

Minutes
Aurora Planning Commission Meeting
Tuesday, July 02, 2013 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002
Relocated to;
Aurora Fire Hall

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

STAFF ABSENT:

VISITORS PRESENT: Bill Graupp, 14629 Ehlen Aurora
Scott Brotherton, 15499 4th Aurora
Patrick Harris, 15038 3rd Aurora
Bill Simon, 21441 Main Aurora
Michael Ausec, 21680 Main Aurora
Karen Townsend, Aurora
Jim Champion, 14783 Ehlen Aurora
Sharon Willis, Aurora
Susie Conor, Aurora
Brian Asher, 21514 Liberty Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:00 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	Present
Commissioner, Willman	Present
Commissioner, Gibson	Present
Commissioner, Graham	Present
Commissioner, Fawcett	Absent, came in late at 7:21
Commissioner, Sallee	Present

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –June 04, 2013
- II. City Council Minutes – May, 2013
- III. Historic Review Board Minutes –

No comments....

Correspondence

- I. **Email and Letter from the Mortuary Board in Regards to Back Yard Burial**, clarification on this was given by city recorder and city planner. This was talked about last year during a Council meeting an update came in so it was placed in your correspondence as and FYI.

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. Public Hearing opens at 7:29pm

- A. **Legislative Amendment 11-01 (LA-13-01) which would amend sections of the Aurora Municipal Code – Title 17 also known as Historic Preservation Ordinance of the City of Aurora.**

City Planner explains the process and she goes on to read her staff report as inserted here.

TO: Aurora Planning Commission
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 13-01 (LA-13-01)
DATE: June 25, 2013

REQUESTED ACTION

The Planning Commission's options for taking action on Legislative Amendment 13-01 include the following:

- A. Recommend that the City Council adopt Legislative Amendment 13-01:
 1. As presented by staff; or
 2. As amended by the Planning Commission (stating revisions)
- B. Recommend that the City Council take no action on Legislative Amendment 13-01
- C. Continue the public hearing:
 1. To a time certain, or
 2. Indefinitely

BACKGROUND

Aurora's Municipal Code includes Title 17, known as the "Historic Preservation Ordinance of the City of Aurora", which provides preservation standards and regulations for the design of buildings and structures within the historic commercial and residential overlays of the City of Aurora.

Title 17 was last updated in 2002. In 2012, the Aurora City Council directed the Planning Commission to work with the Aurora Historic Review Board to update and streamline Title 17 based upon feedback and concerns from the public.

Generally, the proposed update includes changes to the following:

- Clarify which structures in the district are considered "contributing" and "non-contributing".
- Clarify/establish standards related to: additions, porches, landscaping, paint colors, signage, etc.
- Clarify noticing requirements and the responsible entities for decisions in the historic district.
- Clarify/update design standards applicable to properties and structures within the historic district.

Legislative Amendment 13-01 includes the adoption of code amendments to Title 17 of the Aurora Municipal Code. The revisions are attached in a **bold** and ~~striketrough~~ format for review purposes.

FINDING OF FACT AND CONCLUSIONS

The Aurora Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact and Conclusions:

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on May 29, 2013, which was 35-days prior to the first evidentiary hearing on July 2, 2013.
2. Amendments to the Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Legislative Amendments shall be made in accordance with the procedures and standards set forth in AMC 16.74-Procedures for Decision Making-Legislative. A legislative application may be approved or denied.
3. AMC 16.74.030 outlines notice requirements. 10 days prior to the first evidentiary hearing, the City sent written notice of the hearing to all property owners within the historic commercial and historic residential overlays. Section 16.74.030.C.3. requires notice to be published at least seven days prior to the scheduled hearing date. Notice will be published in the Canby Herald on July 3rd, 2013 for the City Council public hearing date. As there are two hearing dates, staff finds adequate notice to allow for comment period has been provided as the Council hearing date is scheduled for August 13, 2013. Notice of both hearings was also mailed to every property owner within the district and posted at City Hall on June 25, 2013.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action, not a quasi-judicial action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the planning commission and the decision by the city council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.

FINDINGS

- A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:
 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197;

FINDINGS: Goal 1, Citizen Involvement: A public hearing on the proposed amendments was held before the Planning Commission on July 2, 2013 and a second hearing will be held by the City Council on August 13, 2013. Notice was posted at City Hall, published in the Canby Herald, and provide to the

Historic Review Board. The staff report was available for review one week prior to the planning commission hearing. This is consistent with City procedures. Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged AMC. Goal 2 generally supports clear and thorough local procedures and the code update is intended to clarify, simplify and streamline regulations for the approval entity and the general public. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal does not address Goal 5 resources.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreational Needs: Goal 8 is not applicable. The proposal does not address Goal 8 resources.

Goal 9, Economic Development: The draft code amendments partially respond to a need identified within the business community to clarify code requirements. The proposed code amendments are not found to deter employment or business opportunities. Goal 9 is met.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: The draft code amendment provide for some parking exemptions for historic commercial properties to allow greater flexibility for historic resources in meeting newer code provision for parking. However, the proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

ORS 197 does not include specific notice requirements for legislative processes but the City met all notice requirements under AMC for Legislative Amendments. ORS 227.186, more commonly known as Measure 56 notice, does not apply as the proposed amendment does not reduce permissible uses of properties in the affected zone. However, the City did send notice to each property owner within the historic commercial and residential overlay.

2. Any federal or state statutes or rules found applicable;

FINDINGS: Staff finds the adoption actions are consistent with Oregon Revised Statute 197.610(1) for notice to the Department of Land Conservation and Development. Measure 56 notice was not required as the proposed amendments do not reduce permissible uses on historic commercial and residential overlay zone properties. However, notice was mailed at least 10 days prior to the first public hearing to all historic commercial and residential overlay properties. lands. Notice was also mailed to the Oregon

State Historic Preservation Office (SHPO) who provided comments on the draft code update (see Exhibit B). Staff finds this criterion is met.

3. The applicable comprehensive plan policies and map; and

The following Comprehensive Plan Goals and associated policies were found to be applicable to this application:

Goal 1- Citizen Participation: Develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS: A public hearing on the proposed amendments was held before the Planning Commission on July 2, 2013 and a second hearing will be held by the City Council on August 13, 2013. Notice was posted at City Hall on June 25, 2-013 for both public hearings and published in the Canby Herald on July 3rd for the August City Council meeting. The staff report was available for review one week prior to the planning commission hearing. This is consistent with City procedures. Staff finds this condition is met.

Goal 2- Planning Process: Establish a land use planning process and policy framework document (comprehensive plan) as a basis for all decisions and actions related to use of land and ensure adequate factual base for such activities.

FINDINGS: Adoption actions are consistent with the acknowledged AMC. The update to Title 17 is also intended to clarify when properties or structures are subject to decisions or actions and clarify the approval authority for said decisions. The intent of the update is also to provide better noticing of decisions and appeal opportunities for all decision. Staff finds this condition is met.

Goal 9- Economic Policies

3. *Foster commercial and industrial activities to meet the expressed needs of City residents.*

FINDINGS: The draft code amendments respond to a need/concern identified within the historic overlay to clarify the code and remove interpretations of the code in order to all applicants a greater understanding and clarity on the regulations and design standards to be followed. The proposed code amendments are not found to deter employment or business opportunities. Staff finds this condition is met.

Goal 12- Transportation Policies

2. *Encourage transportation improvements which support the community's economic development and create a pedestrian friendly atmosphere.*
3. *Establish a street system which is consistent with orderly growth, minimizes conflicts with adjacent land uses, and provides a circulation system which is safe and efficient for both vehicles and pedestrians.*

FINDINGS: The draft code amendments reduce the parking standards for some commercial historic properties to be more in line with the small lot sizes and their potential inability to meet current parking standards. Staff finds this condition is met.

4. The applicable provisions of the implementing ordinances.

FINDINGS: Title 17 is intended to provides preservation standards and regulations for the design of buildings and structures within the historic commercial and residential overlays of the City of Aurora.

The application and legislative amendment intends to clarify implementing ordinance within Title 17. In addition, the update intends to clarify noticing requirements and decision authorities for properties subject to Title 17. Staff finds the proposed code amendments can be established in compliance with the development requirements and implementation ordinances of the Aurora Municipal Code.

- B. Consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

FINDINGS: Staff does not find a change in circumstance or mistake but rather the City Council directed the Planning Commission to work with the Historic Review Board to clarify and update inconsistencies in the implementing ordinances so as to ease understanding of requirements for property and business owners within the historic district. Staff finds this criterion is met.

Exhibit A: Draft Title 17 code update

Exhibit B: June 19, 2013 comments from SHPO

Explains all notice requirements and State ORS and goals. Hope to come to agreement and recommendation to the City Council for adoption.

Chairman Schaefer explains the big picture on what the Planning Commission has been doing. Explains the hearing process again and that we are happy to hear from you the audience. Currently in Title 17 there is a procedural process but the actual rules are in the Historic Guidelines we want to put them into the title 17 document that is before us tonight they have been made clear and straight forward. SHPO has commented and we are now saying 3 specific items can be done/reviewed by staff.

1. Roof
2. Paint
3. \$2,500 dollar and below landscaping projects.

Only the design regulations are being proposed for change, we are not changing permitted uses or zoning. This is all about the text of the code and for text and changes in materials. Currently the HRB Guidelines applies to all properties within the district and so we are proposing that there will be classifications such as contributing 1920 and non contributing after 1920 under lighter restrictions.

1. roof pitch 8/12 or steeper
2. all need front porches
3. garages
4. windows size.

So this essentially should simplify the process and not be as strict.

SHPO said we should have a designation for historic landmarks and a process. This will be a very small percent of properties.

SHPO highly recommended most of which goes before HRB could be handled by staff and I don't think this is appropriate because this would leave little for HRB to do, I think that we should still know what is happening and regulate within the district.

Chairman Schaefer asks for a Show of hands to get a sense of how many people want to speak to determine the time allotment for each speaker. 4 people raise their hands so 10 minutes is the agreed amount of time.

Patrick Harris the museum curator, this all sounds good to me I am seeing a few issues like do we really call out the significance of the colony structures as well as they should be? This is really a very elite German group of structures in pacific NW, many of them were built by their children and the people of the Aurora Colony and we should preserve that history. I do think the HRB should have a lot of input because they really have a greater understanding and appreciation on the benefits of having a business in our town.

There are a significant amount of buildings outside of the city but in the district and they could make their own building be considered to be significant structures as a historic landmark.

Chairman Schaefer, remarks I think the SHPO items are going to answer those concerns and more.

Mike Ausec, Aurora Oregon, my first concern is some statement about parking is being repealed via title 16, **Chairman Schaefer** what we are proposing is to eliminate some parking requirements and allow some commercial properties to be exempt from title 16 requirement as many historic commercial properties find it difficult to meet more modern parking standards.

Next item contributing and non contributing roofs and you are saying roofs would be either wood or black asphalt and I don't agree with this because black is hot.

Next landscaping I think this is something new, you are mandating additional requirements on commercial properties, where are they going to find additional land to meet this requirement, **Chairman Schaefer** these properties that are listed they are grandfathered in and you raised a question that I would want to ponder because I wonder for new development is this going to be too hard to follow. It is clarified that the landscaping projects under 2500 would be approved by staff. There are buffering minimums and it is explained that it would be the applicants choice on a list provided for trees. Wakeley will work on clarity for this section.

Solar I didn't see anything that would limit me to do an entire roof of solar panels. **Chairman Schaefer** it is not allowed it is allowed on the ground, **Wakeley** the State says the City can regulate within the district staff will work to confirm this with the state agencies. **Chairman Schaefer** by remaining silent it is considered prohibited.

Another issue why would you prohibit drive up and drive through type businesses, **Chairman Schaefer** states it is to be more pedestrian friendly.

Chairman Townsend of HRB, first I would say that we have been working on this for a long time and **Chairman Schaefer** of the Planning Commission has been a great help to the City and it needs to be recognized, this is what he does for a living and so he has saved the City a great amount of money.

At the HRB meeting we noticed on pg 3 Admin and exempt items, **Chairman Schaefer** this is a mistake and it needs to be listed as staff decisions and it will be reflected. **Chairman Townsend** does that also include paint on non contributing structures **Chairman Schaefer** states SHPO says we shouldn't on anything but I say on contributing we should require it, so if you want a color scheme you let staff know you choose the scheme and then your good to go but if it's not on the list you go before the HRB for approval.

Historic Review Board feels that on non contributing structures there should be a wide range of colors to choose from so people have a large choice of colors. However we think that all selections should be reviewed by staff as well.

Next; Signs pg 420 LED signs, we appreciate your look at the signs however we did decide to be consistent that day glow and images not be allowed and the color should be consistent.

Pg 420 new business signs was supposed to allow a new business to put up a sign immediately until it can be approved within 90 days, the reason is while manufacturing and the due process is being followed. This purpose is not to allow someone as a temp business to have any type of sign and to be able to put it up without approval.

The Board thinks we should have a different category for Colony structures because this is the basis for the distinction for Aurora history, added to non contributing and contributing structures, so I have worked up a relevant list of items to consider. The importance of preservation of the colony standards is very important.

Scott Brotherton, what is the difference between day glow and fluorescent lights **City Planner Wakeley** states that it is the way the tubing is made and this is identified in the code.

Chairman Schaefer asks if anyone on the Planning Commission has any comment. Hearing none he moves on.

Chairman Schaefer, I am intrigued with text only for the LED no images we have limited it to 3 square feet. We cannot limit content but no images is interesting.

Commissioner Graham, likes the comments on landmarks and including a distinction for colony structures.

Commissioner Gibson asks for clarification, on Chairman Schaefer's hesitation, for colony distinction.

Chairman Schaefer this is a regulatory document I think this is appropriate for the guidelines only.

Chairman Townsend you then leave it open for anyone to tear off the authentic pieces and little by little you are not authentic any longer there is nothing in there for preservation.

Commissioner Fawcett, how many Colony structures in Aurora 9-10 maybe we include the colony structure section in with the contributing structures that way control is given to HRB.

Commissioner Graham with that in mind would HRB require this no not if they didn't want to, **Townsend** states that State OR standards says that you should try to fix and preserve, so we keep things authentic.

Chairman Townsend I think it is an easy fix and that this should be added to each section.

Brian Asher I feel that it should be up to the HRB they should suggest that all items significant to the structure be put back. **Townsend** there is nothing in the code that would make this be preserved.

Asher Asks if anyone has gone outside our district and done some research on this subject, **Tracy Schaefer** what about structure is it dealt with in the building code and maybe the building official should weigh in on this issue and this is something we are trying to fold into our code to give our city authority.

Asher, fencing there is nothing on rod iron fencing I think the period items should be allowed.

Townsend I think if someone can show history that this was allowed then maybe we should consider it.

Chairman Schaefer asks **Patrick** if this was historic in during that period and he states no there isn't any history to show this. **Commissioner Sallee** states that I have seen pictures of old wire fencing

Patrick states yes maybe so for wire.

Trying to think of an example if I wanted to build a more modern building made out of metal siding would this be allowed, **Chairman Schaefer** no it's not allowed, maybe rod iron decorative items would. So if McDonalds wanted in here and were willing to look like our buildings with no drive through it would be allowed. Well yes.

Councilor Brotherton asks when you say staff and you want to appeal it from staff then it goes to HRB and then Council. Yes that would be correct states **Schaefer**.

Tim Champion, started to make a statement then decides not too because he is having a hard time hearing.

Sharon Willis no comment.

Susie Corcoran no comment.

Councilor Bill Graupp,

1. I like SHPO recommendations, on format of code with landmarks

Major discussion 17:16 my problem is that, when you have 010 I suggest that we should roll it through our legal dept so we keep out of trouble 17:20 I want to see this go before the Planning Commission not just straight to Council. We pay the City Planner to do all this and make notice to everyone and follow the process for the appeal's.

I also think the Kuri Gill comments are very viable and should be more considered.

Chairman Schaefer, currently HRB decisions or denials should be a recommendation to Planning Commission in regards to the appeal process. He speaks to the 120 day rule, there may not be enough time to go before Planning Commission and then to Council.

Chairman Schaefer, either HRB is a decision making body or it isn't, Councilor Graupp they don't have the legal representation to help them, I think they should recommend to PC and then the PC would make the decision because of comments that legal requirements were not being followed.

City Planner Wakeley, we changed the noticing items and there is a written process. Councilor Graupp that's why I like SHPO comments to make the land use discussion because it keeps us out of trouble.

Townsend, on HRB I have been involved for many years and over the past years the procedure has relaxed in the past 10 years to be exact but not currently. The HRB is good for the public because it's a cost savings for people to come before our board first.

Councilor Graupp, many items that have come before the Council are very elevated by this point and the Council has just allowed these appeals because the goal is to avoid lawsuits. I am referring to new construction.

8:30pm Chairman Schaefer closes the hearing for Commissioners to deliberate.

Chairman Schaefer, I am intrigued about regulating text only and saying no symbols, and be legal. City Planner, Wakeley states I think you can. I think we can say text only just not what is being said, I will verify.

Consensus is to recommend to the City Council for text only change, if permitted by the state law.

Commissioner Fawcett, I think color is going to be hard to regulate, and define.

City Planner Wakeley, summarizes

1. Paint, so the concern between regulation or not, on contributing and noncontributing structures
Commissioner Graham, I think some very bad colors combinations could potentially come out of this.
Commissioner Sallee I think large list is needed. Chairman Schaefer thinks we could regulate
commercial but not residential as easily.

Commissioner Fawcett, what kind of control do you have Chairman Schaefer really make them go
through process?

Commissioner Gibson, I think we should not regulate.

Commissioner Willman noncontributing, I need clarification.

Commissioner Fawcett here is an example take the bistro lets say they could do pink because it's a non
contributing structure, so discussion is to have a smaller pallet for contributing and a much larger for
non contributing. Chairman Schaefer so now we are talking to regulate this.

Commissioner Sallee and Commissioner Graham, yes we are.

Commissioner Willman, I think regulation in the commercial district only.

Consensus of the Commission is for commercial, non- contributing structure to have a large list of
colors but to be regulated.

Discussion on proposed new category for colony structures as presented by HRB,
Chairman Schaefer No I believe it should be as a landmark, Commissioner Sallee, Commissioner
Fawcett both stated that they were not clear as to which ones are colony contributing.

It is recommended that a new fee schedule be established to cover noticing requirements.

Last item Councilor Graupp, proposes that on new construction applicants should go before Planning
Commission as the governing board for decision process, to expedite and stream line the process.
The discussion between the Planning Commissioner members is to recommend this process to the
Council.

It is the recommendation of the Planning Commission to recommend that new construction applications
go before the Planning Commission rather than the HRB.

Discussion Closes,

A motion is made by Commissioner Graham to recommend title 17 as discussed with the changes
proposed during this meeting and is seconded by Commissioner Gibson. Motion Passes Unanimously.

6. New Business

7. Old Business

A. Discussion and or Action on LA-13-01

A motion is made by Commissioner Graham to recommend title 17 as discussed with the changes
proposed during this meeting and is seconded by Commissioner Gibson. Motion Passes Unanimously.

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7. Commission Action/Discussion

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

- Vision update at the August meeting

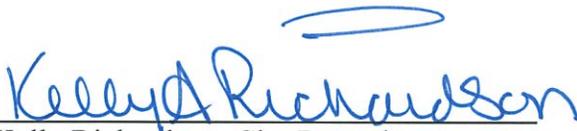
9. Adjourn 9:06 P.M.

A motion to adjourn the July 02, 2013 meeting is made by Commissioner Sallee and seconded by Commissioner Willman. Motion Passes Unanimously.



Chairman, Schaefer

ATTEST:



Kelly Richardson, City Recorder