Minutes
Aurora Planning Commission Meeting
Tuesday, April 03, 2012 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

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

STAFF ABSENT:

VISITORS PRESENT: **Bill Graupp, Aurora**
Joe Fidanzo, Aurora
Greg Taylor, Aurora

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

The meeting was called to order by Planning Chair Joseph Schaefer at 7:08 p.m.

2. **City Recorder Did Roll Call**

Chairman, Schaefer -	**Present**
Commissioner, Willman	**Present**
Commissioner, Gibson	**Present**
Commissioner, Graham	**Present**
Commissioner, Fawcett	**Present**
Commissioner, Braun	**Present**

3. **Consent Agenda**

Minutes

I. Aurora Planning Commission Meeting –March 13, 2012, correction on pg # 2 typo.
II. City Council – February 14 , 2012

Correspondence

I. **League of Oregon Cities Bulletin**

II. **2012 News and Events Dept Land Conservation and Development**

III. **Public Meetings Schedule LCDC**

IV. **LCDC New Notice Requirements for Code Changes**
V. **April 9th Local Officials Advisory Committee, Item 4 2012 Legislative Impacts**

A motion is made to approve the consent agenda with changes to spelling of fist to first on pg 2 and Schaefer spelt wrong by Commissioner Gibson and seconded by Commissioner Braun. Motion Passes Unanimously.

Chairman Schaefer stated that at this time nothing was pending nor did it appear any items were going to affect us at this time so no discussion.

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.

None of the visitors present spoke at this time.

5. New Business

A. **Discussion and or Action ESA and the National Flood Insurance Program,** Chairman Schaefer explains what will be happening and gives a brief overview of this program and Christine Shirley from DLCD. Chairman Schaefer explains that she will come and speak to us. Christine will touch on how this will impact Aurora and what our requirements will be. Chairman Schaefer mentions again that on the FEMA website there is a lot of information. I have supplied a copy of the document that shows how they are moving forward with this salmon friendly situation. There are 3 mentioned;

1. **Model ordinance**
2. **Check list** and instead of doing a model ordinance
3. **Permit by permit showing compliance,** in this situation the city takes hands off approach and the land owner or applicant has to prove to the appropriate agency that they are not affecting the salmon habitat and most of the small jurisdictions are leaning towards this approach because it takes the liability away from the city.

Question-What this does is makes the applicant have to do a Biological Study which can be very costly to say the least.

- Also the model ordinance Christine Shirley is proposing should help those cities that do not want to go with the hands off approach.
- **Mayor Taylor**, states that the reality is that on the individual property owner this is hard, I understand the permit by permit process because of the liability however this is a hardship on our citizens and on us (City) as well.
- **Chairman Schaefer** this is a situation on all Oregon cities, and they are experiencing litigation across the board, this is affecting the salmon run and salmon habitat.
- **Mayor Taylor** states that has this ever affected the salmon run during a flood situation because they are not running during the flooding season. This to me is a common sense deal. When you approach properties that are not even affected by the 100 year flood zone.
- **Chairman Schaefer explains;**
- The litigation topics are; who gave you the authority (FEMA). To make this broad statement.
- The property owner will have to follow a public process.
- **Unfunded public mandate,** first we would have to win the lottery then go through the expensive process of doing the mapping or remapping and then show that this property has already been built upon and how can it be said this hurts the salmon habitat. Especially since this land is high and dry and how can they do this.
- When does this mandate take effect, Mayor Taylor and Chairman Schaefer states that it's not a mandate yet however it is the legal outcome of the litigation and therefore it will be implemented?
- We are in situations that from the outcome of the litigation that we need to comply with this mandate and Taylor states until you can define it I am going to

ignore it and **Chairman Schaefer states** it's the applicant's burden of proof and it falls on them. To avoid having to go through the process each time FEMA is giving us 3 options the model Ordinance, check list, permit by permit.

- **Chairman Schaefer** explains that at this point we do not know the definite impact or setback requirements are. This again Christine Shirley from the DLCD is hoping to explain.

Mr. Fidanzo enquires about swapping a portion of his land for UGB , Renata explains this and shows that we have additional 18 acres of surplus and I do not see how we can swap the property.

City Planner Wakeley informs him,

- The land at the end of Park Ave this was not a part of the buildable lands inventory, since then we have adopted a flood hazard zone and in 2009 we still had shown an 18 acres of excess of R1 lands in buildable land inventory.

- PAPA which is no longer in affect because essentially they did not want to draw a line across a property.

- a property owner could apply for a comprehensive zone map amendment.

Fidanzo asks,

- If this flood plain overlay took effect in 2002 how then in 2004 were buildings and houses built and developed. How could they receive approval?

City Planner Wakeley had stated that the Sahlin property is not in the list that is part of Ordinance 418 nor are the properties to the east so all the lots you have mentioned are not included in the flood hazard overlay zone.

1. Comprehensive Plan Map amendment, with the flood plain FEMA guidelines. If it shows that only half of the property is in flood zone.
2. Secondly that this map change would need to go before DLCD and Christine Shirley would give comment. **Schaefer** hesitancy in my voice because I have not walked the property and I suspect the park property does not have a part high enough and most of it will be in the low side. **Schaefer states** the **procedure now would be a Biological Study to show that this would not be a problem with flood zone and Salmon habitat.**
3. If the comprehensive map amendment for the properties shows they may have a portion of high ground, then you would do an annexation for the property for ones located outside of the city limits. Now at the same time the city would have to show that we will not allow potential problems with the endangered species act.
4. Renata states that; possibly with Ordinance 418 there was a map done at the same time.

Fidanzo states he has obtained a copy of the survey elevations for the Fred Netter property that is located near the Fidanzo property and it show levels and my house is higher than other houses in the area. **Schaefer states** that you **should have your own survey done.**

6. Unfinished Business

A. **Discussion and or Action on Transportation Planning Rule,** it was requested of Chairman Schaefer to remove this item from the agenda until there is some updated information.

B. **Discussion and or Update on 99E Corridor Study**, City Planner Wakeley states she has been sending email updates of all the documents to each member of Planning, I have not attended the meetings so I can keep cost down. The consultant didn't really interview stake holders from Aurora about the study. Intersections with the highest crash ratings 4 out of the 6 of those are in Aurora.

So far the study is not focused on Aurora.

C. **Discussion and or Update on Historic Review Board Design Guidelines Update.** discussion on proposed changes of title 17 this update is provided by HRB and City Planner Wakeley states that when I met with the HRB I had given them my suggested changes and

Wakeley explains they are not working from the original document they are working from my suggested change document, and from the looks of these changes they are reacting as though they are being treated secondary and they are not quite understanding that changes of the code and land use issues have to go through the Planning Commission because they have to make code changes.

Chairman Schaefer states, that some of the topics that have been going around are as follows and my intention has been allowing them to run with the ball however it appears so far the ball is going flat.

1. First topic of simple solutions being taken care of such as roof, paint and landscaping projects 2,500 or below. In with speaking with Karen today these would need to be approved by an HRB member. These would only be performed on Non-Contributing properties.
2. Another suggestion was the City Planner or City staff would approve these and HRB does not like this solution they do not think the staff are experienced enough.
3. City Planner Wakeley, states that HRB would appoint one individual who would take care of these on a monthly basis. City Recorder comments that she is not comfortable with the concept of HRB member approving the application because it is very hard to get HRB members to respond to staff as it is and to exhaust staff time attempting to have someone come and do the approval just wouldn't work.

Commissioner Braun states that we do need to be more efficient at this process since it has been requested from Council.
Commissioner Graham asks if there would be any training for this type of approval process for staff, I would be comfortable with this process as long as training is provided.
Commissioner Willman agrees if training is provided.
Commissioner Fawcett asks if there is a list provided and it would be easy to approve.

Chairman Schaefer gives and example of roofing material and HRB doesn't like the shading effect and the only company that manufactures what HRB likes is a downgraded product and people don't want to use it.

Chairman Schaefer, asks are we comfortable with this assessment,

Discussion begins and Chairman Schaefer states that I think we can do this with email and web-site links and so forth to determine products.

Chairman Schaefer asks If we all agree City Planner Wakeley with training could do these types of decision, however can we ask that say a 100 dollar application fee be charged. Allot of hesitation from PC members to the fee part.

Discussion points if you are a contributing structure or a non contributing structure and if you are a contributing structure you would have to follow the strictest of rules and if you are not then the administrative review would apply, so I think that I (Chairman Schaefer) agree with this concept. HRB states that consistency is the key and if you do not have guidelines the same then you are not consistent.

If you look at classic ranch house the windows are high on the wall and if you are a child or elder it is hard to get out and firemen to get in as well. So the code in a sleeping room could be a windowsill cannot be any higher than 42 inches, so those who are remodeling a ranch house and changing the windows the planning dept then says here is a new window code so people can get out of the window.

What do you feel about a two tier concept without the radius concept?

Commissioner Fawcett agrees with the two categories, Willman agrees Graham agrees, Schaefer agrees, Braun agrees.

<u>A consensus of the Planning Commission there should be a distinction of contributing and noncontributing factor and two sets of rules and an inventory.</u>

Commissioner Fawcett do we need to simplify or keep them the way they are, I think there is a lot of subjectivity to them.

Consensus of the Commission is the current draft is alright except there needs to be a clearer path for restoration of contributing homes.

Chairman Schaefer would like the proposed changes to title 17 from the HRB on the agenda for next month for review and discussion.

7. Commission Action/Discussion

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

- I have reviewed and evaluated the sign permit for Topaz Bistro along with the parking requirements.
- I received a phone call from Mr. Bixler and it sounds as though he may be moving forward with his project.
- It is determined that the Old Miller House is subject to gateway standards.

8. Adjourn 9:06 P.M.

A motion to adjourn the April 03, 2012 meeting is made by Commissioner Braun and seconded by Commissioner Graham. Motion Passes Unanimously.

Chairman, Schaefer

ATTEST:

Kelly Richardson, City Recorder