

Minutes
Aurora Planning Commission Meeting
Tuesday, August 06, 2013 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Excused

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

VISITORS PRESENT: **Bill Graupp, Aurora**

1. Call to Order of Planning Commission Meeting

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

2. City Recorder Did Roll Call

Chairman, Schaefer - Present
Commissioner, Willman Absent
Commissioner, Gibson Present
Commissioner, Graham Present
Commissioner, Fawcett Present
Commissioner, Sallee Present

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –July 02, 2013
- II. City Council Minutes – June, 2013
- III. Historic Review Board Minutes –

No comments....

A motion is made by Commissioner Sallee to approve the consent agenda as presented and seconded by Commissioner Gibson. Motion Approved.

Correspondence

- I. NA

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.

5. New Business

A. Discussion and or Action on Supreme Court Ruling on Takings. Not a lot of action Ruling on Koontz VS St.Johns River Water Management District they decided two things.

In this case the Koontz family had some wetlands that they wanted to develop. As often happens while development occurs surrounding it, the property got a lot wetter and so they proposed to develop and donate the rest to the water district. But the water district wanted more land and said if they didn't do as they asked the application would be denied. On that issue the Supreme Court agreed 9-0 that governments cannot escape the takings liability by denying an application. Many governments have used this in the past as a work around to have requirements be apart of the approval.

In the case of City of Tigard, they required an easement for a bike path to expand a plumbing store, and so many governments used it as a work around stating that if you don't include what we want we will deny you. This is what the Supreme Court said is unconstitutional. 9-0

Secondly, the water district told the Koontz family that if they didn't want to perform wetlands mitigation on their own property that they could pay a fee. Key thing is that if we ask someone to do something in response to an application, to dedicate a stream or something of that nature, that if we just decided to ask them to write us a check and we will take care of what actually needs doing we need to be careful that what we ask for is in direct impact of the development that is proposed.

6. Old Business

A. Discussion and or Action on Vending Carts on Private Property.

In your packet is a flyer that was prepared for the City of Portland that talks about the mechanics of how they regulate food carts however it really doesn't get to the issue of where food carts are allowed. I wanted it in the packet because it illustrates some of the practical issues that need to be flushed out.

- Zoning
- Permits
- Fire bureau
- Signs
- Health dept
 - Our bigger issue is when and where to allow food carts
 - Tricky thing is how they compare to other food businesses
 - We allow them to sell food items but not trinkets or other goods
 - I wanted to get a discussion going about this to see where everyone stands
- **Sallee** asks what is required of a food cart during Colony Days, that really is a temporary use permit or special event permit.
- **Gibson** has there been requests recently, Schaefer yes several recently.
 - On 99E at Southards property a few years ago that was denied
 - On 99E at Erickson's property we allowed one because it was actually where they manufactured the carts so it was an extension of that business.
 - There has been a request for the downtown area most recently.

Sallee what has been the cities response, **Schaefer** there not permitted the code doesn't allow them.

Gibson so they are being excluded, correct. We do not have a code provision that allows them.

Graham how come we allowed the one on 99E on the Erickson's property? Because it was considered as an accessory or promotional sale item for the original business on the premises. The cart is gone it is no longer operating on this site.

I would like to hear from others:

Sallee had not really thought about it

Fawcett I think that if it were an extension of the business in some way I think it would be ok. I think a food cart permanently would it be successful and how much business would it take away from other businesses in town that's really not fair. When Amy's food cart for coffee was done they didn't have running water they had to treat the water with salt products to sanitize. It really could be an issue or result in issues. In the summer they might be nice for the other businesses in town to utilize a food cart to promote themselves.

Schaefer my thoughts are to allow them as an accessory use to the main business in town. My thought behind that is not only that its fair because they are all ready following our code as an established business but that they already are aware of the sanitary issues that goes along with operating a food business and infrastructure such as restrooms.

Sallee on this flyer it states that if you are not connected to plumbing fixtures and sanitary sewer than it's not allowed.

Gibson I am certainly an advocate for a small business and not a lot of capital outlay to have a way of starting and then certainly it could grow into something larger. Schaefer then you could have the opposite effect. As well.

Sallee well then what about regulations on a certain length of time criteria that would allow a temporary business until you could grow.

Councilor Graupp in the audience, I think if they are on private property and they have access to water, and bathrooms. So my vision is to allow a Permanente cart on private property that has access to all services and are used for special events or seasons that already have a food business and then you have the temporary say taco truck that is there during lunch hour everyday during the weekend but is able to move.

Sallee right off I would say that the temporary or rolling cart is not flattering to our city. Even if not in the Historic District it's really not a look for Aurora.

Fawcett, isn't there something that specifically calls out drive through businesses, yes they are prohibited in the Historic District however in the remainder of the city it's ok.

There has been a recent application for a drive through at the old bank building on 3rd street and since it is not in the HRB then it is allowed.

Whats next?

Seems like everyone agrees with an extension of an established food service business in town mobile or fixed we should require access to bathrooms of the already established business.

Seems like everyone likes the concept and for the next step we present it to the HRB to see what they have as input.

Discussion goes on with a variety of comments..

B. **New discussion item is ODOT discussion** the I-5 Donald/Aurora interchange. Spoke with Dan Fricke with ODOT this is really on the back burner but they have been discussing realigning Bentz Rd to be potentially run around to the west.

C. **Discussion on SEDCOR**, We met with them myself (Sallee), Schaefer, Scott Brotherton and Bill Graupp with SEDCOR members Chad Freeman, President and Nick Harveld, Marion County Rep. about our tax incentives for our Enterprise Zone, to pick their brains on what those could be and set up a future meeting, The next steps would be for them to put a sample training together and then get volunteers in our area to collect data. At this point they are still approaching other communities.

Schaefer the main point I took away from that meeting was to focus on existing businesses and to help them grow and come into our community verses bringing others in from out of state.

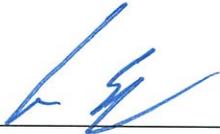
Sallee, marketing our selves is very important for the success of this.

7. Commission Action/Discussion

- A. City Planning Activity (in Your Packets)
Status of Development Projects within the City.

9. Adjourn 7:54 P.M.

A motion to adjourn the August 06, 2013 meeting is made by Commissioner Sallee and seconded by Commissioner Fawcett. Motion Passes Unanimously.



Chairman, Schaefer

ATTEST:



Kelly Richardson, City Recorder