

# AGENDA

City of Aurora  
**PLANNING COMMISSION MEETING**  
Tuesday, December 06, 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, TBA  
Commissioner, TBA  
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 –November 01, 2011
- II. City Council – October 11 , 2011

### Correspondence

- I. LCDC Meeting Notice December 7-9, 2011
- II. Marion County Urban Living Flyer

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.

5. **New Business**
  
6. **Old Business**
  - A. **Discussion and or Update on Historic Review Guidelines**
  - B. **Discussion and or Update on Street Tree list and or Ordinance.**
  
7. **Commission Action/Discussion**
  - A. City Planning Activity (in Your Packets)  
Status of Development Projects within the City.
  
8. **Adjourn**

# **CONSENT AGENDA**

Meeting Minutes

Correspondence

Financials

Other Items

**Minutes**  
**Aurora Planning Commission Meeting**  
Tuesday, November 07, 2011 at 7:00 P.M.  
Aurora Commons Room, Aurora City Hall  
21420 Main St. NE, Aurora, OR 97002

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

**VISITORS PRESENT:** Richard Harrison, Aurora

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

The meeting was called to order by Planning Chair Nick Kaiser at 7:01 p.m.

**2. City Recorder Did Roll Call**

Chairman, Kaiser - Present  
Commissioner, Graupp Present  
Commissioner, Gibson Present  
Commissioner, Graham Absent  
Commissioner, Fawcett Present  
Commissioner, Braun Present  
Commissioner, Schafer Present, late @7:05

**3. Consent Agenda**

**Minutes**

- **Planning Commission Meeting** – October 04, 2011
- **City Council** – September 13, 2011

**Correspondence**

- I. **Oregon Department Aviation, Airport Planning Rule**
- II. **LCDC Meeting Notice November 7<sup>th</sup>, 2011**

A motion to accept the consent agenda for the October 04, 2011 minutes was made by Commissioner Gibson and seconded by Commissioner Fawcett. Motion Passes Unanimously.

Chairman Nick Kaiser informs the Aurora Planning Commission that this will be his last meeting and is resigning from the Planning Commission.

**4. Visitor**

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

Richard Harrison, Aurora was only visiting and made no comments.

## 5. Public Hearing

### A. Code Interpretation 11-01 Interpretation of the Aurora Municipal Code (AMC) in regards to AMC 16.48.040 Rivers and Streams Corridors.

**Public Hearing opens at 7:16**

**Chairman Kaiser states that he has had contact with Mr. Harrison prior to the hearing and basically told him to use the system to solve his problem and to get it resolved.**

#### CITY OF AURORA PLANNING COMMISSION

**STAFF REPORT:** Interpretation 11-01 [INT-11-01]  
**DATE:** October 27, 2011

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**APPLICANT/OWNER:** Richard Harrison

**REQUEST:** Interpretation of the Aurora Municipal Code (AMC) in regards to AMC 16.48.040 Rivers and Stream Corridors

**SITE LOCATION:** 21825 Airport Road NE. Map 041W12C Lot 504

**SITE SIZE:** 56,628 square feet, or 1.30 acres

**DESIGNATION:** Zoning: Low Density Residential (R1) with a Historic Residential Overlay

**CRITERIA:** Aurora Municipal Code (AMC) Chapters 16.02 Introductory Provisions, 16.04 Definitions, and 16.48 Protections of Natural Features

**ENCLOSURES:**

- Exhibit A: Assessor Map
- Exhibit B: Interpretation Application
- Exhibit C: FEMA floodplain map
- Exhibit D: Slope Map
- Exhibit E: Oregon Wetland Determination Report (DSL)
- Exhibit F: Oregon Department of Forestry Fish Presence Report
- Exhibit G: Goal 5 Safe Harbor (ORS 660-023-0090)
- Exhibit H: Department of Land Conservation and Development  
Goal 5 specialist correspondence
- Exhibit I: John Rankin interpretation requested by Harrison  
(9/13/11)
- Exhibit J: Supplemental materials from Harrison (10/19/11)

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## I. REQUEST

Interpretation of the Aurora Municipal Code (AMC) in regards to:

- (1) Applicability of minimum separation distances required along rivers or perennial streambeds, and
- (2) Whether the fifty (50) foot minimum separation distance applies to the perennial streambed on the subject property.

## II. PROCEDURE

Pursuant to 16.02.050, Interpretations are processed as Quasi-Judicial applications when the Interpretation is discretionary and if specific property is involved. Quasi-Judicial applications are processed according to AMC 16.76. Sections 16.02 Introductory Provisions and 16.04 Definitions provide the guidelines to aid in the implementation of Interpretations.

The subject property owner has been in contact with city staff in regards to sale of the subject property over several months. No land use application or application for interpretation was received from the subject property owner. Staff has determined that an interpretation is required from the planning commission as no previous land use decisions provide guidance into the applicability of the river and perennial streambed setback. Staff submitted an application for interpretation on October 11, 2011 and the application was determined complete on October 13, 2011. Notice was mailed to surrounding property owners on October 13, 2011. Notice was also published in the Canby Herald. The City has until **February 9, 2012**, or 120 days from acceptance of the application to approve, modify and approve, or deny the application.

## III. APPEAL

Appeals are governed by AMC 16.76.260. An appeal of the Commission's decision shall be made, in writing, to the City Council within 15 days of the Planning Commission's final written decision.

## IV. CRITERIA AND FINDINGS

The applicable review criteria for Interpretations are found in AMC Chapter 16.02.050 Interpretations.

### 16.02.050 Interpretations

- A. An interpretation is a decision which is made under land use standards that require an exercise of policy or legal judgment. By definition, an interpretation does not include approving or denying a building permit issued under clear and objective land use standards or a limited land use decision.

**FINDING:** The applicant has not yet submitted a building permit but rather seeks clarification on whether a building permit could be approved based upon clarification (ie. Interpretation) of the Aurora Municipal Code (AMC) prior to submission of their building permit application.

- B. Each development and use application and other procedure initiated under this title shall be consistent with the adopted comprehensive plan of the city as implemented by this title and applicable state and federal laws and regulations. All provisions of this title shall be construed in conformity with the adopted comprehensive plan.

**FINDING:** The applicant will be required to meet the requirements of AMC 16.48 as well as receive building permit approval from the City of Aurora and Marion County prior to construction on site.

The 2009-2029 Aurora Comprehensive Plan (page 92 of 100), Goal 5, Policy 2 states, "The City will encourage plans for development which include preservation of open spaces, and protection of adjacent natural resources, i.e., riparian greenbelts. The City will consider appropriate 'Safe Harbor' setbacks to protect stream banks and water quality consistent with EPA and DEQ standards. Also included in the Comprehensive Plan under V. Resource Inventories, C. Air, Water and Land Resource Quality, 3. Water Quality (page 71 of 100), the Comprehensive Plan states, "DLCD, in cooperation with the Division of State Lands, has developed stream bank protection standards known as 'safe harbor' setbacks. The City has incorporated these requirements in the update of the Development Code".

Goal 5 Safe Harbor (ORS 660-023-0090-5) reads as follows: As a safe harbor in order to address the requirements under OAR 660-023-0030, a local government may determine the boundaries of significant riparian corridors within its jurisdiction using a standard setback distance from all fish-bearing lakes and streams shown on the documents listed in subsections (a) through (f) of section (4) of this rule, as follows:

- (a) Oregon Department of Forestry stream classification maps;
- (b) United States Geological Service (USGS) 7.5-minute quadrangle maps;
- (c) National Wetlands Inventory maps;
- (d) Oregon Department of Fish and Wildlife (ODFW) maps indicating fish habitat;
- (e) Federal Emergency Management Agency (FEMA) flood maps; and
- (f) Aerial photographs.

As a safe harbor in order to address the requirements under OAR 660-023-0030, a local government may determine the boundaries of significant riparian corridors within its jurisdiction using a standard setback distance from all fish-bearing lakes and streams shown on the documents listed in subsections (a) through (f) of section (4) of this rule, as follows:

(a) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 feet upland from the top of each bank.

*(b) Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank.*

While the Comprehensive Plan identifies the intent of applying a “safe harbor” to the Development Code, staff finds that the intent was to use the FEMA flood maps, as an approved document listed above under ORS 660-023-0090. As such, only those rivers and streambeds under the jurisdiction of the FEMA flood maps would be subject to the “safe harbor” setback of fifty (50) feet.

Planning Commission should determine, or interpret, the intent of the AMC in regards to whether the AMC 16.48.040.B requires:

1. Applying the setback using the safe harbor of “ALL lakes, and fish-bearing streams with average stream flow less than 1,000 cfs... shall be 50 feet from the top of bank”; And if so, as the Dept of Forestry has not listed the subject creek as a fish bearing stream, should the setback apply?

2. “The minimum separation distance necessary to maintain or improve upon existing water quality shall be the required setback for buildings or structures proposed along side of *any* river or perennial streambed... will not be less than *fifty (50) feet* or exceed one hundred fifty (150) feet for uses permitted in the flood plain shown on the FEMA maps. Whether the setback applies to any river or perennial streambed and whether the setback applies to subject rivers and streambeds on FEMA maps only.

The subject property will also be subject to review and approval by the Division of State Lands and Army Corp of Engineers (See Offsite Wetland Determination Report under Exhibit C).

C. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provision of this title or of any other ordinance, or resolution, the **most restrictive** or that imposing the higher standard shall govern.

FINDING: The applicant seeks clarification on whether the perennial streambed is subject to the minimum separation distance setback as identified under AMC 16.48.040.B.

Subject to AMC 16.20, the Historic Residential Overlay minimum front yard setback is fifteen (15) feet, the minimum side yard setback is five (5) feet, and the minimum rear setback is ten (10) feet.

Subject to 16.48.040.B. The minimum separation distance necessary to maintain or improve upon existing water quality shall be the required setback for buildings or structures proposed along side of any river or perennial streambed. This distance shall be determined by a site investigation, but will not be less than fifty (50) feet or exceed one hundred fifty (150) feet for uses permitted in the flood plain shown on the FEMA maps. For all other uses, structures shall be sited outside the flood plain shown on the FEMA maps. Investigation shall consider:

1. Soil types;
  2. Types and amount of vegetation cover;
  3. Bank stability;
  4. Slope of the land abutting the streams;
  5. Hazards of flooding; and
  6. Stream character.
- C. All development proposed in flood plain areas shall be governed by provisions of Chapter 16.18.
- D. The siting/construction of subsurface sewage disposal fields within the flood plain shown on the FEMA maps or within one hundred (100) feet of any water course is prohibited.
- E. The unauthorized diversion of impoundment of stream courses which adversely impact fisheries, wildlife, water quality or flow is prohibited.

Additional documentation for Planning Commission review includes:

- a) FEMA maps (Exhibit C),
- b) Slope Map (Exhibit D)
- c) Information from Dept of Forestry (Exhibit F),
- d) Correspondence with DLCD (Exhibit H)

Staff finds that while the subject property contains a perennial stream, it has not been identified as a fish bearing stream under the approved Goal 5 documentation, including FEMA maps and Dept. of Forestry data. As such, the Goal 5 “safe harbor” criteria could not be used to support implantation of the safe harbor to this property. In addition, the City of Aurora did not inventory which creeks and rivers would be subject to the “safe harbor”. Staff finds that, as currently written, the riparian streambed setback should apply to those properties under the 100-year floodplain and those properties outside of the 100-year floodplain shall be subject to the required setback for buildings or structures under the zone map.

APPLICANT’S POSITION: See Exhibit J. Staff believes that the planning commission can confirm those items requested in Mr. Harrison’s October 19<sup>th</sup> letter and still make a determination that the streambed setback *does* or *does not* apply. Section 16.48.040.A regarding setbacks for the protection of vegetation along water ways and 16.48.040.B regarding protection of water quality along waterways are separate and distinct setback provisions. This application for interpretation is not requesting an interpretation of 16.48.040.A in regards to protection of vegetation along water ways.

- D. The planning commission shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this title. All requests for interpretations shall be in writing and on forms provided by the city recorder. Upon receipt of such a request, the commission shall schedule the interpretation as a consideration item at the next regularly scheduled meeting.

If the person making the request disagrees with the commission’s interpretation, they may appeal it to the city council. The council will hear the appeal as a consideration item at the next month’s regularly scheduled meeting. The decision of the council shall be conclusive upon the parties.

FINDING: Staff submitted an application for interpretation subject to AMC 16.02.050 and 16.76 and public hearing notice was sent to property owners within 200 feet of the subject parcel and published in a paper of general circulation. An appeal of the planning commission’s decision shall be made to the Aurora City Council within 15 days of the planning commission’s decision.

- E. When an interpretation is discretionary, notice shall be provided and the interpretation processed in accordance with the quasi-judicial process if specific property is involved or the legislative process if no specific property is involved.

FINDING: Staff submitted an application for interpretation subject to AMC 16.02.050 and 16.76 and public hearing notice was sent to property owners within 200 feet of the subject parcel and published in a paper of general circulation. An appeal of the planning commission's decision shall be made to the Aurora City Council within 15 days of the planning commission's decision.

- F. The planning director may develop administrative guidelines to aid in the implementation and interpretation of the provisions of this title.

FINDING: AMC 16.02.050 provides the administrative guidelines for processing Interpretations. Staff has provided applicable definitions and references from the AMC to assist the Planning Commission to assist the planning commission in their Interpretation in the above text. The applicant has submitted materials supporting their request for Planning Commission to determine a covered but unenclosed porch as an "open porch" which under the AMC would be permitted to project into a required yard but shall remain not less than five feet from the property line.

## V. CONCLUSIONS AND RECOMMENDATIONS

The Planning Commission has three options as outlined below as part of this Interpretation application. Based upon the findings outlined in the staff report, staff recommends Planning Commission **Action A** as outlined below for the Interpretation application (file no INT-11-01):

Interpretation of the Aurora Municipal Code (AMC) in regards to: (1) Applicability of minimum separation distances required along rivers or perennial streambeds, and (2) Whether the fifty (50) foot minimum separation distance applies to the perennial streambed on the subject property.

## VI. PLANNING COMMISSION ACTION

A. Based upon the findings in the staff report, the Planning Commission: **Adopts Action A as made by motion by Commissioner Graupp and seconded by Commissioner Graham. Action A is adopted.**

1. **Adopts the findings in the staff report and determines that the minimum separation distance required along rivers or perennial streambeds is applicable to rivers and streambeds within FEMA floodplain zones only.**

**and**

2. **The fifty (50) foot minimum separation distance DOES NOT apply to the perennial streambed on the subject property (Map Lot) as neither are located within the FEMA floodplain zone.**

B. The Planning Commission does not agree to the findings in the staff report and determines the following:

1. State how the applicant meets the criteria for a perennial streambed subject to AMC 16.48.040.B. and is subject to the minimum separation distance of not less than fifty (50) feet or exceed one hundred fifty feet (150), based upon a site investigation.

and

2. Based upon this Interpretation, the applicant for the subject property (Map 41W13AB Lot 1001) must meet the minimum separation distance as identified under AMC 16.48.040.B.

B. Continue the hearing to a time certain or indefinitely (considering the 120 day limit on applications).

- ❖ Harrison did discuss with the Planning Commission the division of his property in 1999 in briefly.

**Public Hearing closes at 7:57 and Action/option A is adopted by Planning Commission member Graupp and seconded by Commissioner Graham.**

- ❖ There were a few questions from the Commissioners,
  - Commissioner Graupp had a question from exhibit H on adoption of safe harbor and perennial inventory.
  - Commissioner Schaefer explains safe harbor
  - Graupp asked where exhibit E1 discussion came from and it was with the property owner
  - Graham asked if we rule on this will this discussion apply to future applications; it is an interpretation of the code yes.
  - Discussion was brief.
- ❖ Harrison testimony
  - 21825 Airport Rd a legal lot of record created in 1999
  - 21825 Airport Rd is not in the flood plain and is not on the FEMA maps
  - That the subject property is not on the wetland map

## **6. New Business**

- A. **Discussion and or action on Harrison property 21825 Airport Rd.** this has been discussed during public hearing.

## **7. Unfinished Business**

- A. **Discussion and or Action on Historic Review Guidelines,** Councilor Sahlin and City Planner Wakeley had attended the October HRB meeting. Commissioner Schaefer also attended.
  - During the work session 3 areas for administrative review were identified
  - Administrative review was also discussed.
  - Discussion of no administrative review if within 500 feet of contributing historic structure.
  - HRB is still reluctant to have Planning Commission involved and not sure why they are.
  - Community feedback on what they would like to see in the Historic District is discussed.
- B. **Development Code status,** City Recorder Richardson reports that the code update is finished and at the printers.

## **8. Commission Action/Discussion**

- A. **City Planner Activity Sheet (in your packets)**  
**Status of Development Projects within the City: Attached.**

City Planner Wakeley read her report.

Wakeley updated the Commission and read her report.

- Fidanzo application is now complete upon waiver of annexation fee.
- Street tree Ordinance should have its first reading at the December Council meeting.

8. Adjourn 8:37 P.M.

**A motion to adjourn the November 01, 2011 meeting is made by Commissioner Fawcett and seconded by Commissioner Braun. Motion Passes Unanimously.**

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Planning Commission

**ATTEST:**

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Kelly Richardson, City Recorder

Minutes  
Aurora City Council Meeting  
Tuesday, October 11, 2011 at 7:00 P.M.  
Aurora Commons Room, Aurora City Hall  
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Otis Phillips, Waste Water Superintendent  
Kelly Richardson, City Recorder,  
Jan Vlcek, Finance Officer

STAFF ABSENT: Bob Southard, Water Superintendent , Sick  
Chief Earhart, Chief of Police, excused

VISITORS PRESENT: Richard Harrison, Aurora  
Rick Vlcek, Aurora  
Bill Graupp, Aurora  
Gary Lovell, Aurora  
Greg Patzer, Aurora  
Jon Montgomery, Aurora  
John Sager, Aurora

1. Call to Order of Regular Meeting

The meeting was called to order by Mayor Greg Taylor at 7:05 p.m.

2. City Recorder does Roll Call

Councilor TBA –  
Councilor Roberts – Present  
Councilor Sahlin – Present  
Councilor Vlcek – Present, after being elected  
Mayor Taylor – Present

3. Consent Agenda

- I. City Council Meeting Minutes – September 13, 2011
- II. Planning Commission Meeting Minutes – September 06, 2011
- III. Historic Review Minutes – August 25, 2011, Notice of Decisions sent out.

Correspondence

- I. **Letter From ODOT requesting representation on 99E Corridor Plan**, City Planner Renata Wakeley will be the representative.
- II. **Letter from Richard Harrison in regards to his property 21825 Airport Rd**, asked to do in visitor section.
- III. **Bills that require City Action or Review**, Jan look at budget house bill 2425

A motion to approve the consent agenda and City Council minutes for September 13, 2011 after brief for minutes only was made by Councilor Roberts and seconded by Councilor Sahlin. Motion Passes Unanimously.

A motion to approve the correspondence was made by Councilor Sahlin and seconded by Councilor Roberts. 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.

Richard Harrison, Aurora Oregon 21823 Airport Rd. City Planner Wakeley is moving forward on code interpretation for the Planning Commission. City Attorney Koho interjects that Wakeley is planning on doing so and we should not discuss at this level at this time.

5. **Discussion with the Parks Committee**

o **Parks Committee Report (not in packet)**

The Parks Committee is working on a tree list and a recycling project.

6. **Discussion with Traffic Safety Commission**

a. **Traffic Safety Report (not Included in your packet)**

There was a brief discussion as to whether or not the Council thought there was a crosswalk needed or not and how long it would take.

A motion to approve a crosswalk on Ottaway Street near Hwy 99E was made by Councilor Taylor and seconded by Councilor Roberts. Motion Passes.

7. **Reports**

A. **Police Chief's Report** – (included in your packet) Mayor Taylor read the report.

Chief Earhart was excused from the meeting and there were no questions of his written report.

**No more questions of the Chief.**

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

1. Revenue & Expense Report

2.

- a. Fiscal audit report, 19<sup>th</sup> & 20<sup>th</sup> of Sept and they are asking questions, I hope to have audit report in draft and I hope to have approval in November.
- b. Water filtration project, visit with staff we were short the Bi-American report we have not seen this form. Numerous emails sent and not heard back from the State and Michelle Billbury

- c. Water rate study on SDC's in draft form and Ray Bartlett was waiting for feedback from the City Council before he does the final report, Mayor Taylor states we are not doing an increase until after the first of the year. Chairman Kaiser suggests that we agree on all of the statements that were proposed he suggests a meeting between, Public Works, Mayor Taylor, himself and Finance Officer Vlcek and see where we are at and then supply a recommendation to Council and from Council.
- d. Revenue Analysis vs Budget at this point I am certain we have areas that we are not collecting enough revenue for, Streetlight fee and others as attached in this report.
- e. Expenditures should not be over 25% at this point here are just a few examples that are over:  
 legal, abatement & Lien recording fee is at 78% we need to budget more. Springbrooke lease, increased from 100 to 200, vehicle expenses and testing fee's for the sewer plant to name a few.
- f. It is the consensus of the Council to approve the billing process and amount for the Ehlen road project in regards to the drinking water program.

No more questions.

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

- 1. Monthly Status Report (Storm Water) Mayor Taylor reads Public Works report.
    - Catch basin cleaning done
    - City backhoe is broken
    - Plans are back for the Ehlen road project City Engineer is forwarding them in the morning.
    - Finance Officer Vlcek states that the pending water rights transfer needs to be done ASAP. There is a brief discussion about paying ahead and possibly moving us up the list for approval however, there is no guarantee.
  - A. Waste Water Treatment Plant Update (from Otis Phillips) there was not a lot of discussion on the report as submitted.
    - September is the last month of irrigation
    - Following reuse plan it came in at half of normal
    - I have received a quote for Industrial Systems for the alarm on the sewer plant.
    - There is a huge problem with grease going down the drains and resulting in costly repairs which at some point may trigger another increase in sewer rates. Discussion as to whether an Ordinance needs drafted or not.
    - Brief discussion on volunteers helping or working for city. They need to fill out a daily log give a brief description of work done where, sign and date.
- There were no more questions from the Council.

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

Gives a brief overview of the written report as submitted and there was no discussion.

No questions from the Council.

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

- The Netter easement that was discussed last month is still pending. Mr. Netter has brought in a few more changes that he would like to see in the agreement and Koho would like to see the succession stop with the Netter family.
- After a brief discussion on the Netter agreement the council makes a motion.

A motion to approve Mayor Taylor to sign the agreement with the changes proposed was made by Councilor Sahlin and seconded by Councilor Roberts. Motion Passes Unanimously.

- The dog feces Ordinance is not needed at this time the Council directs staff and parks to look at additional signage.
- Discussion and or action on waiving the fee for annexations for the properties affected by the drywell situation.

A motion to approve waiving the annexation fee for the drywell situation is made by Councilor Sahlin and seconded by Councilor Roberts. Motion Passes Unanimously.

- Our intent to move forward with our building codes division and securing our building codes program. We will put this on a more widely noticed meeting in or around March.

- The Council needs to declare the open position on the council

A motion to accept Councilor Brotherton' letter of resignation and to declare his council position open was made by Councilor Sahlin and Seconded by Councilor Roberts. Motion Passes Unanimously.

There were no more questions of City Attorney, Koho.

## 8. Ordinances and Resolutions

## 9. Old Business

### A. Discussion and or Action on Aurora Airport Master Plan,

- Extended threshold 800 feet to the North
- Or 1,000 feet to the South.
- Very close in submitting this option
- FFA hands now.

### B. Discussion and or Action on Drywell situation on Ottaway Street.

- Currently Attorney Wally Lien is working on this and will have an update very soon.

### C. Discussion and or action on Historic Review Guidelines, Brief discussion on progress, the HRB has been moving forward and due to a mix up in dates Councilor Sahlin and City Planner Wakeley have not attended a meeting yet but are scheduled to attend in October.

## 10. New Business

- ### A. Discussion and or action on Elected and Appointed Officials obtaining a City email address.
- Mayor Taylor expresses the need for each board member to have a city email account instead of using our personal email accounts, this way we can track our email better.

It is the consensus of the council to have each board member on City Council, Planning Commission and Historic Review Board for now have a city email address.

**B. Discussion and or action on Patzer appeal for HRB decision.** There is a brief discussion between councilors and the city attorney as to what is the best procedure for this type of issue of non-compliance that will ultimately set precedence for future issues.

- There is a discussion of imposing a fine
- There is also discussion of lowering the appeal amount and using a portion of it to go towards the fine amount.
- The property owner suggests instead of lowering the appeal amount use the money towards future updates toward the Historic Design Guidelines and then it benefits the board and citizens.

A motion to uphold the Historic Review Board decision and impose a fine is made by Councilor Sahlin and seconded by Councilor Roberts. Motion Passes.

A motion is made to impose a \$500.00 dollar fine rather than make the homeowner go through the expense of removing the rock façade within 120 days was made by Councilor Sahlin and seconded by Councilor Vlcek. Motion Passes Unanimously.

**C. Discussion and or action on North Marion School District for contract services.** The Council asks Chief Earhart to please notify Council when and if they attend an event for the High School in his report.

A motion to approve the contract and signing it for special events is made by Councilor Vlcek and seconded by Councilor Sahlin. Motion Passes Unanimously.

**D. Election of New Councilor**

- **Letters of interest from, Gary Lovell, Jon Montgomery, Gill Graupp and Rick Vlcek.**
  - **Gary Lovell**
    - **What are some of the issues you would address?** *Lovell declines to answer at this time.*
    - **Why did you leave the Planning Commission?** *I thought it was time to move on and give someone with more planning experience a shot at it.*
  - **What do you see that is positive in Aurora?** *I really think that recently the City Park has been a huge improvement and would like to help improve it more.*
  - **Jon Montgomery**
    - **How long have you lived here?** *One and half years*
    - **What areas of the city do you think needs the most attention, I really think we need to be looking at and paying attention to the Airport.**
    - **If this were out of our control what within the city needs the most attention?** *I think the Historic District is an area that could use some attention and positive areas I think have been the park and the police dept.*
    - **Often times it is hard to get citizens involved, I would get out into the community and talk with them face to face.**
    - **Do you for see a conflict with being on the fire dept. No I do not it is flexible.**
    - **Have you ever been involved in budgetary issues, no not specifically but I feel I have a good grasp on that.**
    - **Where do you work, for Clackamas County.**
  - **Bill Graupp**
    - **How long have you lived here, for six years and I have been on Planning Commission for 2 years, helped with the visioning process and try to volunteer as much as time allows.**
    - **What is your specific interest, I am interested in the infrastructure of Aurora and the fact that it is in need of updating, I also like the budget process as well.**

- **The Council values your Planning experience, I am certainly happy on planning however I like to branch out if there is a need.**
- **Rick Vlcek**
  - *This would be my first time on council, I have lived in Aurora for 30 plus years. I was a teacher at North Marion. I have been on the Fire Board and worked on the budget process. I have worked with the fire Chief in other areas as well.*
  - *I think the city and the fire dept have made great progress in working as a team.*
  - **Where do you think Aurora needs to go, I think we need to keep our community close nit and keep our small town community atmosphere there is no place like home.**
- **John Sager**
  - *I have lived in Aurora many years been on the fire department and I used to work for the City.*
  - **Where do you work, Currently for the City of Tigard**
  - **Where do you think we are headed and where should we concentrate on, My biggest concern would be the city water and sewer and the ability to finance the improvements that need to be done in the downtown area. I do think the city is heading in a much better direction than several years ago.**
  - **How do you feel about the Historic District, this is a difficult area for me since I have friends that own shops within the district, I believe in it but I do not have a lot of interest in it I really do not have an opinion on it.**

It is a two to one vote in favor of Rick Vlcek for the Councilor Position.

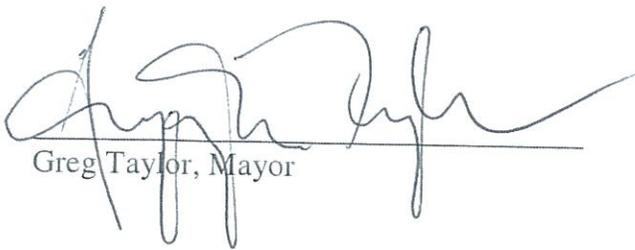
Sahlin---Vlcek  
Taylor—Vlcek  
Roberts--Graupp

*These questions and answers are a brief overview they are not verbatim you can obtain a copy of the recording at City Hall.*

- **Does anyone in the audience want to be added as a candidate? No one came forward. Does anyone want to ad to their questions or something they want to say. No one came forward.**

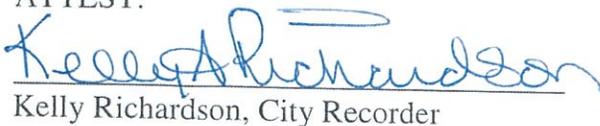
## 11. Adjourn

A motion to adjourn the October 13, 2011 meeting at 9:52 pm was made by Councilor Sahlin and seconded by Councilor Roberts. Motion Passes Unanimously.



Greg Taylor, Mayor

ATTEST:



Kelly Richardson, City Recorder



Old Aurora Colony Ox Barn, Aurora, Oregon Clark Moor Will 1966

# City of Aurora

FOUNDED 1856  
"National Historic Site"

## PRESS RELEASE

### FOR THE PLANNING COMMISSION POSITION

The Aurora Planning Commission is looking for two candidates that would be interested in serving on the Aurora Planning Commission. The applicant must submit a resume and a letter of interest to the City Recorder **by December 01, 2011, by 5:00 pm**. The requirements for the Planning Commission position are as follows:

1. The candidate shall be eligible for an elective office of the City unless at the time of his appointment he is a qualified elector with the meaning of the State Constitution.
2. The candidate must live within the City Limits.

The responsibilities of the Planning Commission's position are as follows:

1. The City Planning Commissioner shall be willing to serve on any committee that he or she is appointed to by the Planning Commission Chair.
2. He or she shall have a vote on all questions before the Planning Commission.
3. The Planning Commissioner shall carry out the rules of the Planning Commission as outlined in the Aurora Municipal Code.
4. The Planning Commissioner must be committed to attending at least one meeting a month, which usually lasts about 2.5 hours.



# Oregon

John A. Kitzhaber, M.D., Governor

**Land Conservation and Development Commission**

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

<http://www.oregon.gov/LCD>

## MEETING NOTICE

### LAND CONSERVATION AND DEVELOPMENT COMMISSION



**December 7-9, 2011**

**Columbia Gorge Discovery Center, Classroom  
5000 Discovery Drive  
The Dalles, Oregon**

The meeting location is accessible to persons with disabilities. To request an interpreter for the hearing impaired or for other accommodations for persons with disabilities, please make requests at least 48 hours before the meeting to Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us), or by TTY: Oregon Relay Services (800) 735-2900.

**Public Testimony:** The commission places great value on testimony from the public. Those items on the agenda with an asterisk (\*) are ones where public comment will be accepted.

People who wish to testify are requested to:

- *Complete a Testimony Sign Up Form provided at the meeting handout table*
- *Provide a written summary in advance to [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us) (December 5 is the deadline to submit advance testimony. If you are unable to meet this deadline, please bring at least twenty copies to the meeting for distribution to the commission, staff and members of the public.)*
- *Recognize that substance, not length, determines the value of testimony*
- *Endorse, rather than repeat, testimony of other witnesses with whom you agree*

Because of the uncertain length of time needed, the commission may deal with an item at any time in the meeting. Anyone wishing to be heard on an item without a set time should arrive when the meeting begins to avoid missing an item of interest. Topics not on the agenda may be introduced and discussed during the Director's Report, Commission Business and Reports, or Other.

The commission may continue its meeting through lunch to deliberate on matters on the agenda. In that event, those persons whose attendance is necessary for any matter of business undertaken during lunch will be required to attend.

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**Wednesday, December 7, 2011**

1. **12:00 – 2:30 p.m.: Tour of The Dalles and Surrounding Area.** The tour will begin and end at The Discovery Center. Seating is limited on the tour and preference will be given to invited guests. Members of the public and the media may attend as space allows, or may provide their own transportation. For additional information, contact Karen Swirsky at (541) 325-6927, [karen.swirsky@state.or.us](mailto:karen.swirsky@state.or.us).
2. **2:30 – 3:15 p.m.: DLCD and Columbia River Gorge Commission Presentation.** DLCD and Gorge Commission staff will provide short descriptions of the scope and activities of each commission, as well as ideas for working collaboratively into the future. Speakers will be Jill Arens, Gorge Commission Executive Director; Jennifer Kaden, Planner for the Gorge Commission; Darren Nichols, DLCD Community Services Division Manager, and Karen Swirsky, DLDC Central Oregon Regional Representative. For additional information, contact Karen Swirsky at (541) 325-6927, [karen.swirsky@state.or.us](mailto:karen.swirsky@state.or.us).
3. **3:30 – 5:00 p.m.: Local and Regional Land Use Issues Roundtable.** Invited guests will join the commission for this discussion. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us).

**8:00 a.m. Thursday, December 8, 2011**

**Budget and Management Subcommittee will meet in the Board Room.** The subcommittee will report to the full commission during Commission Business and Reports. For additional information, contact Teddy Leland at (503) 373-0050 ext. 237, [teddy.leland@state.or.us](mailto:teddy.leland@state.or.us).

**8:30 a.m. Thursday, December 8, 2011**

- \*4. **Public Comment.** This part of the agenda is for comments on topics not scheduled elsewhere on the agenda. The chair may set time limits (usually 3 minutes) for individual speakers. The maximum time for all public comments under this agenda item will be limited to 30 minutes.
5. **The Dalles Outreach Committee.** The Dalles Outreach Team serves as ambassadors for the promotion of community development and partnerships for solutions in the region of The Dalles. The Team will make a short presentation on their purpose, history, and accomplishments. For additional information, contact Karen Swirsky at (541) 325-6927, [karen.swirsky@state.or.us](mailto:karen.swirsky@state.or.us).
6. **Oregon Consensus Program Proposal to Amend Dispute Resolution Grant.** The Oregon Consensus program will present a proposal to the commission, requesting to amend a DLCD grant previously used to provide direct mediation services. The commission will decide whether to approve the amendment or to reauthorize the

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\* Public comment accepted. The chair may limit time for testimony on any item and may set time limits (usually 3 minutes) for individual speakers. The commission encourages written testimony in addition to or instead of oral testimony in the event there is not enough time to hear everyone who wishes to speak. Items without an asterisk are not open for public comment.

organization's existing grant. For additional information, contact Darren Nichols at (503) 373-0050 ext. 255, [darren.nichols@state.or.us](mailto:darren.nichols@state.or.us).

7. **Possible Adoption: Proposed Amendments to Rules Regarding Department Facilitation of Soils Assessments on Farmland.** The proposed rule amendments would implement House Bill 3647 (2010) and create a process for assessing agricultural land capability. Public testimony was taken at the commission's meeting in Grants Pass on October 6 and the public hearing was closed. For additional information, contact Katherine Daniels at (503) 373-0050 ext. 329, [katherine.daniels@state.or.us](mailto:katherine.daniels@state.or.us).
- \*8. **Public Hearing and Possible Adoption: Proposed Amendments to Rules Regarding Post Acknowledgement Plan Amendments.** The proposed rule amendments to OAR 660, division 18 would implement new laws regarding changes to comprehensive plans and land use regulations. Following public testimony the commission may adopt the proposed amendments. For additional information, contact Bob Rindy at (503) 373-0050 ext. 229, [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us).
- \*9. **Public Hearing and Possible Adoption: Proposed Amendments to Rules Regarding Periodic Review.** The proposed amendments to OAR 660, division 25 would modify rules pertaining to periodic review and related topics. The proposed amendments are needed in order to implement new laws regarding periodic review and to conform existing rules to these new laws. Following public testimony the commission may adopt the proposed amendments. For additional information, contact Bob Rindy at (503) 373-0050 ext. 229, [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us).

### **1:00 p.m. Thursday, December 8, 2011**

- \*10. **Public Hearing and Possible Adoption: Proposed Amendments to Rules Regarding Transportation Planning.** The proposed rule amendments would modify OAR 660, division 12 and related rules to simplify, clarify and streamline local plan amendments and rezonings. Following public testimony the commission may adopt the proposed amendments. For additional information, contact Matt Crall at (503) 373-0050 ext. 272, [matthew.crall@state.or.us](mailto:matthew.crall@state.or.us).

### **8:30 a.m. Friday, December 9, 2011**

11. **Citizen Involvement Advisory Committee (CIAC) Update.** The department will update the commission on recent work by the CIAC. The commission will be asked to reappoint two CIAC members whose terms are expiring. For additional information, contact Bob Rindy at (503) 373-0050 ext. 229, [bob.rindy@state.or.us](mailto:bob.rindy@state.or.us).
12. **Metro Climate Smart Communities Update.** House Bill 2001 – adopted by the 2009 Legislature – directs Metro to prepare two or more land use and transportation scenarios that meet state-established targets to reduce greenhouse gas emissions from light vehicle

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\* Public comment accepted. The chair may limit time for testimony on any item and may set time limits (usually 3 minutes) for individual speakers. The commission encourages written testimony in addition to or instead of oral testimony in the event there is not enough time to hear everyone who wishes to speak. Items without an asterisk are not open for public comment.

travel for the year 2035. Metro staff will present results of work completed to date as part of its Climate Smart Communities project. For additional information, contact Bob Cortright at (503) 373-0050 ext. 241, [bob.cortright@state.or.us](mailto:bob.cortright@state.or.us).

- \*13. Metro Scenario Planning: Rulemaking Advisory Committee Appointments.** House Bill 2001 – adopted by the 2009 Legislature – directs the commission to adopt administrative rules to guide Metro and Portland metropolitan area local governments in the selection and implementation of a preferred land use and transportation scenario to reduce greenhouse gas emissions from light vehicle travel. The department recommends that the commission appoint a rulemaking advisory committee to advise the commission on proposed rules. For additional information, contact Bob Cortright at (503) 373-0050 ext. 241, [bob.cortright@state.or.us](mailto:bob.cortright@state.or.us).
- 14. Request to Appeal pursuant to ORS 197.090(2) and (3), and OAR 660-001-0201 to -0230.** State law requires commission approval of the director’s decision to seek review of a local government land use decision, expedited land division, or limited land use decision. Only the director or department staff on the director’s behalf, the applicant, and the affected local government may submit written or oral testimony concerning commission approval of a director’s recommendation to file or pursue an appeal, or an intervention in an appeal, of a land use decision, expedited land division, or limited land use decision.
- Review of Director’s Decision to Appeal Jefferson County Plan Amendment (DLCD File No. 001-09, Jefferson County 10-PA-02).** The department submitted a notice of intent to appeal a Jefferson County decision to the Land Use Board of Appeals. The county decision approved a “reasons” exception to convert about 189.5 acres from an Exclusive Farm Use and Range Land designation to a Rural Residential and RR-10 designation. The subject property includes lands designated Urban Reserve by the city of Madras and Jefferson County. The director seeks approval from the commission under OAR 660-001-0210(2) to pursue the appeal. For additional information, contact Karen Swirsky at (541) 325-6927, [karen.swirsky@state.or.us](mailto:karen.swirsky@state.or.us).
- 15. Local Officials Advisory Committee (LOAC) Update.** The director will update the commission on LOAC’s recent work. A recommendation will be made for an appointment to fill a vacancy on the committee. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us).
- 16. Director’s Report.** The director will provide an update to the commission on recent matters concerning the department. For additional information, contact Lisa Howard at (503) 373-0050 ext. 271, [lisa.howard@state.or.us](mailto:lisa.howard@state.or.us).
- 17. Commission Business and Reports.**
- a. Budget and Management Subcommittee Report.
  - b. Election of Chair and Vice-Chair.

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\* Public comment accepted. The chair may limit time for testimony on any item and may set time limits (usually 3 minutes) for individual speakers. The commission encourages written testimony in addition to or instead of oral testimony in the event there is not enough time to hear everyone who wishes to speak. Items without an asterisk are not open for public comment.

c. Grants Advisory Committee Appointment.

18. **Other.** The commission reserves this time, if needed, for other business or for further consideration of any item on the agenda.

Oregon's seven-member Land Conservation and Development Commission, assisted by the Department of Land Conservation and Development, adopts state land use goals, assures local plan compliance with the goals, coordinates state and local planning, and manages the coastal zone program. Commissioners are unpaid citizen volunteers appointed by the governor and confirmed by the senate. Commissioners are appointed to four-year terms and may not serve for more than two consecutive terms. The statute establishing the commission, ORS chapter 197, also directs that members be representative of the state. The commission meets approximately every six weeks to direct the work of the department.

Current commissioners:

Bart Eberwein (Portland)  
 Hanley Jenkins (Union)  
 Tim Josi (Tillamook)  
 Jerry Lidz (Eugene)  
 Greg Macpherson (Lake Oswego)  
 Marilyn Worrix, Vice-Chair (McMinnville)

Meeting dates for 2011-12 (subject to change):

January 26-27	Salem
March 14-16	Newport
May 10-11	Salem
July 18-20	Lakeview
September 20-21	Salem/Independence
November 14-16	Newberg

The next commission meeting will be January 26-27, at the Department of Land Conservation and Development, 635 Capitol Street NE, Basement Hearing Room, Salem, Oregon.

\* Public comment accepted. The chair may limit time for testimony on any item and may set time limits (usually 3 minutes) for individual speakers. The commission encourages written testimony in addition to or instead of oral testimony in the event there is not enough time to hear everyone who wishes to speak. Items without an asterisk are not open for public comment.

## recorder

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**From:** assistant  
**Sent:** Tuesday, November 22, 2011 9:05 AM  
**To:** recorder  
**Subject:** FW: Marion County Urban Living Handbook  
**Attachments:** Urban Living Handbook Outline.doc

Kelly, not sure if you got this or not, but thought I'd forward to you.  
Melinda

---

**From:** Patrick Pirtle [<mailto:patrick@marionswcd.net>]  
**Sent:** Monday, November 21, 2011 1:05 PM  
**Subject:** Marion County Urban Living Handbook

Hello,

I work for the Marion Soil and Water Conservation District and am in the process of developing an Urban Living Handbook for the county that addresses a number of topics related to natural resource conservation, local laws, Best Management Practices, and ways to get involved. Take a look at the District's [Rural Living Handbook](#), to get an idea of what the Urban document will entail. I have met with a number of city planners and administrators from around the county to discuss what types of information they would like to see in the document and how it could benefit their community.

So now I would like your feedback or input on the types of information that would be beneficial to your constituents because as a city you get questions about these topics and I am interested in finding out where the gaps of public knowledge are and how this document could benefit your community. **Please, let me know what these topics are, so I can make sure to address them in the text.**

I have established a strong outline for the document that is attached to this email, so if you see any gaps in the content let me know. FYI, I will also be emailing you in the next couple weeks to acquire information about your local laws related to urban agriculture, solar panels, storm water and trash.

If you have any additional questions or comments feel free to email Patrick Pirtle, Project Manager at [Patrick@marionswcd.net](mailto:Patrick@marionswcd.net) or call 503-399-5741 any time. Thank you for your time and I look forward to hearing back from you soon.

### ***Patrick T. Pirtle***

Americorps: RARE Participant  
Marion Soil and Water Conservation District  
Ph. 503.391.9927 ext. 128  
e-mail. [patrick@marionswcd.net](mailto:patrick@marionswcd.net)

*650 Hawthorne Ave. SE, Suite 130  
Salem, Oregon 97301-5894  
Fax. 503.399.5799*

## Draft Topics List Urban Living Handbook

- **Introduction**

- *Define Urban*
  - Growth Management Act
  - Contrast between urban and rural
    - Links/relationships between urban and rural
- *Background*
  - History of Marion County
  - # of Cities
  - Largest Cities
  - Historic Areas
  - Economic Changes
  - Development Trends
  - Salem not always capital
- *Watershed*
  - How it functions
  - Features
  - Our local watersheds
  - Impacts of Urban Areas on watersheds
- *Urban – Rural Interface*
  - Awareness of others
    - Being Neighborly
  - Impacts
    - Volunatry/Involuntary
  - Conflicting uses
    - Forestry/agriculture
    - Fire Arm Discharge
    - Burning
- *Urban Natural Resources*
  - Streams
    - 303(d) List
      - # of streams on it
    - Aspects of an urban stream
  - Trees/Urban Forestry
    - Importance/Benefits/Economic Incentive
  - Wetlands
    - Importance/Benefits/Economic Incentive
  - Soil
    - Benefits/Misconceptions/Importance
  - Wildlife Habitat
    - Importance/Benefits/Economic Incentive

- **Storm Water Management**

- *Introduction*

- Define Storm water
- How the public storm water system works
- How cities differ
  - MS4 Permit Phase 1 vs Phase 2
  - Salem's new Policy
- How it can impact the environment
  - Water quality, erosion, habitat
- *On-Site Storm Water Strategies*
  - Low Impact Development
    - Rain-water harvesting
    - Rain gardens/rain water catchment systems
    - Bio-swales
    - Green roofs
    - Pervious surfaces
  - How it relates to LEED/GBC certification
- *Simple site management for storm water*
  - Cleaning up pet waste
  - Clean Gutters
  - Wash car off site at a certified clean car wash (provide some locations)
  - How to deal with spilled contaminants
  - Pick up leaves and clean storm drains
    - Leaf Haul

- **Solid Waste**

- *Introduction*
  - How we deal with solid waste in Marion county
  - Impacts both regionally and locally
  - 3-R's
    - Importance/Why certain things are recyclable and others are not
  - Utility Companies
    - Need to find out if you can reduce can size to reduce cost of waste bill
  - Garbage Can requirements
    - Putting out/Taking back
- *Drop off Sites*
  - Trash
    - Transfer Stations
  - Recycling
    - Yard Waste
    - Hazardous Waste
    - Prescription Drugs
  - Re-use
    - Second hand stores
    - Online vendors
- *Compost*

- Different systems
  - Worm
  - Regular
- The right mixture
- Weed seed awareness
- DIY Compost bin for apartments or home

- **Urban Agriculture**

- Introduction
  - Benefits of urban agriculture
    - Food security
    - Health
    - Environmental
    - Spiritual
- *Establishing a Garden*
  - Siting
  - Raised Beds vs Bare Ground
  - Types of crops
  - Soil
    - Soil testing
    - Issues of contaminants
  - Water Access
    - Free in Salem
  - City Rules
    - Planter Strip
    - Selling Food
  - Green Houses
    - Year around crops
  - Limit pesticide use
    - Alternatives
  - BMP's for keeping safe from lead or other contaminants
- *Urban Livestock*
  - How to maintain
  - Information to be aware of
  - City Laws
  - Chicken Coops
- *Community Gardens*
  - How to get started
  - Site locations
  - Current Gardens
  - Marion-Polk Food Share
- Farmers Markets: the urban/rural link
- Community Kitchens
  - Role
  - Benefits
- Canning food

- How/Safety Information
- DIY Activities
  - Raised Beds
  - Chicken Coop
  - Small Green House
  - Removing Lawn

- **Home Practices**

- *Introduction*
  - Quantitative Data on Home and Building Impacts
    - Materials
    - Energy Use
    - Proximity to things
  - Structural Property Maintenance
    - Salem law (see page provided)
  - Utilities
    - Potable Drinking water provider
      - Community Wells
      - Water Districts
    - Energy/Garbage/Phone/Internet/Cable
- *Energy Conservation*
  - Lights
  - Hot Water Heater
  - Passive Solar
  - Solar Panels
    - Ordinances about light exposure
  - Appliances
  - Simple Life-Style Changes
- *Water Conservation*
  - Low Flow
  - Grey Water
  - Composting Toilets
  - Water Catchment
  - Simple Life-Style Changes
- *Sewer*
  - How it works
  - Landowners maintenance requirements
  - Don't put these down drains
    - Drugs/Pharmaceuticals
    - Fat, Oil, Grease
    - Impacts of doing this
  - Garbage Disposal
- *Accreditations*
  - LEED

- GBC
- Living Building Challenge

- **Urban Planning**

- *Introduction*
  - The role of planning in urban areas
  - GMA
  - Comp Plans
  - Planning Commissions
- Zoning
  - General Types
    - Rules that go along those zoning ordinances
  - ADU
- Brownfield Sites
  - Common sites
  - Impacts to the environment
  - Process for remediation
- Urban Renewal/EID's
- ROW allowable uses/not allowable uses
- Parking
- Permitting Process

- **Property Management**

- *Introduction*
  - Importance of property management
    - Impacts if not done
  - Things to be aware of when looking at property
  - Limit use of pesticides and other sprays
  - Renter/Landlord Role
- Establishing a Site Plan
  - Sun orientation
  - Proximity
  - Possible Pests
  - Access
  - Permaculture
  - Trees/shaded areas/sun light
- Managing Weeds
  - Identification
  - Management Strategies
  - Strategies for eradication
    - Working with neighbors
- Backyard Wildlife
  - BMP's
  - Unwanted Wildlife
    - Management Strategies

- Creating habitat on a small piece of property
- Tree Management
  - Property Tree Maintenance
    - Power lines
    - Underground utilities
    - Trimming
    - Garden Impacts
  - Street Tree Management
    - Importance of street trees
    - Proper Management techniques
  - Arborists
- Soil
  - Importance
  - Increasing biology
  - Adding compost and other amendments
- Landscape Strategies
  - Xeriscaping
  - Perma-Culture
  - Nature Scaping
- Junk on Property/Lack of Maintenance
  - Local Law
  - How to easily maintain/remove junk from property
- Riparian Areas
  - Importance
  - Manage
  - Don't remove
  - Restoration ideas
- Burning
  - Laws

## ▪ **Transportation**

- Introduction
  - Quantitative data about transportation impacts
  - % of people who commute to work
    - In and out
  - Climate Change issues effecting transportation
- Alternative Means
  - Bike
    - Benefits
    - Maps of paths
    - Groups to ride with
    - Safety Tips
    - Bike City USA
  - Pedestrians
    - Safety Tips
    - Ideal places to walk

- Promote sidewalks and infrastructure
- Public Transportation
  - Companies
  - Benefits
  - Getting to Portland and Eugene via public transportation
    - Plus other common destinations
  - Local options
- Programs
  - Greenways
  - Safe routes to school
- Ride Share/ Park and ride

- **Support Local**

- Buy Local
- Getting Involved
- Local Organizations (focused around conservation)

### **Special callout boxes for each section**

- How to get involved
- DIY
- Who to contact
- Where is money available
- Additional Information
- Case Studies

# **NEW BUSINESS**

# **OLD BUSINESS**

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS  
105 HIGH STREET S. E. SALEM, OREGON 97301-3667  
Telephone: 503-588-6177 FAX: 503-588-6094

MEMO

---

To: Annie Kirk, City of Aurora resident  
From: Renata Wakeley, City Planner  
Date: October 6, 2011  
Subject: Recommendations ion the adoption of an Aurora Street Tree Ordinance

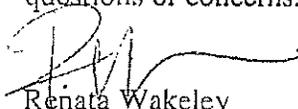
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Thank you for your input and assistance in development a street tree list for the City of Aurora.

The Planning Commission Chair provided your feedback and I have attempted to incorporate your comments on formatting and permitted and prohibited species in the attached. For simplicity and to account for potentially narrower planting strips in developed neighborhoods, I broke out the tree list into: "4-6 foot planting strips" and "greater than 6 foot" planting strips. I also attached a copy of the current street standards with planting strips ranging from 5 feet to 9 feet for your records as requested. Please feel free to review and comment.

I've also attached a copy of our current development code which specifies trees as small, medium, and large. I think we need to revise section 16.34 of the code to remove these reference and rather adopt a standard spacing for all trees. The current spacing seems too close together- do you have comments on this?

Thanks in advance for your feedback and assistance. Feel free to phone if you have additional questions or concerns.



Renata Wakeley  
(ph) 503-540-1618  
(email) [rwakeley@mwvcog.org](mailto:rwakeley@mwvcog.org)

the case of Marion County, a new collector street is proposed to connect Ehlen Road via Williams Court to Cole Lane in northwestern Aurora. This facility would provide access and circulation to existing and future residential properties in the area and would be constructed as development occurs. New and existing local residential streets in this area would connect to this new collector street rather than connecting directly to Ehlen Road or Cole Lane. As this collector connection would replace Williams Court's existing Ehlen Road connection, no new Ehlen Road access is required.

A large number of driveways and private drives currently exist on Oregon 99E between Ottaway Road and Bob's Avenue, and as a result, the proposed new collector connections in this area will either have to include the closure or consolidation of existing Oregon 99E accesses or require a spacing deviation. The proposed new collector connections to Oregon 99E to the south of Ottaway Road should be able to meet ODOT's spacing standards, as this rural stretch of Oregon 99E has relatively few existing driveways and private drives.

**Street Design Standards**

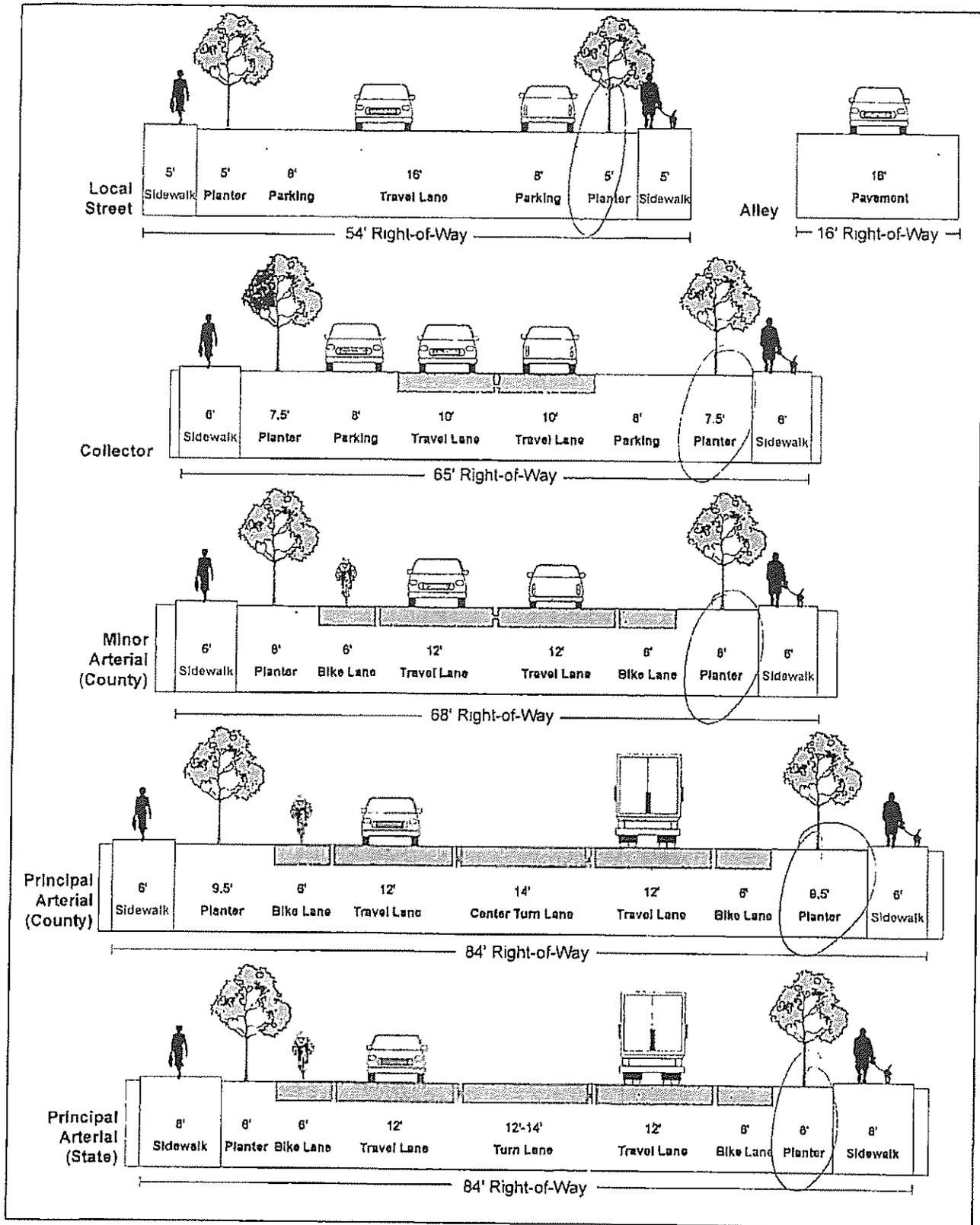
Street design standards dictate how new roads should be constructed and how existing roads should be modified over time. Three jurisdictions - the City of Aurora, Marion County, and the State of Oregon - own, manage, and maintain roads within Aurora's UGB. Though the City does not have authority over County and state roadways, adopting local street design standards for these roadways will help the City influence decisions regarding future roadway improvements on the County's Airport and Ehlen Roads and the State of Oregon's 99E. Aurora's street design standards apply based on the functional classification of a roadway segment, and are described in Table 3-1 and Figure 3-2.

Table 3-1. Street Design Standards<sup>(1)</sup>

Classification	Pavement Width (ft)	Sidewalk Width (ft)	Planting Strips (ft)	Bikeway Width (ft)	Parking	ROW (ft) (2)
Local Residential <sup>(3)</sup>	32	5	5	None	2 sides	54
Collector <sup>(3)</sup>	36	6	7.5	None <sup>(4)</sup>	2 sides <sup>(4)</sup>	65
Minor Arterial <sup>(3)(5)(6)</sup> (County)	36	6	8	6	None	68
Principal Arterial (County) <sup>(6)(7)</sup>	50	6	9.5	6	None	84
Principal Arterial (State) <sup>(6)</sup>	48-50	8	6	6	None	84
Alleys	16	None	None	None	None	16

Notes

- (1) Street Design Standards for roadways within the National Historic District are subject to historic review board approval on a case-by-case basis.
- (2) Additional right-of-way and roadway improvements may be required at major intersections to provide for turn lanes and for corner radii.
- (3) Planter strips are required unless approved otherwise by the City. Planting strips should be at least 4 feet wide to accommodate tree plantings. In commercially zoned areas, the City may require wider sidewalks which encroach into the planting strip area.
- (4) Collectors serving residential areas and historic commercial areas can accommodate on-street parking and shared use of road space by bicyclists and motor vehicles. These shared roadways will be designated with "sharrows." "Sharrows" are markings painted directly onto the road to promote the awareness that the road is a shared traffic lane to be used by both motorists and bicyclists. Collector Streets which serve primarily a mix of commercial and industrial properties will have bike lanes in lieu of on-street parking.
- (5) On an interim basis, two 6-8 foot protected shoulders may be installed adjacent to two 12 foot travel lanes on a case-by-case basis as approved by the County.
- (6) City standards are advisory to Marion County on Marion County-owned roadways.
- (7) On an interim basis, a multi-use path, separated from the roadway, and on-street bike lanes may be allowed instead of sidewalks and planting strips on a case-by-case basis as approved by the County.
- (8) City standards are advisory on ODOT managed roadways.



**Figure 3-2**  
**Street Designs Standards**  
 City of Aurora, Oregon

# Current Aurora Municipal Code

## 16.38.040 Buffering and screening requirements.

A. Buffering and screening a minimum width of twenty (20) feet shall be required between any nonresidential use in a non-residential zone which abuts a residential use in a residential zone.

B. A buffer shall consist of an area within a required interior setback adjacent to a property line, having a width of ten (10) feet or greater and a length equal to the length of the property line.

C. Occupancy of a buffer area shall be limited to utilities, screening, and landscaping. No buildings, accessways or parking areas shall be allowed in a buffer area.

D. The minimum improvements within a buffer area shall include:

1. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than ten (10) feet high for deciduous trees and five feet high for evergreen trees measured from the ground to the top of the tree after planting. Spacing for trees shall be as follows:

a. Small or narrow stature trees, under twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than fifteen (15) feet apart;

b. Medium sized trees between twenty-five (25) feet to forty (40) feet tall and with sixteen (16) feet to thirty-five (35) feet wide branching at maturity shall be spaced no greater than twenty-five (25) feet apart;

c. Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be

spaced no greater than thirty (30) feet apart.

2. In addition, at least one shrub shall be planted for each one hundred (100) square feet of required buffer area.

3. The remaining area shall be planted in groundcover, or spread with bark mulch.

E. Where screening is required, the following improvements are required in addition to subsection D of this section:

1. A hedge of narrow or broadleaf evergreen shrubs shall be planted which will form a four-foot continuous screen within two years of planting; or

2. An earthen berm planted with evergreen plant materials which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulched; or

3. A six-foot fence or wall providing a continuous sight-obscuring screen. Fences and walls shall be constructed of materials commonly used in the construction of fences and walls such as wood or brick, or otherwise acceptable by the planning director. Corrugated metal is not considered to be acceptable fencing material. Chain link fences with slats may qualify as screening when combined with a planting of a continuous evergreen hedge;

F. Buffering and screening provisions shall be superseded by the vision clearance requirements as set forth in Chapter 16.40.

G. When the use to be screened is downhill from the adjoining property, the prescribed heights of required fences, walls or landscape screening shall be measured from the actual grade of the adjoining property.

It seems as if these are spaced too close together - should they be expanded?

**Chapter 8.25**  
**CITY TREES**

Sections:

**8.25.010 Purpose.**

It is the purpose of this chapter to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other woody plants in the city of Aurora.

**8.25.020 Definitions.**

As used in this chapter, the following words mean:

"Street tree" means a tree, shrub, bush or other woody vegetation on land lying within a dedicated right-of-way along either side of a street, avenue or other way within a dedicated utility easement of the city.

"Park tree" means a tree, shrub, bush or other woody vegetation located in a public park or other area owned by the city, or to which the public has free access as a park.

"Private tree" means a tree, shrub, bush or other woody vegetation located on private property other than a dedicated right-of-way or city utility easement or public parks and grounds.

**8.25.030 Tree planting – Street tree species to be planted.**

The City shall adopt and maintain a list of desirable species of trees, shrubs, bushes and other woody plant material for planting along streets in three size classes based on mature height: small (under 30 feet), medium (30 to 50 feet) and large (over 50 feet). A list of trees not suitable for planting will also be created by the City of Aurora. No person, without written permission of the City, shall plant a street tree of a species other than those included in street tree list.

**8.25.040 Tree planting – Spacing of planting.**

The spacing of street trees shall be in accordance with the species, size, classes listed in the official Aurora street tree list of this chapter, and no trees shall be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; measured trunk to trunk except in special plantings approved or designed by the city. AK: spacing here does not sync up with current development code. See comments / opinions under that document.

**8.25.050 Tree planting – Planting distance from curb or sidewalk.**

The distance trees may be planted from curbs or sidewalks shall be in accordance with the official Aurora street tree list. No trees shall be planted in any parkway strip less than four feet in dimension between the curb or curbline and the sidewalk. No trees shall be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet. AK: consider reference via how other cities call out spacing, e.g. if this is for spacing in parking strip, specifically, then perhaps better read as "planted center distance from sidewalk and inside edge of curb, measuring from center of trunk of tree – which is how most designers would layout trees in Autocad, e.g. typical industry standard. I do question vetting your text & my opinion against ODOT standards for site distance."

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**8.25.060 Tree planting – Planting distance from street corners, fireplugs and street lights.**

No street trees shall be planted closer than 20 feet from any street corner, measured from the point to the nearest intersecting curbs or curbline. No street trees shall be planted closer than 10 feet to any fire plug or 30 feet to any street light measured from the base of the street light. Vision clearance shall be provided as defined in Aurora Municipal Code 16.04.030 and Title 16- Appendix A.

**8.25.070 Tree planting – Planting distance from utilities.**

No street trees other than those species listed as small trees in the list of acceptable species may be planted under or within 10 lateral feet of any overhead utility wire, and no street tree may be planted over or within five lateral feet of any underground water line, sewer line, transmission line or other private utility.

**8.25.080 Tree planting – Planting distance from property line.**

No private trees may be planted closer than five feet to any private property line.

**8.25.090 Street tree care.**

In consideration of the value and benefits derived from the beauty and enjoyment of the street trees, the property owners abutting dedicated rights-of-way and utility easements shall have the responsibility, control and shall bear the cost of maintenance and care of the street trees abutting their property, and shall regularly inspect and remove defective conditions as necessary.

**8.25.100 Public tree care.**

The city shall have the right to plant, prune, maintain and remove trees, shrubs and plants within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city may remove, or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with HMC § 25.050 through § 25.100.

**8.25.110 Necessary pruning.**

The city may prune a private tree when it interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign.

**8.25.120 Dead, dangerous or diseased tree removal.**

The city shall have the right to cause the pruning or removal of any dead or diseased trees on private or public property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city may remove or trim a tree described in this section or may require the property owner to remove or trim any such tree on private property, or any dedicated right-of-way or utility easement abutting upon the owner's property. Failure of the property owner to remove or trim the tree within 30 days after receiving notice by the city is a violation of this chapter, and the public works department may then remove or trim the tree and assess the cost as a lien against the property.

**8.25.130 Tree topping.**

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the city tree board.

**8.25.140 Abuse or mutilation of trees.**

No person shall abuse, destroy, or mutilate any street tree, in a dedicated public right-of-way, or any other public place, or attach or place any rope or wire (other than one used to support the tree itself), sign, poster, handbill, or other thing to or on any tree growing in a public place, or cause or permit any wire charged with electricity to come into contact with any such tree, or to allow any gaseous liquid or solid substance which is harmful to such trees to come into contact with their roots or leaves.

**8.25.150 Removal of stumps.**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. The costs of removing stumps shall be borne by the abutting property owner, and the costs shall be a lien against the abutting property.

**8.25.160 Tree replacement.**

The city may require the replacement by the abutting land owner, at the land owner's expense, of a new tree after permission has been granted for the removal of an existing street tree.

**8.25.170 Violation – Penalty.**

- (1) Any person found to be violating any of the provisions of this chapter shall be served by the City of Aurora with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation. Notice shall be in written form, personally delivered, or mailed and accepted, certified, returned receipt requested, by the person to be charged. The person to be charged or notified may be the owner or occupant of the premises.
- (2) Any person who shall continue any violation beyond the time limit stated in such notice shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not to exceed \$500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (3) Any person violating any provisions of this chapter shall become liable to the City of Aurora for any expenses, loss or damage occasioned by the city by reason of such violation.

**Recommended Street Trees**

A. The following tree species are recommended for use as street and parking lot trees:

**Four to six foot planting strip- With or Without overhead lines**

Species Name	Common Name	Minimum Planter Width	Permitted Under Wires?	Mature Height/Width	Conditions of Approval
Acer griseum	Paperbark Maple	4	Yes	25/20	
Lagerstroemia cultivars	Crape Myrtle	4	Yes	20/20	
Malus 'Prairifire'	Prairifire Crabapple	4	Yes	20/20	
Parrotia persica	Persian Parrotia	4	Yes	35/20	
Stryax japonicas	Japanese Snowbell	4	Yes	25/25	
Stryax obassia	Bigleaf Snowbell Tree	4	Yes	35/25	

**Four to six foot planting strip- With overhead lines**

Species Name	Common Name	Minimum Planter Width	Permitted Under Wires?	Mature Height/Width	Conditions of Approval
Acer griseum	Paperbark Maple	4	Yes	25/20	
Cornus controversa 'June Snow'	June Snow Giant Dogwood	4	No	40/30	
Fragus sylvatica 'Purpurea Tricolor'	Tricolor Beech	4	No	35/25	
Lagerstroemia cultivars	Crape Myrtle	4	Yes		
Ginkgo biloba 'Saratoga'	Saratoga Ginkgo	4	No	35/30	
Magnolia gradiflora 'Edith Bogue'	Edith Bogue Magnolia	4	No	30/15	
Malus 'Prairifire'	Prairifire Crabapple	4	Yes	20/20	
Parrotia persica	Persian Parrotia	4	No	35/20	

**Greater than six foot minimum planting strip- With or without overhead lines**

Species Name	Common Name	Minimum Planter Width	Permitted Under Wires?	Mature Height/Width	Conditions of Approval
Acer griseum	Paperbark Maple	6	Yes	25/20	
Lagerstroemia cultivars	Crape Myrtle	6	Yes	20/20	
Magnolia gradiflora 'Edith Bogue'	Edith Bogue Magnolia	6	Yes	30/15	
Ginkgo biloba 'Saratoga'	Saratoga Ginkgo	6	Yes	35/30	

**Greater than 6-six foot minimum planting strip- Without overhead lines**

Species Name	Common Name	Minimum	Permitted	Mature	Conditions of Approval
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		Planter Width	Under Wires?	Height/Width	
Acer macrophyllum	Big Leaf Maple	6	No	100/80	
Acer X freemanii 'Autumn Blaze'	Autumn Blaze Maple	6	No	60/45	
Acer X freemanii 'Celzam'	Celebration Maple	6	No	45/25	
Acer rubrum 'Franksred'	Red Sunset Maple	6	No	45/35	
Carpinus betulus	European Hornbeam	6	No	50/35	
Ostrya virginiana	American Hophornbeam	6	No	35/35	
Tilia cordata	Littleleaf Linden	6	No	50/30	
Zelkova serrata 'Green Vase'	Green Vase Zelkova	6	No	50/40	
Zelkova serrata 'Village Green'	Village Green Zelkova	6	No	40/38	

### Prohibited Street Trees

The following trees are not allowed within public rights-of-way except under special circumstances and with approval of the City. As street trees, they cause one or more of the following problems: (1) Their roots damage sewer lines or pavement; (2) They are particularly subject to disease or insects; (3) They cause visibility problems along streets or intersections; (4) They create messy sidewalks and pavements, usually due to fruit drop.

Common Name	Latin Name
Evergreen Conifers	numerous species
Poplar & related species	Populus trichocarpa
Black Locust	Robinia pseudoacacia
Box Elder (except variegated)	Acer negundo
Sycamore	Platanus species
Siberian Elm	Ulmus pumila
American Elm	Ulmus americana
Walnut	Juglans species
Weeping Willow	Saxix babylonica
Commercial Fruit Trees	numerous species
Catalpa	Catalpa speciosa
Tree of Heaven	Ailanthus altissima
Big Leaf Maple	Acer macrophyllum
Fruiting Mulberry	Morus alba
Osage Orange	Maclura pomifera
Weeping varieties of various trees	i.e. cherry, mulberry, crabapple
Sweet Gum	<i>Liquidambar species</i>

# **PLANNING ACTION/DISCUSSION**

December 2011 Update

LAND USE APPLICATIONS

<u>Project</u>	<u>Status</u>
Building Permits	
Sign Permits	
Manufactured Home Permit	
Land Use Applications	<ul style="list-style-type: none"> <li>Legal counsel continues to work with property owners for resolution of dry wells. Fidanzo annexation application was determined complete and will be submitted to the PC upon resolution with all three property owners.</li> </ul>

ADDITIONAL PLANNING

<u>Project</u>	<u>Status</u>
Transportation System Plan	<ul style="list-style-type: none"> <li>Adoption of a street tree ordinance – revised materials submitted to Annie Kirk in October. She is hoping to have draft documentation by mid-November.</li> </ul>
ODOT 99E Corridor Study	<ul style="list-style-type: none"> <li>TAC first meeting update</li> </ul>
Urban Renewal District Feasibility Study	
Development Code/HRB updates	<ul style="list-style-type: none"> <li>November 22, 2011 email to ODA regarding compliance with Airport Planning Rule</li> <li>Update on 11/17 HRB meeting</li> </ul>
Water Master Plan	
Newsletter/Community Updates	
Misc.	