the Wastewater Facilities Plan Study will take approximately 12-18 months to complete, not including CITY and/or other agency review times.

ARTICLE V – COMPENSATION

Compensation will be on a fixed price-lump sum basis and invoiced monthly based upon a percentage of completion. CONSULTANT will apply the standard markup to the SUBCONSULTANT billings to cover the additional insurance requirements and processing of SUBCONSULTANT costs to the CITY.

FIXED PRICE-LUMP SUM COMPENSATION

- CONSULTANT project services and markup - \$ 9,600.⁰⁰
- SUBCONSULTANT (Keller Associates, Inc.) - \$ 58,900.⁰⁰
- Total Compensation - \$ 68,500.⁰⁰**

OPTIONAL TASKS

- SUBCONSULTANT Optional Task 3 (if included) per Attachment A - **\$ 1,700.⁰⁰**
- SUBCONSULTANT Optional Task 7 (if included) per Attachment A - **\$ 2,100.⁰⁰**

Any work authorized by the CITY (Mayor or appropriate staff) that is outside the Scope of Services contained herein, will be billed at the standard hourly rates for CONSULTANT shown in Table 1, and the standard hourly rates for SUBCONSULTANT. Any additional items specifically requested by the CITY such as additional prints, etc., will be over and above the fixed-price and will be invoiced in accordance with the Direct Costs and Expenses identified in Table 2.

TABLE 1

CONSULTANT’S HOURLY LABOR RATE SCHEDULE

CLASSIFICATION	RATE
Project Manager/Engineer	\$85
Project CAD Technician	\$65
Administrative Assistant - Office/Clerical	\$45
Notes:	
1. See Table 2 below for project related Direct Costs and Expenses.	
2. An additional premium of 25% will be added to the above rates for Expert Witness and Testimony Services.	
3. These hourly rates are effective through December 31, 2015. A new labor rate schedule will be negotiated for any additional work performed in 2016.	

TABLE 2

CONSULTANT’S DIRECT COSTS AND EXPENSES

DESCRIPTION	COST
Additional Printing, Mylars, Reproduction/Copying, etc.	At cost plus 10 percent
Agency Fees – Applications, Permits, Reviews, etc.	At cost
Postage and Freight	At cost
Miscellaneous Project Expenses	At cost
Additional Outside Services, Subconsultants, etc.	At cost plus 10 percent

ARTICLE VI – OTHER PROVISIONS

The period of services for this Task Order will be from the date this Task Order is executed by the CITY until project completion, or until terminated by the CONSULTANT or CITY under the provisions of the Agreement.

If the performance of services hereunder requires CONSULTANT and SUBCONSULTANT to rely on information provided by other parties, CONSULTANT and SUBCONSULTANT shall not be liable to independently verify the validity, completeness, or accuracy of such information unless otherwise expressly engaged to do so in writing by the CITY as Additional Services. Compensation for performing any Additional Services will be pursuant to a mutually agreed upon Addendum to this Task Order.

All documents prepared or furnished by CONSULTANT and SUBCONSULTANT are instruments of service, and CONSULTANT and SUBCONSULTANT shall retain ownership including the copyright and the right of reuse in such documents. CITY shall have a limited license to use the documents, agrees to obtain prior written agreement for any reuse or modifications of the instruments of service, and understands that any unauthorized use of the instruments of service shall be at the CITY’s sole risk and without liability to the CONSULTANT and SUBCONSULTANT.

All other terms and conditions of the Agreement between CONSULTANT and CITY apply to this Task Order.

ARTICLE VII – AUTHORIZATION

IN WITNESS WHEREOF, duly authorized representatives of the parties have executed this Task Order with the effective date, the year and day last written below.

CONSULTANT

CITY

Ashley Engineering Design, P.C.

City of Aurora, Oregon

By: _____
John Ashley, P.E., President
(OR60132PE)

By: _____
Mayor

Date: _____

Date: _____

ATTACHMENT A
for
Wastewater Facilities Planning Study
City of Aurora
Consultant Project No.: 215066

Scope and Budget

Project Description

This Wastewater Facilities Plan Update is funded by City of Aurora funds. The facilities plan will address existing and future needs for the wastewater treatment and disposal systems. The collection system will not be included in this facilities plan, but will be evaluated later under a separate contract. The plan will look at a 20-year timeframe and address the regulatory requirements for facilities planning studies, following the “Guidelines for Preparing Wastewater Planning Documents and Environmental Reports for Public Utilities” dated May 2013.

The primary drivers for completing the Wastewater Facilities Plan are to evaluate the existing treatment process and make recommendations for disposal options.

The following engineering services will be provided by Keller Associates, Inc. (Consultant) to John Ashley (Client), City Engineer for the City of Aurora (Owner).

1.0 Task 1 – Project Management

CONSULTANT Services

1. CONSULTANT and CLIENT/OWNER staff will meet to initiate the project. The objectives of this kickoff meeting will include reviewing the project constraints (scope, budget, and schedule), review available information, resources, planning criteria, processes, and OWNER objectives/goals. Data needs and coordination efforts will also be reviewed. It is anticipated that a field visit will be coordinated with this meeting. Kickoff meeting will include Oregon DEQ, refer to page 6 of the above mentioned 2013 guidelines.
2. Prepare for and attend two additional Technical Review Committee (TRC) meetings. TRC meetings will involve representatives from CONSULTANT, City staff, and other stakeholders that the City chooses to involve in the planning effort. The CONSULTANT will coordinate these meetings through the City’s Engineer and Public Works Superintendent. The purpose of these meetings will be to review preliminary findings, improvement alternatives, and draft facilities planning recommendations.
3. Prepare a request for information and review data provided by the City. Provide subsequent requests for information (if needed) to clarify data and complete analysis.
4. Prepare for and attend one city council workshop.
5. Prepare and submit monthly invoices.
6. Prepare and submit monthly progress reports to track progress and inform the City of items needed to keep the project on schedule.

OWNER Responsibilities

1. Provide information in request for information. All data should be provided within 30 days of the first request for information.
2. City to invite stakeholders to the TRC meetings.
3. Provide facilities to meet in for TRC and public meetings.

Assumptions

1. This scope does not include any public outreach efforts for the consultant.

Deliverables

1. Requests for information.
2. Meeting agendas and meeting minutes.
3. Monthly invoices.
4. Monthly progress reports.
5. Council workshop materials.

2.0 Task 2 – Project Planning

CONSULTANT Services

1. Location - Develop figures to establish the project planning area. The figures will include legal, natural boundaries, and a topographical map of the service area.
2. Environmental Resources Present - Develop figures and narrative to describe environmental resources present in the project planning area (i.e. wetlands inventory, FEMA flood mapping).
3. Population Trends – Document U.S. Census or other population data (Portland State) for the previous 20 years and document population projections for the 20 year project planning period.
4. Community Engagement – Summarize how the community was engaged for the planning process.

OWNER Responsibilities

1. Provide the documents covered in the request for information.
2. Provide the following documents:
 - a. Current water master plan and water management and conservation plan.
 - b. Previous wastewater facilities planning study (1996).
 - c. Current system development charge (SDC) and rate studies, and any economic studies.
 - d. Urban Growth Boundary (UGB) Documents.
 - e. Existing CAD / GIS electronic files for city utilities and planning documents.
 - f. Other pertinent planning documents.
3. Provide input on growth projections and the distribution and phasing of new residential and non-residential growth.

Assumptions

1. No field observations will be completed, including but not limited to wetland delineation (investigation), biological assessment, and/or cultural resource survey.
2. The environmental work performed under this task does not constitute an environmental review nor does it include an Environmental Information Document (EID).
3. The study area will coincide with the current Urban Growth Boundary.
4. This study will not evaluate the potential affects to the sanitary sewer system if the airport is annexed.

Deliverables

1. Draft and final write-ups documenting project planning per ODEQ WWFPS recommended outline.

3.0 Task 3 – Existing Wastewater Treatment Facilities

CONSULTANT Services

1. Complete a site tour of the effluent pump station and the treatment facility to review conditions of existing assets, interview City staff, and document observed/known problems. Complete pump tests at effluent pumping facility to evaluate current pump performance.
2. (Optional) Complete a site tour of the influent pump station review conditions of existing assets, interview City staff, and document observed/known problems. Complete pump tests at influent pumping facility to evaluate current pump performance.
3. Review pump run time data and flow meter records to assess existing capacity limitations (if any).
4. Location - Develop map and schematic process layout of the existing treatment plant and influent/effluent lift stations. The figures will include legal, natural boundaries, and a topographical map of the service area.
5. History - Document wastewater treatment plant history and system description to reflect current flow and water quality data, recent discharge monitoring records (DMRs), plant improvements that have been completed since the previous planning study, current condition of plant equipment and facilities, and current operation practices.
6. Conditions of Existing Facilities – Document present conditions; suitability for continued use; adequacy of current facilities and their treatment, storage, and disposal capabilities. Document capacities of each component. Document regulatory requirements including anticipated NPDES permit requirements for the City as well as address changes in land application and reuse regulations. Review and document potential impacts of the Pudding River TMDL. Summarize overall current energy consumption.
7. Financial Status of any Existing Facilities – Document current rate schedules, annual O&M costs, other capital improvement programs, and table of users by monthly usage categories for the previous fiscal year. Document existing debts and required reserve accounts.
8. Water/Energy/Waste Audits – Document any water, energy, and/or waste audits previously conducted and the outcomes.

OWNER Responsibilities

1. Provide access to the facilities and available documents.

2. Provide electronic (excel) copies of DMRs for previous 5 years. Provide available SCADA data at the plant and lift stations.
3. Provide recorded pump run times on a daily basis in electronic (excel) format.
4. Provide any water, energy, and/or waste audits previously conducted.
5. The City will provide current rates and summary of revenue and operation and maintenance data.

Assumptions

1. Existing CAD maps or as-builts will provide all data necessary to evaluate treatment process. No additional field work or surveying will be required.

Deliverables

1. Draft and final write-up on existing wastewater treatment facilities per ODEQ WWFPS recommended outline.

4.0 Task 4 – Need for Project

CONSULTANT Services

1. Health Sanitation and Security – Document concerns and include relevant regulations and correspondence from/to federal and state regulatory agencies.
2. Aging Infrastructure – Summarize concerns and highlight those with the potential for the greatest impact. Document inflow and infiltration, treatment or storage needs, management adequacy, inefficient designs, and other issues. Summarize any safety concerns.
3. Reasonable Growth - Determine system flows from influent flow data at the treatment plant and available lift station metering/pump run-time data. Review NOAA precipitation records to determine 5-year and 10-year design storms. Analyze the existing wastewater composition. Summarize influent flow and water quality data and provide the data in an appendix to the facility plan. Document the reasonable growth capacity that is necessary to meet needs during the planning period.

OWNER Responsibilities

1. Provide known correspondence from federal and state regulatory agencies regarding violations or concerns related to wastewater treatment and disposal.
2. Complete any additional water quality testing that may be requested by the Consultant.

Assumptions

1. Without the ability to perform continuous flow monitoring, peak instantaneous (peak hour) flows will be determined by the CONSULTANT using peaking factors.
2. Inflow and infiltration will be summarized based on flow patterns relative to historic daily rainfall totals as recorded on the DMR's.

Deliverables

1. Draft and final write-ups on need for project per ODEQ WWFPS recommended outline.
2. Analysis of flow data consistent with ODEQ guidelines.

5.0 Task 5 – Alternatives Considered

CONSULTANT Services

1. Develop evaluation criteria.
2. Existing and future conditions will be measured against the established evaluation criteria.
3. Summarize any special requirements (if any) established in the City's land use and comprehensive plans.
4. Develop planning level design criteria for the wastewater treatment plant based on projected flows, loads, and permit requirements. Design criteria will include the design flow (annual average, maximum month, and instantaneous peak), influent BOD, TSS, and nitrogen concentrations and loads, summer and winter temperatures, influent alkalinity, effluent BOD and TSS concentrations and loads, effluent ammonia concentrations, BOD and TSS removal efficiency, effluent pH range, effluent E. coli and total coliform requirements, and effluent total chlorine residual. Consideration will be given to seasonal treatment requirements for winter discharge to the Pudding River and summer land application.
5. Evaluate process options to improve treatment to meet the planning criteria established for this study.
6. Evaluate disinfection and disposal options.
7. City staff report that a reuse plan is currently being developed by the DEQ. This task will document the DEQ's progress and anticipated results of the reuse plan.
8. Develop alternatives and summarize including environmental impacts, land requirements, potential construction problems, and sustainability considerations (i.e. water and energy efficiency, green infrastructure).
9. Establish cost estimating methodology to reflect both local and current conditions.
10. Prepare planning level capital and operating and maintenance (O&M) cost estimates for each option. Develop annual costs for each viable alternative.

OWNER Responsibilities

1. Provide input on evaluation and design criteria.
2. Provide input on improvement alternatives.

Assumptions

1. No mixing zone analysis will be provided.
2. The reuse plan is not included in this scope of work, as well as analysis for required acreage, how to obtain the land, analysis of soil and groundwater conditions, analysis of sprinkler distribution system and irrigation pump station. These services can be completed as additional services.
3. Evaluation of alternatives will be limited to two viable options identified with City input.

Deliverables

1. Draft and final write-ups on alternatives considered, incorporated per ODEQ WWFPS recommended outline.

6.0 Task 6 – Selection of an Alternative

CONSULTANT Services

1. Perform life cycle cost analysis on the technically feasible alternatives
2. Rank each treatment option for its treatment performance. Assist the City in identifying the apparent best alternative.
3. The ranking will include consideration for both life cycle cost s and non-monetary factors (i.e. triple bottom line analysis: financial, social, and environmental).

OWNER Responsibilities

1. Provide input on ranking criteria and process.

Assumptions

N/A

Deliverables

1. Draft and final write-ups of selection of an alternative, incorporated per ODEQ WWFPS recommended outline.

7.0 Task 7 – Proposed Project

CONSULTANT Services

1. Provide recommendation for which alternative should be implemented.
2. Develop a more detailed description of recommended alternative including project schedule, permit requirements, sustainability considerations (if applicable), engineer's opinion of probable cost, and effects on annual operating budget.
3. Develop schematic for layout of recommended treatment process.
4. Develop capital improvement plan outlining recommended improvements.
5. Organize improvements by priority, and tied to population growth and the corresponding year.
6. The Consultant will estimate the annualized cost to fund the treatment facility CIP and provide a 6-year CIP to be used by the City's financial consultant in evaluating rate impacts.
7. Where identified capital improvements are anticipated to increase the City's operations and maintenance costs, the Consultant will estimate the additional annual cost for these improvements.
8. The Consultant will estimate the System Development Charge (SDC) eligibility for each identified capital improvement.
9. (Optional) Provide separate summary sheets for each capital improvement.

OWNER Responsibilities

1. The City will utilize a third party financial consultant to update their user rate and SDC analysis using data provided by the Consultant.
2. Provide copies of recent bids. Also review cost assumptions prepared by Consultant.

Assumptions

1. Consultant will not provide a full user rate and SDC study. Consultant will provide the capital improvement plan that will be used by the City's financial consultant to complete a user rate study and SDC study. The City's financial consultant will be responsible for making final recommendations for potential financing of improvements.

Deliverables

1. Capital improvement plan (tabular format, organized by priority).
2. (Optional) Separate summary sheets for each capital improvement.
3. Estimate of SDC eligibility for each capital improvement.

8.0 Task 8 – Report Documentation

CONSULTANT Services

1. Prepare a draft report for council, stakeholder, and agency review.
2. Update report to reflect City review comments.
3. Respond to agency comments.
4. Prepare a final report in accordance with the requirements of Oregon Department of Environmental Quality to be adopted by the City.

OWNER Responsibilities

1. Pay for any agency review fees that may be required.

Assumptions

N/A

Deliverables

1. Three (3) draft copies of the report.
2. Three (3) final copies of the report.
3. One electronic copy (PDF) of the final report.

BUDGET

The CONSULTANT will be compensated as summarized in the table below for all tasks described in tasks 1-8 of this attachment. The following table summarizes how the budget amounts were determined. The optional items will be excluded from the scope and budget unless the written approval provided.

Task	Amount
Task 1: Project Management	\$7,800
Task 2: Project Planning	\$2,300
Task 3: Existing Wastewater Treatment Facilities	\$11,700
Optional Task Addition	\$1,700
Task 4: Need for Project	\$2,100
Task 5: Alternatives Considered	\$19,900
Task 6: Selection of an Alternative	\$1,800
Task 7: Proposed Project	\$6,400
Optional Task Addition	\$2,100
Task 8: Report Documentation	\$6,900
Total Consultant Budget	\$58,900
Optional Tasks Total	\$3,800
Total Consultant Budget Plus Optional Tasks	\$62,700

recorder

From: Heidi Bell [manager@donaldoregon.gov]
Sent: Tuesday, August 25, 2015 12:44 PM
To: 'Vickie Nogle'; recorder
Subject: RE: EZ Local Fee

I am sure our City Council does too. What about in Aurora?
Do you two want to ask the council next month which method? I can add it to our agenda.
Thoughts?
Thank you,
Heidi

From: Vickie Nogle [mailto:VLNogle@cityofhubbard.org]
Sent: Tuesday, August 25, 2015 12:26 PM
To: Heidi Bell <manager@donaldoregon.gov>; recorder <recorder@ci.aurora.or.us>
Subject: RE: EZ Local Fee

I know the City Council back then wanted to charge a fee to recoup the costs.

Vickie L. Nogle, MMC
Director of Administration/City Recorder
503.981.9633
Mon – Thursday 7AM-5:30PM Closed Fridays

"IT'S ALL ABOUT THE JOURNEY, NOT THE OUTCOME" --Carl Lewis

From: Heidi Bell [mailto:manager@donaldoregon.gov]
Sent: Tuesday, August 25, 2015 12:23 PM
To: Vickie Nogle; 'recorder'
Subject: RE: EZ Local Fee

Hi Vickie and Kelly,

I have looked back into our records and see that this was the same resolution used in 2013 in Donald too. However, the contract with SEDCOR was only for one year, so since we have initiated a new 'contract' with SECOR every year. The 'contract' is just a letter, see attached. Yearly, the Council reviews the letter and asks a few questions. However, this year a councilor started asking questions about the \$500 fee and what the State law says about EZ applicants being charged. I started looking around and found out:

- 1) All three cities need to charge the same.
- 2) The cities can either charge:
 - a. Flat rate of \$200;
 - b. .01% of estimated qualified cost; or
 - c. No charge

I don't remember or know where the sample resolution came from that we were supposed to adopt back in 2012. I have a copy of it too. We used in 2012. The problem is that the amounts are not legal to charge and that it appears Aurora is not charging. So... lets just figure out what we want to do – correct it and move forward. What are you ladies thinking?? Move forward?? If so, which method do you think?
Thank you for your help, support and collaboration
Heidi

From: Vickie Nogle [mailto:VLNogle@cityofhubbard.org]
Sent: Tuesday, August 25, 2015 12:10 PM
To: Heidi Bell <manager@donaldoregon.gov>; recorder <recorder@ci.aurora.or.us>
Subject: RE: EZ Local Fee

I guess I'm a little confused because the City of Hubbard was under the impression the other Cities were already charging so Hubbard adopted the attached Resolution as recommended.

Vickie L. Nogle, MMC
Director of Administration/City Recorder
503.981.9633
Mon – Thursday 7AM-5:30PM Closed Fridays

"IT'S ALL ABOUT THE JOURNEY, NOT THE OUTCOME" --Carl Lewis

From: Heidi Bell [mailto:manager@donaldoregon.gov]
Sent: Tuesday, August 11, 2015 6:01 PM
To: 'recorder'; Vickie Nogle
Subject: FW: EZ Local Fee

Hello Ladies, I hope you are having a nice week. Below is the law regarding the either \$200 limit for the EZ app fee or .01%. I am just doing a little research because this year we could have an application in Donald. And our budget is so tiny! So, the question is – do we charge the \$200 because we think that we will get smaller applications? Or do we charge .01% of the estimated qualified cost because we think we will get large-scale applications? Or do we charge \$0? Because it is not worth it? I pasted the section of the law below, Vickie please share with your attorney.

Regardless, as Art Fish said in one of his earlier emails- we all need to do the same thing in all three cities. Please see my email conversations with Art Fish below for more info.

Thoughts?? Thank you for helping me out and your consideration. I hope you have a nice week.

Thank you,
Heidi

For purposes of ORS 285C 140(1)(c):

(1) When applying for authorization under ORS 285C 140, an eligible business firm may be required to pay a fee that the sponsor of the enterprise zone has set at:

(a) \$200; or

(b) Any amount not exceeding 0.1 percent of the total estimated cost of the firm's proposed investment in qualified property.

(2) The sponsor shall uniformly implement the requirement of an authorization filing fee according to a policy established before receiving an affected application, though not necessarily through written guidelines.

(3) Written guidelines, however, shall define the factors under which the requirement, waiver or amount of an authorization filing fee may deviate from the usual practice. In this case, the sponsor may vary the fee consistent with section (1) of this rule according to certain criteria or situational factors such as the size or nature of the eligible business firm or its proposed investment.

(4) Failure by an eligible business firm to pay the required filing fee at the time of the firm's submitting an application for authorization may be grounds for the local zone manager's refusal to process it on the sponsor's behalf.

(5) A zone sponsor that requires an authorization filing fee shall collect payment in U.S. funds with the application for authorization and issue a receipt.

(6) If either the zone sponsor or the county assessor deny the application of an eligible business firm for authorization under ORS 285C.140, the sponsor shall refund any payment of an authorization filing fee in full to the eligible business firm.

(7) If both the zone sponsor and the county assessor have approved an eligible business firm's application for authorization under ORS 285C.140, neither the zone sponsor nor the county assessor may later deny the eligible business firm's authorization, qualification or exemption because of failure to receive or collect payment of an authorization filing fee.

(8) If a business firm is denied an exemption under ORS 285C.170 or 285C.175, the zone sponsor is under no obligation to refund any amount of an authorization filing fee that was paid by the business firm, unless the business firm is ineligible under ORS 285C.135 or was otherwise authorized improperly or by mistake.

Stat. Auth.: ORS 285A.075, 285C.060(1) & 285C.140(1)

Stats. Implemented: ORS 285C.140

Hist.: OBDD 26-2010, f. & cert. ef. 6-14-10

From: FISH Arthur * BIZ [<mailto:Arthur.Fish@oregon.gov>]

Sent: Monday, August 10, 2015 1:40 PM

To: Heidi Bell <manager@donaldoregon.gov>; 'Wakeley, Renata' <renatac@mwvcog.org>

Subject: RE: EZ Local Fee

It is ORS 285C.140(1)(c), as cited at [OAR 123-668-1700](#)

From: Heidi Bell [<mailto:manager@donaldoregon.gov>]

Sent: Friday, August 7, 2015 8:48 AM

To: FISH Arthur * BIZ; 'Wakeley, Renata'

Subject: RE: EZ Local Fee

Hi Art,

Thank you for the information. I am wondering if you can send me the ORS that says \$200 or .01%? This will help with the discussion in Aurora and Hubbard.

Thank you,

Heidi

From: FISH Arthur * BIZ [<mailto:Arthur.Fish@oregon.gov>]

Sent: Thursday, August 06, 2015 9:03 AM

To: Donald City Manager <manager@donaldoregon.gov>; 'Wakeley, Renata' <renatac@mwvcog.org>

Subject: RE: EZ Local Fee

Heidi,

Sorry for the delay in replying.

What you are suggesting does not necessarily entail that any resolution is adopted, but you will need to coordinate with your counterparts in Aurora and Hubbard.

What the law provides is a fee with the application for authorization (pre-project), which may be up to the greater of \$200 or 0.1 percent of the estimated cost in qualified property, so that whenever the estimate is \$500,000 or more, it could be capped at \$500. If the fee is implemented simply and consistently throughout the zone, then it may simply be done with hardly any formalities. If there is variation by place and circumstances, then that policy should be officially spelled out, which the cities may still accomplish administratively among themselves.

SEDCOR, which does not currently collect such fee to the best of my knowledge, would collect it for you and might then just as well credit any collection against your annual payment to them.

Regards,



Arthur Fish, Incentives Coordinator | www.oregon4biz.com | Fax: 503-581-5115
(State Lands Building Suite 200, 775 Summer St NE, Salem OR 97301-1280)

****CONFIDENTIALITY NOTICE****

This e-mail may contain information that is privileged or confidential. If you are not the addressee or it appears from the context that you have received this e-mail in error, please advise me immediately by reply e-mail. keep the contents confidential, and immediately delete the message and any attachments from your system.

From: Donald City Manager [<mailto:manager@donaldoregon.gov>]
Sent: Monday, August 3, 2015 3:57 PM
To: FISH Arthur * BIZ; 'Wakeley, Renata'
Subject: EZ Local Fee

Dear Art, I hope you are doing well. I have a question for you. Can the City charge a local administration fee to recover costs for an outside organization's membership fee to run our EZ?

More specific...

The City of Donald pays SEDCOR \$500 a year to be their Local EZ Manager. If I have a resolution approved by the council to charge the applicant a nominal fee to help recover this fee – is it allowed? I mean, the fee would be less than \$500... is this illegal? I thought I heard this somewhere. I have had differing information on this – so I thought I would ask you. The guru on EZs ☺ I appreciate your time, help and knowledge!

Take care,
Heidi

Heidi Bell (formerly Blaine), MPA
City Manager
City of Donald
10710 Main Street NE
PO Box 388

Donald, OR 97020
Phone: 503-678-5543
Website: donaldoregon.gov

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**CITY OF AURORA CITY COUNCIL
STAFF REPORT**

FILE NUMBER: Appeal-2015-01
HEARING DATE: August 11, 2015

APPLICANT/OWNER: Michael Sills, 8415 SW Rogue Ln, Wilsonville, OR

REQUEST: Appeal of a July 8, 2015 decision of denial made by the Historic Review Board regarding the installation of vinyl windows in place of wood windows in a contributing structure.

SITE LOCATION: 21328 Highway 99E NE, Aurora, OR 97002. Map 041W13BA, Tax Lot 2800.

ZONING: Commercial (C) with Historic Commercial Overlay (HCO)

COMP PLAN DESIG: Commercial with Historic District Overlay

CRITERIA: Aurora Municipal Code (AMC), Title 17.20.100 provides the procedures and criteria for reviewing an appeal of the Historic Review Board decision. 16.76 Procedures for Decision Making – Quasi-Judicial

ENCLOSURES:

- Exhibit A: Assessor Map
- Exhibit B: July 8, 2015 HRB Notice of Decision
- Exhibit C: Appeal application materials
- Exhibit D: Resource #140, Aurora Colony Historic Resources Inventory (July 1985)
- Exhibit E: Additional Supporting Documentation

I. REQUEST

Appeal of a July 8, 2015 decision of denial made by the Historic Review Board regarding the installation of vinyl windows in place of wood windows in a contributing structure.

II. PROCEDURE

Procedures and standards dictating appeals of Historic Review Board decisions are governed by Aurora Municipal Code (AMC) 17.20.100. Submission of an appeal shall be made within the 14 day appeal period and shall include payment of required fees by any party to the decision before five p.m. on the last day of the appeal period and shall include the appellant’s specific grounds for the appeal. (17.20.100.D.3).

AMC 17.20.100.F. states, “Upon appeal, notice shall be given to parties who are entitled to notice under Sections 17.20.060 and Section 17.20.090. Notice of the August 11th appeal hearing was provided on July 31, 2015 to the appellant and Historic Review Board.

III. CRITERIA AND FINDINGS

Subchapter 17.20.100.G. provides the criteria for appeal and states: The appellate authority shall affirm, reverse or modify the decision, which is the subject of the appeal. The decision shall be made in accordance with the time provisions of Section 17.20.040; or upon the written consent of all parties to extend the one hundred twenty (120) day limit, the appellate authority may remand the matter if it is satisfied that testimony or other evidence could not have been presented or was not available at the time of the initial decision.

In deciding to remand the matter, the appellate authority shall consider and make findings and conclusions regarding:

- 1. The prejudice to parties;***
- 2. The convenience or availability of evidence at the time of the initial hearing;***
- 3. The surprise to opposing parties;***
- 4. The date notice was given to other parties as to an attempt to admit; or***
- 5. The competency, relevancy and materiality of the proposed testimony or other evidence.***

FINDINGS: The subject property, Lot 2800 of Map 041W13BA, and commonly known as 21328 Highway 99E NE, Aurora, OR 97002 is identified as Resource #140 on the Aurora Colony Historic Resources Inventory (July 1985) which is adopted by the City Council and an element of the Aurora Comprehensive Plan (See Exhibit D). Therefore, the subject property is zoned Commercial with a Historic Commercial Overlay and is subject to both Title 16-Land Development and Title 17- Historic Preservation of the Aurora Municipal Code.

Aurora Municipal Code (AMC) sections 17.40.190.A.1. states that for Contributing Structures in the Historic Commercial Overlay “Windows shall be trimmed with wood, and wood framed storm windows are permitted.” AMC 17.40.190.A.2. states that for Contributing Structures in the Historic Commercial Overlay “Window frames and sashes shall be made of wood”.

Further, AMC 17.40.020 regarding additions to Commercial Contributing Structures states:

1. Previous additions to the original structure that were added prior to 1921 shall be subject to the same standards and criteria as the original portion of the structure; however, in the event that the addition does not match the original, the exterior features of the addition may be altered to match the original.
2. Additions to contributing structures that were built in 1921 or later may be removed, and following removal, the exterior materials on that portion of the structure must match the remainder of the structure.

Staff does not find appeal meet the requirements for remand outlined above and this criteria is not met.

Subchapter 17.20.110 provides the criteria for a modification and revocation of approvals and states: The approval authority may modify or revoke any approval granted pursuant to this chapter for any of the following reasons:

- A. A material misrepresentation or mistake of fact made by the applicant in the application or in testimony and evidence submitted, whether such misrepresentation is intentional or unintentional;***
- B. A failure to comply with the terms and conditions of approval;***
- C. A material misrepresentation or mistake of fact or policy by the city in the written or oral report regarding the matter whether such misrepresentation is intentional or unintentional.***

FINDINGS: The subject property, Lot 2800 of Map 041W13BA, and commonly known as 21328 Highway 99E NE, Aurora, OR 97002 is identified as Resource #140 on the Aurora Colony Historic Resources Inventory (July 1985) (See Exhibit D). The subject property is zoned Commercial with a

historic Commercial Overlay and is subject to both Title 16-Land Development and Title 17- Historic Preservation of the Aurora Municipal Code

Aurora Municipal Code (AMC) sections 17.40.190.A.1. states that for Contributing Structures in the Historic Commercial Overlay “Windows shall be trimmed with wood, and wood framed storm windows are permitted.” AMC 17.40.190.A.2. states that for Contributing Structures in the Historic Commercial Overlay “Window frames and sashes shall be made of wood”.

Staff *does not* find appeal meet the requirements for remand outlined above and this criteria *is not met*.

In addition, the initial application stated that the type of project was, “replacement of broken and damages windows- currently a mixture of metal-vinyl-wood windows with new windows of same size and orientation. Trimmed in original wood. Paint entire building.

IV. CONCLUSIONS AND RECOMMENDATIONS

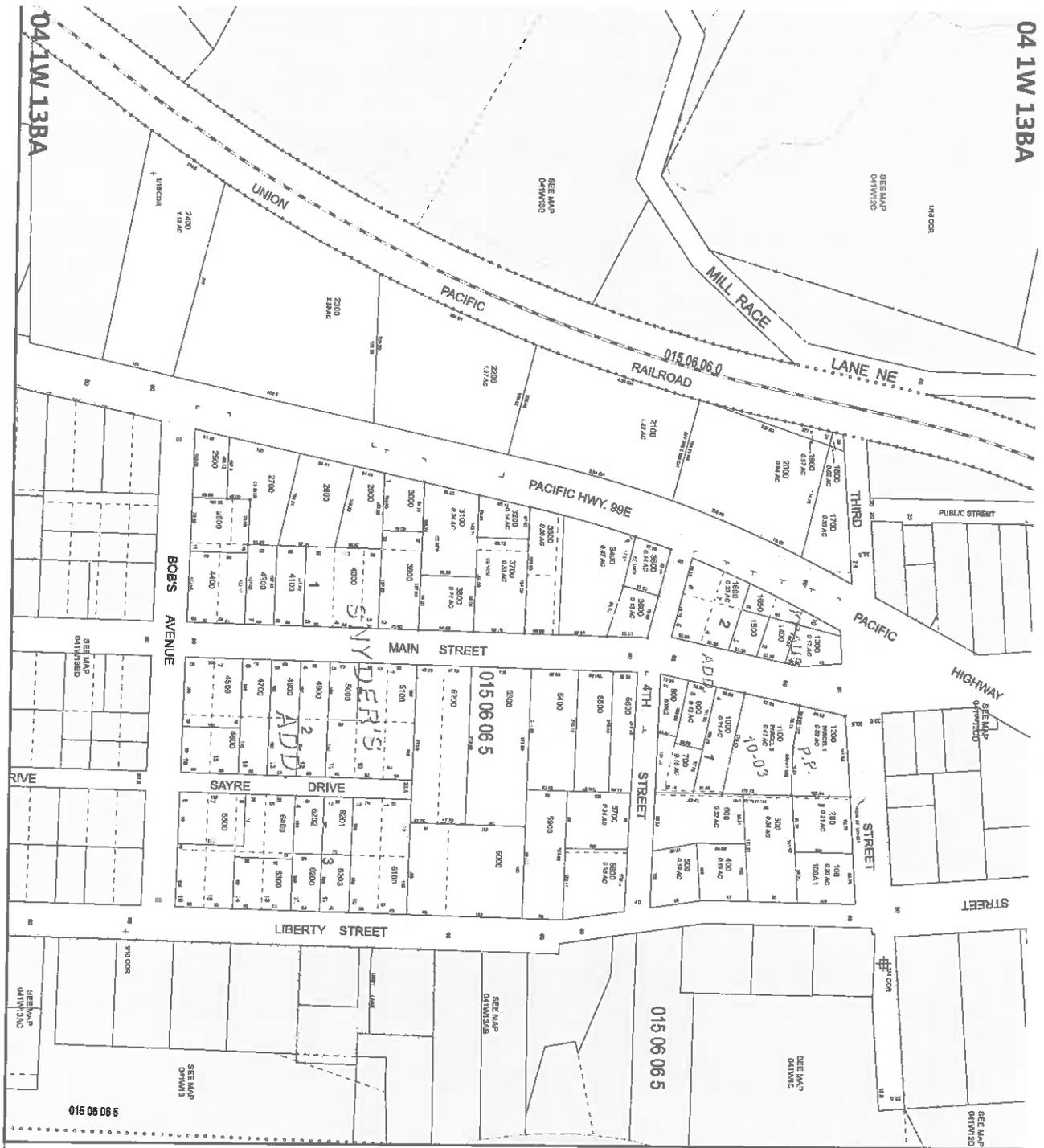
Based on the findings in the staff report, Staff recommends that the City Council **affirm** the decision of the Historic Review Board based upon the findings and conclusion in the July 8, 2015 Historic Review Board decision for the subject property.

V. CITY COUNCIL OPTIONS / SAMPLE MOTIONS

- 1) Affirm the decision of the Historic Review Board based upon the findings and conclusions in the July 8, 2015 decision of the Historic Review Board for the subject property.
- 2) Remand the matter back to the Historic Review Board, including findings and conclusions based upon the information and findings summarized under Section III above for remand by the appellant authority.
- 3) Reverse the decision of the Historic Review Board, stating the findings and conclusion in the July 8, 2015 decision of the Historic Review Board to be amended/reversed and providing amended findings and conclusions
- 4) Modify the decision of the Historic Review Board, stating the findings and conclusions in the July 8, 2015 decision of the Historic Review Board to be modified.
- 5) Continue the hearing (to a date and time certain) if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

04 1W 13BA

04 1W 13BA



04 1W 13BA

AURORA

MARION COUNTY, OREGON
 NE1/4 NW1/4 SEC13 T4S R1W W.M.
 SCALE: 1" = 100'

LEGEND

- LINE TYPES**
- Land Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Other Boundary
 - Waterline - Tank Body
 - Waterline - New Boundary
 - Historical Boundary
 - Escarpment
 - Railroad Centerline
 - DIC Line
 - Map Boundary
- SYMBOL TYPES**
- Survey Monument
 - Road Station
 - DIC Corner
 - 1/8th Section Cor.
 - 1/4 Section Cor.
 - Section Corner

NUMBERS

Bar Code Number
 000 00 00 0

Acreage
 All acres listed are the Acres, excluding any portion of the tract when public ROWs.

NOTES

1. Star Marker: If a star mark is indicated on the end of a line then the dimension goes to the star mark. This is used when the dimension extends into public right-of-way.

CANCELLED NUMBERS

000
 000
 001

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

ASSAYERS OFFICE
 3100 COMMERCIAL DRIVE
 SEASIDE, OREGON 97138
 WWW.ASSAYERSOFFICE.COM

FOR ADDITIONAL INFORMATION CONTACT OUR WEBSITE AT
 WWW.ASSAYERSOFFICE.COM

PILOT DATE: 4/15/2015

AURORA

04 1W 13BA

Exhibit A

NOTICE OF FINAL DECISION
APPLICATION DENIED BY THE HISTORIC REVIEW BOARD
CITY OF AURORA

Date application was heard by HRB: June 25, 2015

Date this Notice is mailed: July 8, 2015

Name of Applicant: Michael Sills

Applicant's Mailing Address: P.O. Box 309 Aurora, OR 97002

Project Description: Window Installation

Subject Property Address: 21328 Hwy 99E

Findings: As this is a contributing structure the materials proposed do not comply with the code. As Per Title 17.40.190 A Contributing Commercial Structures, Section 2 "Window frames and sashes shall be made of wood"

Recommendation: All windows that are not wood framed will need to be removed and replaced with the proper materials along with an updated application which will then go before the board for review.

The findings and conclusion on which this decision is based are contained in the minutes for the HRB meeting at which this decision was made and the audio-tape record of the HRB's meeting and deliberations. The minutes and audio-taped record are available at Aurora City Hall, 503-6789-1283, 21420 Main Street NE, Aurora, Oregon.

The Historic Review Board's decision is final on the date that this notice is mailed. Any party with standing may appeal this decision in accordance with the City of Aurora Municipal Code which provides that a written appeal, together with the required fee, shall be filed with the City Recorder within fifteen (15) calendar days of the date the Notice of Decision was mailed. The appeal fee schedule and forms are available from the City Recorder at City Hall, 21420 Main Street NE, Aurora, Oregon 97002.


Gayle Abernathy, Chair, Aurora Historic Review Board


Date of Signature

City of Aurora Building /Planning Application

(Check appropriate box)



- | | |
|---|---|
| <input type="checkbox"/> SITE DEVELOPMENT REVIEW (AMC 16.58)
<input type="checkbox"/> FLOOD PLAN DEV. PERMIT (AMC 16.18)
<input type="checkbox"/> HISTORIC OVERLAY DISTRICT (AMC 16.20-16.22)
<input type="checkbox"/> Certificate of Appropriateness
<input type="checkbox"/> Demolition Permit
<input type="checkbox"/> Sign Review
<input type="checkbox"/> MANUFACTURED HOME PARK (AMC 16.36)
<input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT (AMC 16.80)
<input type="checkbox"/> Text <input type="checkbox"/> Map
<input type="checkbox"/> ZONING ORDINANCE AMENDMENT (AMC 16.80)
<input type="checkbox"/> Text <input type="checkbox"/> Map | <input type="checkbox"/> CONDITIONAL USE (AMC 16.60)
<input type="checkbox"/> VARIANCE (AMC 16.64)
<input type="checkbox"/> HOME OCCUPATION (AMC 16.46)
Type I Type II
<input type="checkbox"/> NON-CONFORMING USE (AMC 16.62)
<input type="checkbox"/> LAND DIVISION
<input type="checkbox"/> Subdivision (AMC 16.72)
<input type="checkbox"/> Partition (AMC 16.70)
<input type="checkbox"/> Property Line Adjustment (AMC 16.68)
<input checked="" type="checkbox"/> APPEAL TO <u>CITY COUNCIL</u> (AMC 16.74-16.78)
<input type="checkbox"/> OTHER _____ |
|---|---|

APPLICANT GENERAL INFORMATION

Applicant MICHAEL SILLS Phone 503 582-9791
 Mailing Address 8415 SW ROGUE LN, WILSONVILLE OR 97070
 Property Owner MICHAEL SILLS Phone 503-582-9791
 Mailing Address 8415 SW ROGUE LN WILSONVILLE OR 97070
 Contact person if different than applicant NA Phone NA
 Mailing Address NA

PROPERTY DESCRIPTION

Address 21328 Hwy 99E Tax Map # _____ Tax Lot # _____
 Legal Description (attach add'l sheet if necessary) _____

Total Acres or Sq. Ft. _____ Existing Land Use _____
 Existing Zoning _____ Proposed Zoning (if applicable) _____
 Proposed use _____

ACTION REQUESTED: (use additional sheets as needed) APPEAL OF HRR DECISION PER ATTACHMENT (A)
REQUEST FOR INFORMATION ON ATTACHMENT (B) FOR HEARING

ATTACHMENTS:

- A. Plot plan of subject property- show scale, north arrow, location of all existing and proposed structures, road access to property, names of owners of each property, etc. Plot plans can be submitted on tax assessor maps which can be obtained from the tax assessor's office in the Marion County Courthouse, Salem OR.
 B. Legal description of the property as it appears on the deed (metes and bounds). This can be obtained at the Marion County Clerk's office in the Marion County Courthouse, Salem OR.

ADDITIONAL INFORMATION

In order to expedite and complete the processing of this application, the City of Aurora requires that all pertinent material required for review of this application be submitted at the time application is made. If the application is found to be incomplete, review and processing of the application will not begin until the application is made complete. The submittal requirement relative to this application may be obtained from the specific sections of the Aurora Municipal Code pertaining to this application. If there are any questions as to submittal requirements, contact the City Hall prior to formal submission of the application.

In submitting this application, the applicant should be prepared to give evidence and information which will justify the request and satisfy all the required applicable criteria. The filing fee deposit must be paid at the time of submission. This fee in no way assures approval of the application and is refundable to the extent that the fee is not used to cover all actual costs of processing the application.

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application. I understand that the original fee paid is only a deposit and I agree to pay all additional actual costs of processing this application, including, but not limited to, all planning, engineering, City attorney and City administration fees & costs. I understand that no final development approval shall be given and/or building permit shall be issued until all actual costs for processing this application are paid in full.

[Signature]
 Signature of Applicant
[Signature]
 Signature of Property Owner

7/20/15
 Date
7/20/15
 Date

Office Use Only: Received By: <u>RE</u> Date: <u>7/27/15</u> Fee Paid \$ <u>800.00</u>
Receipt # _____ Case File # _____ Planning Director Review _____ Date: _____ <small>Last updated 6-14-2010</small>

Exhibit C



City of Aurora
21420 Main St
Aurora, Or 97002

In response to your letter dated 11/24/14 (attached); Michael Sills is requesting a hearing before the city council as outlined in said letter. In preparation for this hearing, Mr. Sills is requesting the following information:

- Please provide the notices referenced in the 11/24/14 letter, specifically the May 29, 2014 Courtesy notice and the June 11, 2014 Violation letter as we have no record of receipt. We would assume that city would have sent the documents registered or certified mail under these threatening circumstances.
- Please provide the specific legal justification of the application of AMC 17.40.190, Section A – Contributing Structures to Mr. Sills property at 21238 Hwy 99E NE, Aurora, Oregon. Given that this property has undergone numerous additions, major modifications and changes since its construction, most of which occurred, based on the materials used, in the 1940's, 1950's, 1960's, 1970's and none of which comply with any the City of Aurora guidelines. We are again very interested to understand how this property is now being categorized as falling under AMC 17.40.190 contributing and of historic significance?
- Please provide any available information on the qualifications and/or credentials of city personnel who have designated this property at 21238 Hwy 99E NE, Aurora, Oregon, as failing under AMC 17.40.190 and of historic significance and contributing as again this is very perplexing given with all the afore mentioned modifications ..

We will look forward to establishing a hearing date and receiving the requested information.

Michael Sills
21328 Hwy 99E – Aurora, Or 97002

CC . Dennis Koho City Attorney
Bill Graupp Mayor
Gayle Abernathy Historic Review Board Chair

12/9/2014

Chapter 17.08

DEFINITIONS

Sections:

- 17.08.010** **Meaning of words generally.**
17.08.020 **Meaning of common words.**
17.08.030 **Meaning of specific words
and terms.**

17.08.010 **Meaning of words generally.**

All of the terms used in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or definition appears in the Oregon Revised Statute, or the context in which they are used clearly indicates to the contrary. (Ord. 416 § 8.40.010, 2002)

17.08.020 **Meaning of common words.**

A. All words used in the present tense include the future tense.

B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.

C. All words used in the masculine gender include the feminine gender.

D. The word "building" includes the word "structure."

E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

F. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

G. The word "shall" is mandatory and the word "may" is permissive.

(Ord. 419 § 20D, 2002; Ord. 416 § 8.40.020, 2002; Ord. 473, 2013)

17.08.030 **Meaning of specific words and terms.**

The meaning of all specific words and terms, except as specifically defined in this title, shall be as defined in Aurora Municipal Code Title 16.

"Adaptive use" means the process of converting a building to a new use that is different from that which its design reflects. For example, converting a residential structure to offices is adaptive use. Good adaptive use projects retain the historic character while accommodating the new functions.

"Awning" means a fabric structure extending over or in front of a place, such as a storefront.

"Booth" means an open-air structure typically consisting of partial walls, counter and roof and which is portable, either as a whole or in parts.

"Canopy" means a protective exterior cover consisting of a roof, typically made of cloth, plastic or other materials that may be self-supported or using the support of another structure. Canopies may contain partial walls.

"Colony structure" means a structure built during the Aurora Colony period, from 1856 to 1883.

"Contributing structure" means a structure built before 1921 and includes all structures designated as Historic Landmarks.

"Façade" means any face of a building and its accompanying architectural features.

"Finish material" includes siding, trim, masonry and color of the exterior walls.

"Height" means the vertical distance from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal

1. Horizontal lap wood siding is required and historic siding patterns shall be matched when repairing or replacing siding.

2. Siding shall be painted; unpainted and stained wood is prohibited.

3. Decorative shingle patterns are prohibited on contributing structures, unless originally used as documented in the Historic Resources Inventory.

4. The paint color of siding shall be uniform on all sides of a structure. (Ord. 473, 2013)

C. Non-contributing Structures – Commercial Overlay

1. Wood horizontal lap siding shall have a reveal not exceeding six (6) inches, with the exception of board and batten siding comprised of solid sawn wood.

2. Masonry is permitted.

3. Composite smooth surface materials are permitted.

4. Siding shall be painted; unpainted and stained wood is prohibited.

5. The paint color of siding shall be uniform on all sides of a structure. (Ord. 473, 2013)

D. Non-contributing Structures – Residential Overlay

1. Siding shall be masonry or horizontal lap siding with a reveal not exceeding six (6) inches is required, with the exception of board and batten siding comprised of solid sawn wood.

2. Siding shall be painted; unpainted and stained wood is prohibited.

3. The paint color of siding shall be uniform on all sides of a structure. (Ord. 473, 2013)

17.40.180 Facades

A. All Contributing Structures in the Historic District

1. The design of the front and side elevations shall be preserved. (Ord. 473, 2013)

17.40.190 Windows

A. Contributing Structures – Commercial Overlay

1. Windows shall be trimmed with wood, and wood framed storm windows are permitted.

2. Window frames and sashes shall be made of wood.

3. New window openings are only permitted where they are not visible from the right-of-way. New windows and window openings on rear elevations shall match the materials, style, colors, and trim of other windows on the structure.

4. Transom and clerestory windows are permitted above doors. (Ord. 473, 2013)

B. Contributing Structures – Residential Overlay

1. Windows visible from the right-of-way shall be vertically oriented.

2. Window frames and sashes shall be made of wood.

3. New window openings are only permitted where they are not visible from the right-of-way. New windows and window openings on rear elevations shall match the materials, style, colors, and trim of other windows on the structure.

4. Transom and clerestory windows are permitted above doors. (Ord. 473, 2013)

C. Non-contributing Structures – Commercial Overlay

1. Windows shall be trimmed with wood, and wood framed storm windows are permitted. Storefront windows manufactured

17.40.010 Purpose

The purpose of these design standards is to protect the historic scale, form, appearance, and integrity of the Aurora Colony National Historic District. (Ord. 473, 2013)

17.40.020 Additions to Structures

A. Contributing Structures – Commercial Overlay

1. New additions may only be placed on the rear elevation. Architectural detailing including roofing, siding, trim, doors, and windows shall match the existing structure in design and materials unless supported by evidence in the historic inventory.

2. Previous additions to the original structure that were added prior to 1921 shall be subject to the same standards and criteria as the original portion of the structure; however, in the event that the addition does not match the original, the exterior features of the addition may be altered to match the original.

3. Additions to contributing structures that were built in 1921 or later may be removed, and following removal, the exterior materials on that portion of the structure must match the remainder of the structure.

4. Additions to commercial structures are exempt from the parking requirements in Title 16. (Ord. 473, 2013)

B. Contributing Structures – Residential Overlay

1. New additions may only be placed on the rear elevation. Architectural detailing including roofing, siding, trim, doors, and windows shall be compatible with the existing structure in design and materials.

2. Previous additions to the original structure that were added prior to 1921 shall be subject to the same standards and criteria

as the original portion of the structure; however, in the event that the addition does not match the original, the exterior features of the addition may be altered to match the original.

3. Additions to contributing structures that were built in 1921 or later may be removed, and following removal, the exterior materials on that portion of the structure must match the remainder of the structure. (Ord. 473, 2013)

C. Non-contributing Structures – Commercial Overlay

1. Additions to commercial structures are exempt from the parking requirements in Title 16. (Ord. 473, 2013)

D. Non-contributing Structures – Residential Overlay

N/A (Ord. 473, 2013)

17.40.030 Awnings

A. Contributing Structures – Commercial Overlay

1. Awning styles must be in character with historic buildings. Brightly colored and curvilinear patterns or shapes are prohibited. Examples of permitted awnings are included under Appendix A.

2. Backlighting of awnings is prohibited.
3. Text on awnings is limited to border areas.

4. Awnings are prohibited on residential structures that have been converted to commercial uses. (Ord. 473, 2013)

B. Contributing Structures – Residential Overlay

1. Awning styles must be in character with historic buildings. Brightly colored and curvilinear patterns or shapes are prohibited. Examples of permitted awning are included under Appendix A.

c. Upon receipt of written notice from the applicant that none of the missing information will be provided.

F. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and fails to respond in accordance with 17.20.030E.

(Ord. 416 § 8.36.030, 2002; Ord. 473, 2013)

17.20.040 Time period for decision making.

The city shall take final action on an application, including the resolution of all local appeals, within one hundred twenty (120) days after the application is deemed complete, except:

A. The one hundred twenty (120) day period may be extended for a reasonable period of time at the written request of the applicant;

B. The one hundred twenty (120) day period applies only to a decision wholly within the authority and control of the city.

C. If the Historic Review Board fails to approve, approve with conditions, or deny an application within seventy-five (75) days after the application is determined to be complete, the Historic Review Board shall cause notice to be given and the matter to be placed on the City Council's agenda. A public hearing shall be held by the Council and the decision shall be made by the City Council. No further action shall be taken by the Historic Review Board. (Ord. 416 § 8.36.040, 2002; Ord. 473, 2013)

17.20.050 Approval authority responsibilities.

A. The Historic Review Board shall make a public decision in the manner prescribed by

this chapter and shall have the authority to approve, approve with conditions, or deny the following:

1. Interpretations subject to Section 17.04.060;

2. Signs subject to Chapter 17.24;

3. Accessory dwelling units and structures subject to Chapter 17.28;

4. Applications for approval under this title;

5. Recommendations to City Council for amending this title;

6. Appeals of decisions by the administrative approval authority;

7. Amendments to the Aurora Design Guidelines for Historic District Properties (Appendix A);

8. Amendments to the Aurora Historic District Properties Inventory (Appendix B)

9. Amendments to the Historic Landmark Inventory.

10. Any other matter not specifically assigned to the administrative approval authority, or the City Council under this title.

B. The City Council shall make a public decision in the manner prescribed by this chapter and shall have the authority to approve, deny, or approve with conditions the following:

1. Appeals of decisions made by the Historic Review Board;

2. Matters referred to the City Council by the Historic Review Board;

3. Review of decisions of the Historic Review Board, whether on the City Council's own motion or otherwise.

4. Appeals to amendments to the Aurora Design Guidelines for Historic District Properties (Appendix A);

AURORA COLONY HISTORIC DISTRICT INVENTORY



RESOURCE #: 140
COUNTY: Marion
ADDRESS: 21328 Hwy 99E NE
(507 Hwy 99E)
Aurora, OR 97002
T4S R1W S13
ADDITION: NA
TAXLOT #: 40593-000
OWNER: Harold & Madge Johnson
ADDRESS: 21328 Hwy 99E NE
Aurora, OR 97002

THEME: 19th Century Communal Religious Colony

CLASSIFICATION: Historic Non-Contributing (Secondary Significant)

HISTORIC NAME: Unknown

YEAR BUILT: C. 1890 remdl C. 19

ORIGINAL/PRESENT USE: Residential/Residential

RECORDERS: Philip Dole & Judith Rees

DATE: January 1984

The .36-acre property is developed with a turn of the century house which faces west on Highway 99-E. The original portion of the house, which has been extensively altered over the years, appears to be Italianate in style. It is "L"-shaped with one and two-story wings, a hipped roof with wide overhanging boxed eaves, and one-over-one, double-hung, wood sash windows. The one-story front porch which is located at the intersection of the wings, has a hip roof, and porch railing and post which have been altered. Two Craftsman era additions have been built on the two-story portion of the house -- a one-story bay on the west side facing Highway 99-E, and a 14-foot by 24-foot one-story addition on the south side. It appears the original shiplap siding, visible on the porch, was covered over with shingle siding at the time of construction of the additions. A new shop and garage addition, approximately 1,500 square feet in size, is connected to the northeast corner of the house by a breezeway. The property, which is surrounded by a newer style picket fence, has two black locust trees bordering the highway and older lilacs in the backyard. The yard is used as a storage space for vehicles, tires, lumber and miscellaneous bric-a-brac. It is not currently known who constructed or originally owned the house.

Exhibit D

*

Property Data Selection Menu - -

Prop ID : R10725 (Real Estate) (605125) Owner: APCSR LLC 50% & MICHAEL C SILLS TR 50% &
 Map Tax Lot: 041W13BA02800 SILLS, MICHAEL C TRE
 Legal : ANNEXATION NO 86-445 21328 HIGHWAY 99E NE
 AURORA, OR 97002

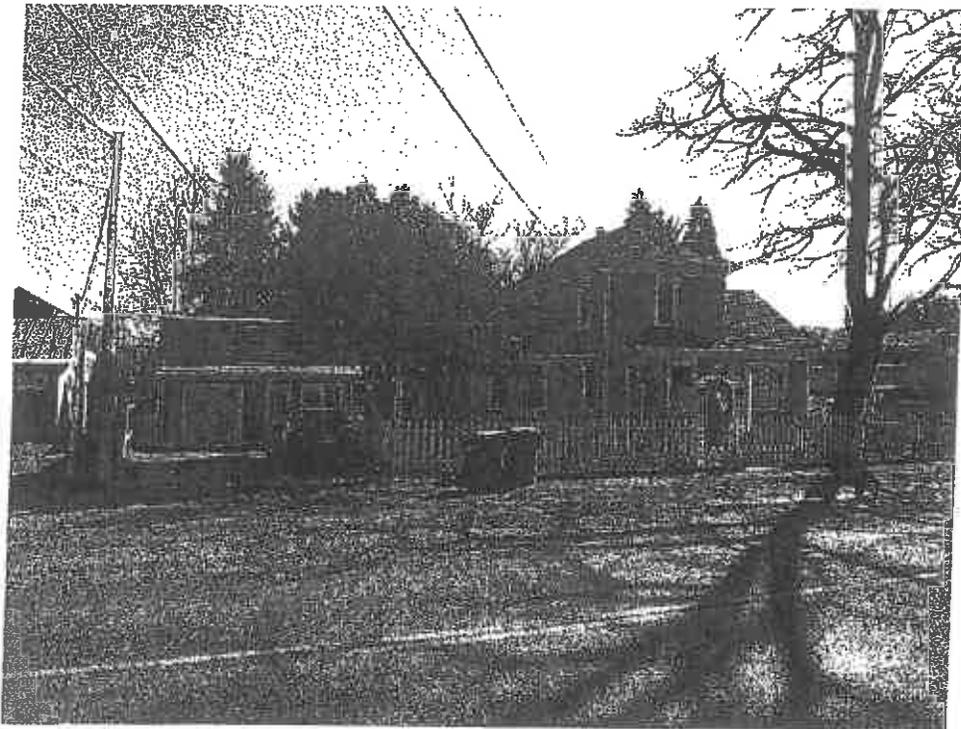
Situs : 21328 HIGHWAY 99E NE AURORA, OR 97002
Year Built : 1905; 1905
 Living Area: 1872; 1866

Name(s) :
 Area : 01506065

Sale Info :	2014 Roll Values
Deed Type : BS	RMV Land \$ 89,290 (+)
Instrument: 34620189	RMV Improvements \$ 296,210 (+)
2014 Tax Status * No Taxes Due *	RMV Total \$ 385,500 (=)
Current Levied Taxes : 2,281.20	Total Exemptions \$ 0
Special Assessments :	M5 Net Value \$ 385,500
	M50 Assd Value \$ 142,430

(AD) Alt Disp	(Y) primary	(SE) condary	(L) and/Impr
(G) en Appr	(O)wnership	(H)istory	(.) More

Enter Option from Above or <RET> to Exit:

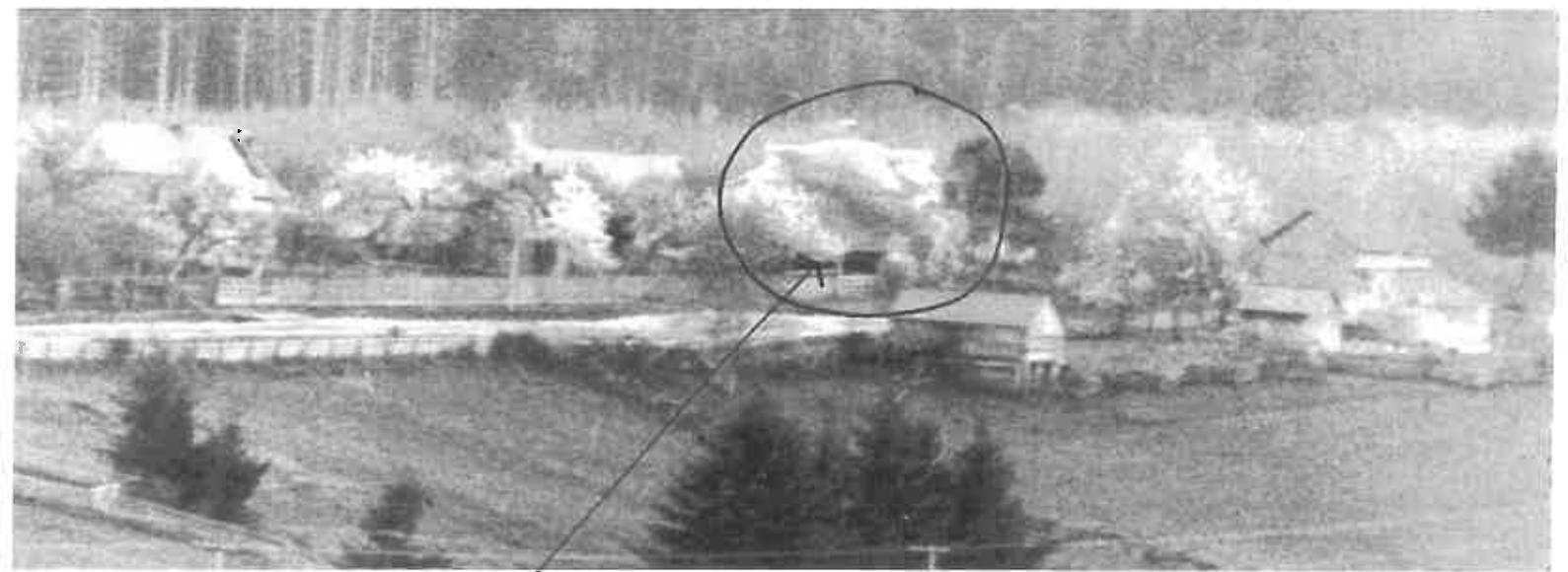


Pictures on file with Marion County tax Assesor's Office
Showing the 1905 Structure. KP

recorder

From: Rose Brodniak [BBrodniak@co.marion.or.us]
Sent: Wednesday, July 29, 2015 3:06 PM
To: recorder
Subject: photos
Attachments: 20150729150454061.pdf





1889 this picture was taken
Per Patrick Harris @ Museum

recorder

From: Patrick Harris [patrick@auroracolony.org]
Sent: Tuesday, July 28, 2015 1:47 PM
To: recorder
Subject: RE: Appeal from Sills regarding windows at 21328 Hay 99E
Attachments: AuroraMills1880s.png; 100 Wonders Aurora.jpg

Hello Kelly: I have attached two photographs. One is taken from the water tower circa 1908. The George Miller house is visible just beyond the Fred Will House. The smoke stacks or are they chimneys appear to be close to the current site of the house in question. Was there some kind of fire that destroyed much of the original? On the opposite side of the road is the Mohler House and its location appears from this view to be in line with our current location of the 21328 highway house.

Going back to the 1889 view---The George Miller House and the Mohler house are in view, and then to the south of the Miller house there appears to be a colony era house. This looks as if it might be on the site of the current store. After that you can see a house with a gable coming out the front on the second level. I wonder if the current house is a much newer rebuild—say 1910-1915—but utilizing some of the older materials. It is hard to question Phillip Dole's assessment of some of the architectural style dating to c1890. He was an architectural professor from the University of Oregon who worked on the first survey in 1984-85. So, how does the review committee deal with what appears to be old and new together?

Patrick

From: recorder [mailto:recorder@ci.aurora.or.us]
Sent: Tuesday, July 28, 2015 11:27 AM
To: Patrick Harris
Subject: FW: Appeal from Sills regarding windows at 21328 Hay 99E
Importance: High

Patrick,

Please read below. Is there any updated information regarding this property as to what year it was originally built? The old inventory put it at 1890 the Marion County tax records don't show a year built. I have an appeal in process and I am trying to gather as much information as I can. Title 17 is very clear that anything prior to 1921 is a contributing structure and has specific guidelines regarding windows.

Thank you,

Kelly A. Richardson, CMC

City Recorder

City of Aurora

21420 Main St. NE

Aurora, Oregon 97002

503-678-1283

PUBLIC RECORDS LAW DISCLOSURE

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