

# AGENDA

City of Aurora  
PLANNING COMMISSION MEETING  
Tuesday, August 02, 2011, 7:00 p.m.  
Council Chambers  
21420 Main Street N.E., Aurora, Oregon

1. **Call to Order of Planning Commission Meeting:**
2. **City Recorder Calls Roll**

**Chairman, Kaiser**  
**Commissioner, Graupp**  
**Commissioner, Gibson**  
**Commissioner, Graham**  
**Commissioner, Fawcett**  
**Commissioner, Braun**  
**Commissioner, Schafer**

3. **Consent Agenda**

All matters listed within the Consent Agenda have been distributed to each member of the Aurora Planning Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the consent Agenda and placed on the Regular Agenda by request.

### **Minutes**

- I. Aurora Planning Commission Meeting –July 05, 2011
- II. City Council – June 14 , 2011

### **Correspondence**

- I. **2011 Land Use Legislation**
- II. **Email Correspondence from City Attorney Koho, regarding code updates.**

4. **Visitor**

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

4. **New Business**

- A. **Code Interpretation**

- 5. Unfinished Business**
  - A. Aurora State Airport Master Plan Review Update**
  - B. Discussion and or Action on Historic Review Guideline**
  
- 6. Commission Action/Discussion**
  - A. City Planning Activity (in Your Packets)**  
Status of Development Projects within the City.
  
- 7. Adjourn**

# **CONSENT AGENDA**

Meeting Minutes

Correspondence

Financials

Other Items

**Minutes**  
**Aurora Planning Commission Meeting**  
Tuesday, July 05, 2011 at 7:00 P.M.  
Aurora Commons Room, Aurora City Hall  
21420 Main St. NE, Aurora, OR 97002

**COMMISSIONERS PRESENT:** Nick Kaiser, Joseph Schaffer  
Bill Graupp, Steve Braun, Jonathan Gibson

**COMMISSIONERS ABSENT:** Bud Fawcett, Robert Graham

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

**VISITORS PRESENT:** Sam Neer, Aurora

**1. Call to Order of Planning Commission Meeting**

The meeting was called to order by Planning Chair Nick Kaiser at 7:02 p.m.

**2. Consent Agenda**

**Minutes**

- **Planning Commission Meeting – June 07, 2011**
- **City Council – May 10, 2011**

**Correspondence**

- **Email about process of guideline change.**

A motion to accept the consent agenda for June 07, 2011 was made by Commissioner Gibson and seconded by Commissioner Braun. Motion Passes Unanimously.

**3. Visitor**

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

Sam Neer asked Commissioners about the status of the stop work order issued by the City in regards to his property at 20983 Filbert for his accessory structure.

**4. New Business**

**NONE**

**5. Unfinished Business**

**A. Aurora State Airport Master Plan Review Update**

- Scenario 1 was the preferred decision,
- Displaced runway not funded by FAA

- There is one more PAC meetings scheduled for September

**B. Discussion and or Action on Historic Review Guidelines**

- Jason Sahlin asks Commissioners to become more familiar with the Historic Review Guidelines for the next meeting.
- Inventory will begin mid-July
- Workshop for Planning Commission only in September

**C. Discussion and or Action on the TGM Workshop Update.**

- City Planner, Wakeley presented information on the TGM Workshop
- Commissions concern is that they didn't really see a lot of the public comments
- Commission thought it would have been better if a draft would have been done and then comments given before final plan was written.

**6. Commission Action/Discussion**

**A. City Planner Activity Sheet (not in your packets)  
Status of Development Projects within the City: Attached.**

City Planner Wakeley read her report.

- 20983 Filbert accessory structure report
- Does Planning want further interpretation of code on accessory structures
- Planning would like interpretation of the code
- Gives a brief report on the TGM Plan. Planning members would like to know where the comments from public are on the economic development vs safety, and drainage.
- Were the property owners called?
- Gives brief overview of her written report

**9. Adjourn 8:43 P.M.**

**A motion to adjourn the July 05, 2011 meeting is made by Commissioner Schaefer and seconded by Commissioner Graupp. Motion Passes Unanimously.**

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Nick Kaiser, Chairman

**ATTEST:**

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Kelly Richardson, City Recorder

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Minutes  
Aurora City Council Meeting  
Tuesday, June 14, 2011 at 7:00 P.M.  
Aurora Commons Room, Aurora City Hall  
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Bob Southard, Public Works Superintendent  
Kelly Richardson, City Recorder,  
Brent Earhart, Chief of Police  
Jan Vlcek, Finance Officer  
Otis Phillips, Waste Water Operator

STAFF ABSENT: NONE

VISITORS PRESENT: Gary Lovell, Aurora  
Karen Townsend, Aurora  
Lori Sahlin, Aurora  
Gary McLaren, Aurora  
Bill Graupp, Aurora

1. Call to Order of Regular Meeting

The meeting was called to order by Mayor Jim Meirow at 7:00 p.m.

2. City Recorder does Roll Call

Councilor Taylor –Present  
Councilor Roberts – Came in late  
Councilor Sahlin – Present  
Councilor Brotherton - Present  
Mayor Meirow – Present

**3. Consent Agenda**

- I. City Council Meeting Minutes – May 10, 2011
- II. Planning Commission Meeting Minutes – May 03, 2011
- III. Historic Review Minutes – April 28, 2011

**Correspondence**

- I. Meeting Notice from DLCD Meeting Notice May 19, 2011
- II. Routine Signage correspondence sent out by Historic Review Board. Karen Townsend with the Historic Review Board addressed the Council with a picture of a rock sign on 99E that is a problem. Council instructed Bob Southard with Public Works to ask them to take the sign down. Townsend also spoke to Council about a group with the Historic Preservation Society

(Shipo) to come in and do an updated Historic Property Inventory and provide an electronic format along with a hardcopy, they had done it last time and it would be for free.

A Motion to approve SHIPO to come in and go around the neighborhood to conduct and update our historic properties was made by Councilor Sahlin and seconded by Councilor Roberts. Motion Passes Unanimously.

- III. **Email from Chairman Kaiser from Oregon Dept Aviation.** Nick gave a brief over view of the last meeting and gave council the next meeting date.
- IV. **Email from Citizen in regards to his water account.** Gary McLaren speaks to the council about his letter and council lets McLaren know they will talk to staff.
- V. **A letter from a concerned citizen in regards to a basketball hoop.** Mayor explains the letter to the Council there is a brief discussion as to a mounting problem as to where kids should play ball and asked Chief to look into it.

A motion to approve the consent agenda was made by Councilor Taylor and seconded by Councilor Sahlin. Motion Passes Unanimously.

#### 4. **Visitor**

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

Susannah England, spoke to the Council about her birthday party and the fact that she was told by City Hall staff that we could not put this in the City newsletter.

A motion was made by Councilor Sahlin and seconded by Councilor Brotherton that a small article be allowed in the City newsletter. Motion Passes.

#### 5. **Public Hearing** **Opens at 7:25 Closes at 7:35** With one comment made.

#### STAFF REPORT FY 2011-2012 BUDGET

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The City of Aurora proposed budget for fiscal year 2011-2012 was approved by the Budget Committee on May 5, 2011. Since that time, as a result of the 2010 Census, Aurora's population count was decreased from 980 residents to 920 residents.

As a result, the per capita state shared revenues and contingency amounts have been decreased in the approved budget as follows:

#### GENERAL FUND:

Page 1, line 10 =	12,319
Page 1, line 14 =	6,580
Page 1, line 36 =	472,069
Page 1, line 39 =	673,642
Page 2, line 26 =	91,470
Page 2, line 28 =	94,170
Page 2, lines 29, 31 =	673,642

#### STREET FUND:

Page 19, line 4 = 51,888

Page 19, lines 30, 31 = 174,460

Page 20, lines 33, 34 = 65,433

Page 20, lines 35, 37 = 174,460

Resolution No. 630, adopting the budget and making appropriations, contains the above amendments.

All other amounts in the budget document remain the same as approved on May 5<sup>th</sup>.

Jan Vlcek  
Budget Officer

### A. Discussion and or Adoption of Fiscal Year 2011-2012 Budget.

Resolution 629

#### A Resolution Adopting the 2011-2012 Budget and Making Appropriations.

##### Adopting the Budget

**BE IT RESOLVED** that the City Council of the City of Aurora hereby adopts the budget approved by the Budget Committee, as amended, for fiscal year 2011-2012, as amended, in the sum of \$2,303,679, now on file at City Hall.

##### Resolution Making Appropriations

**BE IT RESOLVED** that the amounts for the fiscal year beginning July 1, 2011 and for the purposes shown below are hereby appropriated as follows:

<b>General Fund</b>		
Personal Services		\$ 257,591
Materials and Services		310,631
Capital Outlay		10,950
Transfers out		3,000
Contingency		<u>91,470</u>
<b>Total</b>		<b>\$ 673,642</b>
<b>City Hall Building Fund</b>		
Materials and Services		\$ 1,000
Capital Outlay		<u>112,674</u>
<b>Total</b>		<b>\$ 113,674</b>
<b>Park Reserve Fund</b>		
Capital Outlay		<u>\$ 7,500</u>
<b>Total</b>		<b>\$ 7,500</b>
<b>Park SDC Fund</b>		
Capital Outlay		<u>\$ 21,276</u>
<b>Total</b>		<b>\$ 21,276</b>
<b>Street/Storm Operating Fund</b>		
Personal Services		\$ 22,445
Materials and Services		43,132
Capital Outlay		43,450
Contingency		<u>65,433</u>
<b>Total</b>		<b>\$ 174,460</b>
<b>Street Reserve Fund</b>		
Street Maintenance Projects		<u>\$ 33,501</u>
<b>Total</b>		<b>\$ 33,501</b>
<b>Street/Storm System Development Charge Fund</b>		
Capital Outlay		\$ 25,347
Transfers out		<u>3,311</u>
<b>Total</b>		<b>\$ 28,458</b>
<b>Water Operating Fund</b>		
Personal Services		\$ 94,979

Materials and Services	114,525	
Capital Outlay		114,750
Contingency		<u>118,150</u>
<b>Total</b>		<b>\$ 442,404</b>
<b>Special Public Works Fund</b>		
Materials and Services		<u>\$ 22,265</u>
<b>Total</b>		<b>\$ 22,265</b>
<b>Water Reserve Fund</b>		
Capital Outlay		<u>\$ 5,808</u>
<b>Total</b>		<b>\$ 5,808</b>
<b>Water System Development Charge Fund</b>		
Capital Outlay		<u>\$ 50,454</u>
<b>Total</b>		<b>\$ 50,454</b>
<b>Sewer Operating Fund</b>		
Personal Services		\$ 116,000
Materials and Services		140,865
Capital Outlay		27,500
Contingency		<u>125,391</u>
<b>Total</b>		<b>\$ 409,756</b>
<b>Sewer Reserve Fund</b>		
Capital Outlay		<u>\$ 5,420</u>
<b>Total</b>		<b>\$ 5,420</b>
<b>Sewer Systems Development Charge Fund</b>		
Capital Outlay		<u>\$ 13,973</u>
<b>Total</b>		<b>\$ 13,973</b>
<b>G O Wastewater Bond Fund</b>		
Debt Service		\$ 291,088
Un-appropriated End Fund Balance	<u>10,000</u>	
<b>Total</b>		<b>\$ 301,088</b>
<b>TOTAL APPROPRIATIONS ALL FUNDS</b>	<b>\$2,303,679</b>	

Public Comment, Karen Townsend lets council know they didn't get counted during the census count because of their post office box.

## 6. Discussion with the Parks Committee

### a. Parks Committee Report (in packet)

Councilor Sahlin on behalf of the Parks Committee asked Council for funds to purchase more picnic tables he was advised by the Council to have them prepare a bid and submit it at the next Council meeting. Councilor Sahlin on behalf of the Parks Committee also asked for \$500 dollars to finish the repairs on the baseball field.

A motion was made by Councilor Brotherton to approve the \$500 dollars to repair the baseball field and is seconded by Councilor Taylor. Motion Passes Unanimously.

## 7. Discussion with Traffic Safety Commission

- a. **Traffic Safety Report (not Included in your packet)** there was a brief discussion as to the rumor that Wettstein had resigned and there was an open position on the Commission however the Council nor the City had seen a resignation letter. Chief Earhart was asked to look into the situation.

## 8. Reports

### A. Police Chief's Report – (included in your packet)

Chief Earhart summarizes his report to the Council.

- Reserve Officer Saucedo has resigned for a potential job prospect, Council was sad to see him go.
  - Councilor Taylor had commented it was nice to see our officers within the City limits of Aurora.
  - Mayor Meirow had noticed that the reserve officers were outside of City limits and had spoke with them about it, and let them know they may want to speak to the Chief, they had stated the Chief knew where they were and that they were assisting with a event permit.
- Chief Earhart presented a bill from the State Motor Poole on the return of the 2007 charger squad car in the amount of 3,210.94. Council asked City Attorney Koho to look at the lease agreement, because the phone conversation with the City Recorder suggested the City would only be charged around 300 dollars or so to remove stickers.
- There was a brief discussion on the RAIN AGREEMENT

There were no more questions of the Chief.

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

#### 1. Revenue & Expense Report

- The water rate study is not complete, and the fixed asset list needs approval.  
It was the Consensus of the Council that the Mayor could approve the water asset list.
- Vlcek let Council know that the auditors increased from 12 thousand to 13 thousand and the Mayor asked that next year we go out for an RFP.

There were no other questions from the Council.

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

#### 1. Monthly Status Report (Storm Water) Southard reads his report.

- Councilor Sahlin asked Southard about the timers on the locks at the park restrooms and if they are working properly or not. Southard stated they have had a few issues and he will look at them again.
- Southard will look into putting up a sign stating the hours of the locks.
- Council asked about the 2012 City Allotment Grant for the Liberty, Smith Lane and possibly Sayre drive projects, they would prefer Southard look at contractors rather than he himself attempt to do the work.

No more questions of Southard.

#### A. Waste Water Treatment Plant Update (from Otis Phillips)

- Water re-sue plan has been distributed
- There were one or two items on the descent decree that were misunderstood but they have been taken care of and they are not an issue.
- We hope to have the GEO-Tube process started by July

There were no more questions from the Council.

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

Gives a brief over view of the monthly report as attached.

No questions from the Council.

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

- Koho reported to Council on the inspections program, and that the State feels the County has proven their side and therefore we will have to go through the entire process of obtaining our inspections program back.
- Mayor Meirow strongly disagreed and wanted to know if we start the process than are we not saying it's true.
- We want to know what other avenues are out there.
- Koho had received a letter from a citizen about a possible criminal history report on a city staff member. The criminal history report suggested did not exist.
- Wave Communication would like to extend the agreement to 10 years Council suggests 3-5 years.

Discussion from a prior meeting had asked Koho to write a letter to a citizen on Airport Road in regards to not filing proper HRB application.

Mayor Meirow asked about the Wrathal foreclosure and why has this not been completed and let Koho know to get this done.

**9. Ordinances and Resolutions**

**A. Resolution Number 627** Resolution WHEREAS, ORS 221.760 PROVIDES AS FOLLOWS:  
RELATING TO CITY SERVICES PROVIDED

a motion to approve resolution number 627 was made by Councilor Roberts and seconded by Councilor Brotherton. Motion Passes Unanimously.

**B. Resolution Number 628** A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.

A motion to approve Resolution Number 628 was made by Councilor Roberts and seconded by Councilor Brotherton. Motion Passes Unanimously.

**C. Resolution Number 629** A Resolution to Adopt The 2011-2012 Budget and Making Appropriations.

A motion to approve Resolution Number 629 was made by Councilor Sahlin and seconded by Councilor Taylor. Motion Passes Unanimously.

**D. Resolution Number 630** A Resolution Levying Ad Valorem Taxes.

A motion to approve resolution 630 was made by Councilor Taylor and seconded by Councilor Sahlin. Motion Passes Unanimously.

**E. Resolution Number 631** A Resolutions Re-establishing the Park Reserve Fund.

A motion to approve resolution 631 was made by Councilor Sahlin and seconded by Councilor Taylor. Motion Passes Unanimously.

- F. Ordinance Number 464** An Ordinance Amending The City of Aurora Municipal Code. This is the first reading.

A motion to approve the first reading of Ordinance Number 464 was made by Councilor Roberts and seconded by Councilor Brotherton. Motion Passes Unanimously.

**10. Old Business**

- A. Discussion and or Action on Health Hazard Abatement DEQ issue.** Mayor Meirow explains the drywell situation at the end of Ottaway Street NE, Mayor Meirow states that City Attorney Koho was given some direction from Council at the last meeting and City Attorney Koho completed his research and we can force them to annex. Two of the property owners have said they would annex in but they didn't want to pay the cost associated with annexation and if we force them in the City picks up the cost associated with it. Council decides that we should have a verbal conversation to start and then a letter from City Attorney Koho.
- B. Discussion and or Update on Aurora Airport Master Plan** Mayor Meirow explained that about a month and a half ago they came up with a preferred option, Council had stated that we wanted them to grow inside of their boundaries. So they came back with no extension of runway but to thicken the runway to allow for bigger planes. There were many comments to this proposal.

**Again the Council explains we would support growth within the airports boundaries. They went ahead and sent out another letter.**

**11. New Business**

- A. Discussion and or Action on State Revenue Sharing (6500) budgeted.**
- a. **Aurora Colony Visitors Association letter for request of funds.** The request of 1800.00 for weeding and grass cutting, and maintaining planting strips.
  - b. **Aurora Colony Days Committee letter for request of funds.** They are asking for 2500.00

A motion to approve the request and dispersal of 1800.00 to the Visitors Association and 2500.00 to Aurora Colony Days was made by Councilor Taylor and seconded by Councilor Roberts. Motion Passes Unanimously

- B. Discussion and or Action on consideration of contract renewal with Mid-Willamette Valley Council of Governments.**

Motion to approve contract renewal with COG is made by Councilor Sahlin and seconded by Councilor Taylor. Motion Passes Unanimously.

- C. Discussion and or Action on consideration of appealing the Census count and initiating our own.**

It was the Consensus of the Council to begin a volunteer effort to redo the Census count.

- D. Discussion and or Action on Amended and Restated Agreement for Regional Automated Information Network (RAIN Agreement).**

A Motion to renew the Amended and Restated Agreement for Regional Automated Information Network (RAIN Agreement). And giving permission for City Attorney Koho & Mayor Meirow to sign the agreement was made by Councilor Taylor and seconded by Councilor Sahlin. Motion Passes Unanimously.

**E. Discussion and or Action on Engagement Letter from Grove Mueller & Swank.**

A motion to approve the engagement letter from Grove Mueller & Swank was made by Councilor Taylor and seconded by Councilor Roberts. Motion Passes Unanimously.

**F. Discussion and or Action on Water System Development Charges.**

**This is tabled for next meeting.** This was tabled until the July meeting.

*Karen Townsend let the Council know that the spray painted rock sign was still up on Highway 99E and that it looks quite tacky as you enter town.*

*There was a brief discussion on which dept would handle and how the Council wants to address code violations in and around the City. This will be on the next Council agenda.*

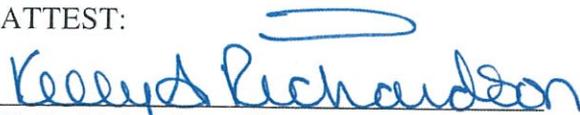
**12. Adjourn**

A motion to adjourn the June 14, 2011 meeting at 10:07 pm was made by Councilor Brotherton and seconded by Councilor Roberts. Motion Passes Unanimously.



\_\_\_\_\_  
Jim Meirow, Mayor

ATTEST:



\_\_\_\_\_  
Kelly Richardson, City Recorder



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150  
Salem, Oregon 97301-2540  
Phone: (503) 373-0050  
Fax: (503) 378-5518  
[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



July 12, 2011

**TO: Interested Persons, Local Governments and Agencies**

**FROM: Bob Rindy, Legislative Coordinator**  
**Department of Land Conservation and Development (DLCD)**

**SUBJECT: 2011 Land Use Legislation**

The attached report describes legislation relating to land use planning or similar topics enacted by the 2011 legislature. Note that not all the bills listed here are signed by the governor as of the date of this report. The report is also published on the DLCD web site at:  
<http://www.oregon.gov/LCD/docs/legislative/landusebills2011.pdf>

The report provides only a brief summary of each legislative measure. Many of these new laws have elements in addition to those described in the summary, or may include details not apparent in the summary. Therefore, we recommend that you use the report primarily as a reference to new laws that may be of interest. In general, if legislation does not specify an effective date, the effective date of the new law will be January 1, 2012. However, many of the bills enacted in the 2011 session became effective upon passage. The report indicates the effective date of all bills that are signed by the governor at the time of this report.

The report includes hyperlinks for easy reference to a pdf file of the final "enrolled" version of bills published on the state's legislative web site. The home page of the state's legislative web site is <http://www.leg.state.or.us/>. All legislation considered in the 2011 legislative session, including a large number of bills that were considered but did not pass, may be accessed at [http://www.leg.state.or.us/bills\\_laws](http://www.leg.state.or.us/bills_laws). Printed copies of enacted legislation may be ordered by calling the Legislative Publication Office at the state capitol: (503) 986-1180. DLCD does not have printed copies of legislative measures available for distribution.

If you have questions or comments about the attached report or other legislation, please call DLCD legislative coordinators: Bob Rindy at (503) 373-0050 Ext. 229; email: [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us); or Michael Morrissey, (503)373-0050 Ext. 320; email: [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us).

# Land Use Legislation Report July 8, 2011

## DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

The following bills relating to land use planning or similar topics have passed the 2011 Oregon Legislature. Many but not all of the bills listed here have been signed by the Governor at the time of this report (asterisk \* indicates bills not signed by the governor by the date of this report.

For questions about this report, contact Bob Rindy, (503)373-0050 Ext 229, [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us); or Michael Morrissey, (503)373-0050 Ext 320, [michael.morrissey@state.or.us](mailto:michael.morrissey@state.or.us).

For information about the Oregon Legislature, call (503) 986-1180.

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### **SB 48**

**Summary:** Limits the types of special districts over which the metropolitan service district exercises jurisdiction for boundary changes. Signed by the Governor, effective January 1, 2012 (Chapter 26, 2011 Laws).

### **SB 128**

**Summary:** Removes obsolete reporting dates and requires a specified amount of proceeds from Highway User Tax Bonds to be spent on transportation projects. Requires the Department of Transportation to consult with legislative committees before expending certain federal economic stimulus money. Repeals laws requiring development of congestion pricing pilot program. Authorizes parking of up to seven dump trucks and up to seven trailers on lots or parcels of land zoned for forest use or mixed farm and forest use. Signed by the Governor, effective July 6, 2011 (Chapter 629, 2011 Laws).

### **SB 264**

**Summary:** Exempts county roads from requirements to get a new approach permit for a change of use of a private approach road. Creates access management system under which the Department of Transportation must process applications for approach permits to owners of property abutting highways. Specifies standards for approach permits. Authorizes ODOT and a city to enter into agreement under which jurisdiction and ownership of a segment of a state highway transfers to a city. Includes other provisions. Signed by the Governor, effective June 14, 2011 (Chapter 330, 2011 Laws).

### **SB 535**

**Summary:** Modifies provisions of law that restrict location of armories to land inside a city; provides that an armory may be constructed outside of city limits (does not modify land use laws that may pertain to location of armories). Signed by the Governor, effective May 19, 2011 (Chapter 87, 2011 Laws).

**SB 592**

**Summary:** Declares that statutes authorizing or mandating award of attorney fees to parties in a proceeding such as judicial review or other appellate review, including statutes that authorize or require award of attorney fees in administrative proceedings, shall be construed as authorizing or mandating that award on appeal. Takes effect January 1, 2012; applies only to judicial review proceedings commenced on or after the effective date of act. Signed by the Governor, effective January 1, 2012 (Chapter 513, 2011 Laws).

**SB 640**

**Summary:** Authorizes division of land in an exclusive farm use zone in order to create a parcel smaller than the minimum lot or parcel size where the parcel is for establishment of fire service facilities providing rural fire protection services. Signed by the Governor: effective May 24, 2011 (Chapter 135, 2011 Laws).

**SB 766**

**Summary:** Establishes the Economic Recovery Review Council as an independent council that reports directly to the Governor and authorizes the council to perform expedited site reviews for proposed industrial development projects that have state significance. Requires the council to designate at least five and not more than fifteen regionally significant industrial areas within three years of the effective date of the act. Authorizes local governments to nominate regionally significant industrial areas for designation by the council and allows expedited permitting of industrial uses in regionally significant industrial areas if the new or expanded use does not require a change to a statewide planning goal, an acknowledged comprehensive plan or a land use regulation. Sets timelines and procedures for local government review of an expedited industrial use permit. Sunsets the council when the annual average unemployment rate for the most recent calendar year in Oregon is less than six percent. Signed by the Governor, effective June 28, 2011 (Chapter 564, 2011 Laws).

**SB 795**

**Summary:** Requires Land Conservation and Development Commission to adopt revisions to the transportation planning rules (OAR 660, division 12) to streamline, simplify and clarify certain aspects of the rules before January 1, 2012. Requires the Oregon Transportation Commission to adopt revisions to the Oregon Highway Plan, streamlining, simplifying and clarifying certain aspects of plan before January 1, 2012. Requires report to Legislative Assembly before February 1, 2012. Signed by the Governor, effective June 17, 2011 (Chapter 432, 2011 Laws).

**SB 960**

**Summary:** Creates processes by which counties may conditionally approve up to 18 agri-tourism events and other commercial events or activities related to and supportive of agriculture in areas zoned for exclusive farm use (EFU), including events in EFU areas designated as rural or urban reserves. Signed by the Governor, effective June 28, 2011 (Chapter 567, 2011 Laws).

**HB 2129**

**Summary:** Modifies and clarifies the process for local government to make post-acknowledgment changes to comprehensive plans and land use regulations, including post-acknowledgment plan amendment notice procedures. Provides for electronic notice. Adjusts notice requirements with respect to a change in a proposed local amendment proposed after the initial notice to DLCD. This legislation was proposed by the Department of Land Conservation and Development. Signed by the governor, effective January 1, 2012 (Chapter 280, 2011 Laws).

**HB 2130**

**Summary:** Modifies provisions regulating periodic review of comprehensive plans and regional framework plans, including provisions for LCDC review of urban growth boundaries and urban reserve designations "in the manner of periodic review," and including provisions regulating judicial review of orders of Land Conservation and Development Commission. Resolves gaps and ambiguities in current procedural requirements and clarifies the record, scope and standards for LCDC review. Ensures concerns are raised and addressed at the local level before being raised at the review level. This legislation was proposed by the Department of Land Conservation and Development. Signed by the Governor, effective June 23, 2011 (Chapter 469, 2011 Laws).

**HB 2131**

**Summary:** Modifies criteria for establishment and review of needed housing within urban growth boundaries (UGBs). This legislation consolidates, re-orders, and otherwise clarifies statutes under ORS 197.303-197.307 but is not intended to change the intent of these statutes (these statutes ensure that cities provide sufficient land to accommodate needed housing for the 20-year UGB planning period). This legislation was proposed by the Department of Land Conservation and Development. Signed by the Governor, effective January 1, 2012 (Chapter 354, 2011 Laws).

**HB 2132**

**Summary:** Modifies provisions of DLCD pilot program that authorize transfer of development rights between properties in areas designated as sending areas and receiving areas. The 2009 Legislature established a Transfer of Development Rights (TDR) Pilot Program administered by DLCD to test TDRs as a market-based method to conserve forest land for forest use. The 2009 law authorized up to three "pilot projects" to test these TDR ideas on the ground. This bill authorizes additional unincorporated communities as "receiving areas" for transferred rights, and allows higher transfer ratios than the 2009 legislation in certain circumstances. Includes additional incentives. This legislation was proposed by the Department of Land Conservation and Development. Signed by the Governor, effective May 27, 2011 (Chapter 144, 2011 Laws).

**HB 2154**

**Summary:** Expands definitions of farmworker and contributor for purposes of farmworker housing tax credits and makes exception to provisions barring credits for dwellings occupied by relatives of owner in case of manufactured dwelling park

nonprofit cooperatives. The expanded definition and exceptions in this legislation do not apply on land zoned exclusive farm use; the existing definitions and other provisions for farmworker housing on EFU land were not modified but were moved by this legislation to ORS 215.277 with related amendments to ORS 215.278. Signed by the Governor, effective September 29, 2011 (Chapter 471, 2011 Laws).

#### **HB 2688**

**Summary:** Corrects statutory references related to review of urban reserve designations. Signed by the Governor, effective January 1, 2012 (Chapter 150, 2011 Laws). NOTE: Due to conflicts between HB 2130 and HB 2688 (which had passed earlier in the session than HB 2130) section 2 of HB 2688 amending ORS 197.626 is repealed by HB 2130 and does not go into effect.

#### **HB 2700**

**Summary:** Allows person proposing removal or fill activity for construction or maintenance of a linear facility, including persons who are not the land owner, to apply for a removal or fill permit. Restricts the use of such permit. Signed by the Governor, effective June 16, 2011 (Chapter 370, 2011 Laws).

#### **HB 2753**

**Summary:** Extends the "sunset", from 2012 to 2018, for provisions authorizing establishment of guest ranches in EFU areas of eastern Oregon. Prohibits establishment of guest ranches in certain federally designated areas or in an area established by Congress for protection of scenic or ecological resources. Signed by the Governor, effective January 1, 2012 (Chapter 451, 2011 Laws).

#### **HB 3166**

**Summary:** Establishes ultimate time limits for a person to file a request with Land Use Board of Appeals for review of a land use or limited land use decision due to certain procedural or notice errors. The appeal period may not exceed three years after the date of the decision in certain circumstances, and may not exceed 10 years in circumstances where notice is required but has not been provided. Signed by the Governor, effective June 23, 2011 (Chapter 483, 2011 Laws).

#### **HB 3225\***

**Summary:** Authorizes a county to take exception to a statewide planning goal where necessary to allow establishment of transportation facilities in an area designated as urban reserve. Declares emergency, effective on passage.

#### **HB 3280\***

**Summary:** Modifies statutes regulating establishment of wineries and winery sales and services in exclusive farm use zones. Authorizes up to 25 days of events at wineries and also allows counties that have previously permitted events at wineries to continue to do so. Creates a new "large winery" category; allows restaurants and more than 25 days of events for large wineries. Includes other provisions. Declares emergency; includes a sunset for portions of the bill. Effective on passage.

**HB 3290**

**Summary:** Makes a minor modification to the farm income standard adopted by Land Conservation and Development Commission for establishing primary and accessory dwellings customarily provided in conjunction with farm use in areas zoned for exclusive farm use. Signed by the Governor, effective January 1, 2012 (Chapter 459, 2011 Laws).

**HB 3408**

**Summary:** Modifies provisions and authorizes placement of irrigation reservoirs by certain special districts or corporations as outright permitted uses on land zoned for exclusive farm use. Affects irrigation property of irrigation districts, drainage districts, water improvement districts, water control districts and specified corporations. Signed by the Governor, effective January 1, 2012 Chapter 462, (2011 Laws).

**HB 3465\***

**Summary:** Authorizes the expansion of an existing guest ranch in the Silvies Valley area of Grant County to include 575 units of overnight accommodations and commercial uses on a 5,000 acre site. Exempts this development from statutes relating to guest ranches and other specified land use and land division statutes, statewide land use planning goals and provisions of Grant County's acknowledged comprehensive plan and land use regulations. Declares emergency, effective on passage.

**HB 3516**

**Summary:** Authorizes installation and use of solar photovoltaic energy systems on residential or commercial structures in zones in which residential or commercial structures are authorized. Requires local government reviewing a permit application for such systems to make ministerial decision approving or denying permits, and prevents local government from collecting fees for applications to install solar photovoltaic energy systems. Limits certain land use reviews of such sites and creates exceptions. Signed by the Governor, effective January 1, 2012 (Chapter 464, 2011 Laws).

**HB 3572**

**Summary:** Changes the time frame within which the owner of a destination resort site previously proposed in the Metolius River basin but prohibited by 2009 law may apply to the county to develop a small-scale recreation community at another location. Modifies the application of the seasonally-adjusted unemployment rate for the county as a basis for siting a community authorized by the 2009 law. Signed by the Governor, effective January 1, 2012 (Chapter 404, 2011 Laws).

**HB 3620**

**Summary:** Allows a person to file a request for reconsideration of a claim under Ballot Measure 49 (2007) if person's date of acquisition of property was affected by conveyance of the property and the person reacquired the property within 10 days after conveyance (less than ten claims are estimated to be affected by this bill). Signed by the Governor, effective January 1, 2012 (Chapter 612, 2011 Laws).

**HB5032**

**Summary:** Appropriates moneys from General Fund to the Department of Land Conservation and Development for certain biennial expenses and provides funds for local planning grants. Limits certain biennial expenditures from fees, moneys or other revenues. Limits biennial expenditures by the department from federal funds. Signed by the Governor, effective July 1, 2011 (Chapter 254, 2011 Laws).

## recorder

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**From:** Wakeley, Renata [renatac@mwvcog.org]  
**Sent:** Friday, July 29, 2011 11:20 AM  
**To:** recorder  
**Subject:** FW: codification of AMC- Development Code Important

Kelly,

Please include Dennis' email below in the PC packets for this month under correspondence if it is not too late.

Thanks, Renata

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**From:** Dennis Koho [mailto:dkoho@koholaw.com]  
**Sent:** Thursday, July 28, 2011 7:03 PM  
**To:** Kelly Richardson  
**Cc:** Wakeley, Renata  
**Subject:** RE: codification of AMC- Development Code Important

Kelly –

To start with Renata's questions:

- a) When yellow highlighted text indicates an ordinance has been adopted, it is preferable to insert the text of the ordinance rather than just reference it. For example, 16.18.040(B) does not tell the reader much of anything. They'd have to look up the ordinance. In other places, the highlighted text seems to indicate that it is the authority for a section. If the latter is true, the references are appropriate and helpful. Ordinances should be stand-alone documents understandable by the non-technical reader. My short answer is, yes it should be done the long way.
- b) As long as a record exists that the corrections were brought to the attention of the Council before passage, it is appropriate (and helpful) to make them as Renata has.

Other comments:

This is a huge review project, and I suspect the council does NOT want me reviewing the substance of the code. Therefore while I may have comments about the substance, I refrain from expressing them. Instead, I'll be picky about spelling, constructions, etc.

16.02.050, 16.18.070, and perhaps elsewhere – “judgement” should be spelled “judgment”.

16.24.050 and anywhere else it is mentioned, “mobilehome” should be two words, “mobile home”. Similarly, throughout the text, words that include the prefix “non” do not include a hyphen. They are more correctly written as “non-“. Examples are non-illuminated rather than nonilluminated. Likewise, a number of run-on words are used such as, accessway, drainageway, stormwater, etc. Although these are, to some extent, a matter of preference, in almost every instance they are more properly used as two words unless they have been specifically defined in the ordinance as one word.

16.36.030 “liveable” should be “livable”.

16.36.030(B)(7) – adds a Planning Commission interpretation to the ordinance and gives it the force of law.

16.42 – Standards which appear sometimes are hidden due to formatting of text. Consider changing the table layout to avoid that issue.

16.80.030 I have always been uncomfortable with the notion of quasi-judicial “amendments”. If they are quasi-judicial they should not be amendments but rather decisions on specific issues or properties. Perhaps Renata has a view on this that might help me understand this differently.

16.82 I think the wording is the current wording. I don't recall any change to enforcement other than some administrative understanding of roles and responsibilities. Did I miss something?

Gateway properties and Historic Districts/Overlays – These are policy issues affecting how the council wants them to appear in ordinance. For example, is the size and description of the district correct? Does the council wish to build any exceptions into the code? Any substantial changes the Council might wish to make should likely go through a process that allows hearing and public comment at the commission and council levels.

OK, that's about it. I'll be gone for the weekend starting on Friday. Please feel free to call my cell phone if you need me.

dk

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Koho & Beatty                    PO Box 20790  
Attorneys at Law, PC            Keizer, Oregon 97307  
[dkoho@koholaw.com](mailto:dkoho@koholaw.com)            503-390-3501  
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**From:** recorder [mailto:recorder@ci.aurora.or.us]  
**Sent:** Thursday, July 28, 2011 4:25 PM  
**To:** Dennis Koho  
**Subject:** FW: codification of AMC- Development Code Important  
**Importance:** High

Dennis,

Please look at this and review, we have a planning meeting next Tuesday and if at all possible we would like to have the code printed for them. I had sent this a week ago or so and it may have got lost in the shuffle.

*Kelly Richardson  
City Recorder  
City of Aurora  
21420 Main St. NE  
Aurora, Oregon 97002  
503-678-1283*

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**From:** Wakeley, Renata [mailto:renatac@mwvcog.org]  
**Sent:** Wednesday, July 13, 2011 3:25 PM  
**To:** recorder  
**Subject:** codification of AMC- Development Code

Kelly,

Please submit the request below to the City Attorney:

Hi Dennis,

Now that you and Kelly have finalized the codification of the Aurora Municipal Code, I am working with Kelly to finalized the final version for printing which needs to include the Aurroa Development Code Updates that were finalized in March 2010 and November 2010.

I've attached my current version which includes all text amendments from the previous two updates. My questions for your are:

- a) The current code includes references to adoption ordinances 415 and 419 (2002). See highlights in the attached version. The adoption ordinances from 2010 code updates are 455 for the first phase and 462 for the second phase. My question is: Am I supposed to have inserted the applicable ORD to every section of the code that was revised and updated? This was not done and it would take quite a while to insert (Ord 415, 2002) for every section of the code that was changed by this ordinance for example.
- b) Several sections of the code refer to the "City of Aurora Design Guidelines for Historic Properties" when the correct title of the document is "City of Aurora Design **Review** Guidelines for Historic **District** Properties". Is it appropriate for me to make these corrections without PC or CC review and approval as a previous scribners error? Although we did not review these sections of the code and cannot therefore have included them in the amendments, I would like to make the corrections at this time.

Renata Wakeley, Planner  
Mid-Willamette Valley Council of Governments  
105 High Street SE, Salem OR 97301  
p: 503 540 1618  
f: 503 588 6094

# **NEW BUSINESS**

# Memorandum

## MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

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

TELEPHONE: (503)588-6177

FAX: (503)588-6094

TO: Aurora Planning Commission  
FROM: Renata Wakeley, City Planner  
DATE: July 29, 2011  
RE: Side yard setbacks for accessory structures

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### BACKGROUND

In 2010, the Aurora Planning Commission and City Council adopted updates to the following code sections: Aurora Municipal Code (AMC) 16.10 Low Density Residential and 16.12 Medium Density Residential, as well as adopting a new AMC 16.13 for Accessory Buildings.

The following excerpts from the AMC are included for your review:

16.04.030, "'Setback' means the minimum allowable distance between the property line and any structural projection".

16.10.040.D.2, "The side setbacks shall be a minimum of eight (8) feet. Any street side setback shall be a minimum of ten (10) feet".

16.12.040.F.2, "...the side setbacks shall be a minimum of five (5) feet. Any street side setback shall be a minimum of ten (10) feet".

16.13.040.C. Accessory buildings must meet the following: 1. Accessory buildings two hundred (200) square feet or less shall not exceed a height of ten (10) feet as measured from the finished floor level, to the average height of the roof surface. All setback requirements applicable to the base residential zone shall apply to accessory buildings, except for accessory buildings two hundred (200) square feet or less may be setback five (5) feet from rear or side lot lines.

Staff is requesting an interpretation from the Planning Commission regarding whether street side accessory buildings two hundred (200) square feet or less shall be permitted to be setback five (5) feet from street side lot lines OR ten (10) feet from street side lot lines.

### REQUESTED ACTION

AMC 16.02.050 permits the Planning Commission to provide an interpretation when a written request is submitted and shall be scheduled at the next regularly scheduled meeting. When an interpretation is not discretionary, notice or a public hearing is not required.

- I. Provide an interpretation to staff regarding the applicable code section that shall govern for side yard setbacks of accessory structures two hundred (200) feet or less.

# **OLD BUSINESS**

# **PLANNING ACTION/DISCUSSION**

**August 2011 Update**

**LAND USE APPLICATIONS**

<u>Project</u>	<u>Status</u>
Building Permits	
Sign Permits	
Manufactured Home Permit	
Land Use Applications	

**ADDITIONAL PLANNING**

<u>Project</u>	<u>Status</u>
Transportation System Plan	<ul style="list-style-type: none"> <li>• Memo regarding street reclassification/additions submitted to Southard on June 2<sup>nd</sup>.</li> <li>• Adoption of a street tree ordinance needed</li> </ul>
TGM Outreach Workshop	<ul style="list-style-type: none"> <li>• OTAK is adding an addendum to the document to incorporate property owner comments.</li> <li>• PC acknowledgement or adoption of the document?</li> </ul>
Urban Renewal District Feasibility Study	
Development Code/HRB updates	<ul style="list-style-type: none"> <li>• PC to discuss suggested updates at the September planning commission meeting. Submit comments to Renata prior to meeting. Work session with Historic Review Board to follow.</li> <li>• New AMC packets</li> </ul>
Water Master Plan	
Newsletter/Community Updates	Website updates to be included in upcoming newsletter.
Misc.	

**recorder**

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**From:** Wakeley, Renata [renatac@mwvcog.org]  
**Sent:** Tuesday, June 28, 2011 3:28 PM  
**To:** recorder  
**Cc:** Nick Kaiser  
**Subject:** RE: 21680 Main Street

Kelly,

Can you ask the applicant if they intend to provide seating in the establishment? If so, can you ask how much of the 884 sq feet of space will be used for the public and how much will be for employee use only?

While I would like to determine that they are not subject to SDR, there are two factors:

- a) Retail space requires 1 parking space per 400 square feet per the AMC. Ida's met this requirement. An eating or drinking establishment can require 1 parking space per 400 square feet if no seating is provided or 1 space per 120 square feet if seating is provided. In the later case, they MAY be increasing the parking requirement by more than 10% and would be subject to SDR.
- b) In this case, the parking is off-site (meaning they don't have private parking as far as I can tell) and are using Main Street. They are permitted to do this but the provision for any parking needs that are not adjacent to the property (they only have 2-3 spaces adjacent to their property) is required to receive planning commission approval for the Parking District Overlay. However, I believe the lot to the south is vacant and they could probably claim these parking spaces.

Information on seating and how much space will be used for patrons would be helpful in making this final determination.

Thanks.

Renata Wakeley, Planner  
Mid-Willamette Valley Council of Governments  
105 High Street SE, Salem OR 97301  
p: 503 540 1618  
f: 503 588 6094

**From:** recorder [<mailto:recorder@ci.aurora.or.us>]  
**Sent:** Tuesday, June 28, 2011 1:04 PM  
**To:** Wakeley, Renata  
**Subject:** 21680 Main Street

Property at 21680 Main street previously Ida Red's a retail shop, wants to possibly open an Ice Cream shop since this is a change of use do we need a site design review done and go before Planning? Or is this still considered retail?

*Kelly Richardson*  
*City Recorder*  
*City of Aurora*  
*21420 Main St. NE*