

**Minutes**  
**Aurora Planning Commission Meeting**  
Tuesday, September 03, 2013 at 7:00 P.M.  
Aurora Commons Room, Aurora City Hall  
21420 Main St. NE, Aurora, OR 97002

**STAFF PRESENT:** Kelly Richardson, City Recorder

**STAFF ABSENT:** Renata Wakeley, City Planner

**VISITORS PRESENT:** Bill Graupp, Aurora  
Cindy Caufield, Aurora  
Gus Wettstein, Aurora  
Mary Vancleef, Aurora  
Scott Caufield, Aurora  
Scott Brotherton, Aurora

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

The meeting was called to order by Planning Chair Joseph Schaefer at 7:07 p.m.

**2. City Recorder Did Roll Call**

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

**3. Consent Agenda**

**Minutes**

- I. Aurora Planning Commission Meeting –August 06, 2013  
Motion Sallee second Fawcett.
- II. City Council Minutes – July, 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 Fawcett. 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.

No one spoke.

#### 5. New Business

##### A. Discussion and or Action on Non-Remonstrance Agreement Application Scott Caufield 14943 Ottaway Rd tax Lot 6100.

CITY OF AURORA  
PLANNING COMMISSION

**STAFF REPORT:** Interpretation 13-01 [INT-13-01]

**DATE:** August 27, 2013

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**APPLICANT/OWNER:** Scott and Cynthia Caufield

**REQUEST:** Interpretation of the Aurora Municipal Code (AMC) by the Planning Commission in regards to approval of a non-remonstrance agreement for sidewalks in lieu of installation and application of a special setback to the property in lieu of additional right-of-way dedication

**SITE LOCATION:** 14943 Ottaway Road NE, Aurora (undeveloped parcel directly west of 14933 Ottaway Road NE). Also known as Map 41W13BD Lot 6100

**SITE SIZE:** Approximately 16,720 square feet, or 0.38 acres

**DESIGNATION:** Zoning: Low Density Residential (R1)

**CRITERIA:** Aurora Municipal Code (AMC) Chapter 16.34 Public Improvement and Utility Standards

**ENCLOSURES:** Exhibit A: Assessor Map  
Exhibit B: Non-remonstrance Application

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#### I. REQUEST

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

- (1) approval of a non-remonstrance agreement for sidewalks in lieu of street improvements as part of building permit review; and
- (2) application of a special setback to the property.

#### II. PROCEDURE

Pursuant to 16.34.030.A.2, subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements. AMC 16.78 are Limited Land Use Decisions requiring written notice be provided to owners of adjacent property for which the application is made.

The application was received and fees paid on August 22, 2013. The application was determined complete by Staff and placed on the next available Planning Commission agenda. Notice of a limited land use decision on this property was also posted at City Hall with the Planning Commission agenda on August 27, 2013. Pending a decision from the Planning Commission at the September 3rd hearing, a Notice of Decision will be mailed to adjacent property owners. The City has until **December 20, 2013**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

### III. APPEAL

Appeals are governed by AMC 16.78.120. 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 non-remonstrance agreements are found in AMC Chapter 16.34 - Public Improvements and 16.78- Limited Land Use Decisions

#### *16.34 Public Improvement and Utility Standards*

**16.34.030.A.2. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements if the following conditions exist:**

*A. A partial improvement creates a potential safety hazard to motorists or pedestrians; or*

FINDING: Installation of a sidewalk along the frontage of the subject property, would result in an unconnected sidewalk, or lack of sidewalks, to the east and to the west. Staff finds an unconnected sidewalk would create a safety hazard to pedestrians in an elevation change and potential trip hazard. Staff finds this criterion is met.

*B. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.*

FINDING: Properties to the east and west of the subject property along Ottaway Road do not have sidewalks. The applicant is proposing a new single family dwelling which staff finds does not result in a significant increase to vehicle or pedestrian traffic to the residential neighborhood. Staff finds this criterion is met.

#### *16.78 Limited Land Use Decision*

**16.78.090 Standards for the decision.**

**A. The decision shall be based on proof by the applicant that the application fully complies with:**

*1. The city comprehensive plan; and*

FINDING: Staff finds the application meets the criteria under 16.34 for approval of a non-remonstrance agreement. The implementing ordinance of the comprehensive plan is included under Title 16- Land Development. A review of Title 16 is included below. Staff finds this criteria is met.

2. The relevant approval standards found in the applicable chapter(s) of this title and other applicable implementing ordinances.

FINDING: The property is zone Single Family Residential. Staff finds the property meets the size, width, and depth required under the zone. The applicant proposes construction of a single family residence on the property which is a permitted use under the zone.

Section 16.34.030.A. 4. under Public Improvement and Utility Standards states, "New structures that are proposed to be constructed on lots abutting an existing public street that does not meet the minimum standards for right of way width shall provide setbacks sufficient to allow for the future widening of the right of way. Building permits shall not be issued unless yard setbacks equal to the minimum yard requirements of the zoning district plus the required minimum additional right of way width is provided". Ottaway Road is classified as a Collector Street in the Transportation System Plan (TSP). Lot 6100 fronts on Ottaway Road. Ottaway Road currently has 40 feet of right of-way (ROW) fronting on Lot 6100. The Aurora TSP identifies Collector streets as requiring 65 feet of ROW and sidewalks on both sides. In the previous Property Line Adjustment (File #13-01) for the subject property, a condition of approval was that the City may require the additional dedication of ROW required at building permit application, or may require that a special setback be applied to the property prior to building permit approval. As Ottaway is currently developed at 40 feet, staff recommends that Planning Commission approve application of a special setback of 10 feet to the subject property at the time of building permit review.

Staff finds this criteria can be met, with conditions.

## V. CONCLUSIONS AND RECOMMENDATIONS

Planning Commission has three options as outlined below as part of this application. Based upon the findings outlined in the staff report, staff recommends Planning Commission **Action A.1** as outlined below for the Interpretation application (File No. INT-13-01) with the following conditions of approval:

1. The applicant execute and record a non-remonstrance agreement for sidewalks with Marion County. The non-remonstrance agreement shall be reviewed and approved by the City prior to recording.
2. A special setback of ten (10) feet be applied to the property at the time of building permit review.

## VI. PLANNING COMMISSION SAMPLE MOTIONS

- A. Motion to adopt the findings in the staff report and approve Interpretation 13-01:
  1. As presented by staff, or
  2. As amended by the City Council (stating revisions)

**OR**
- B. Motion to deny Interpretation 13-01 (stating how the application does not meet the required standards),

**OR**
- C. Continue the decision to a time certain or indefinitely (considering the 120-day limit on applications) in order to collect additional information from the applicant or staff (stating the information required in order to make a decision)

**Chairman Schaefer** explains that according to our code sidewalks and curbs are required before development of the lot occurs. The applicant Scott Caufield has purchased the property and is requesting a non-remonstrance agreement along with a special setback of 30 feet. This would

allow him to proceed with his building and agrees later when the city wants sidewalks along Ottaway he will agree to it.

Motion to approve and adopt the findings in the staff report of interpretation 13-01 as presented by staff is made by Commissioner Sallee and is seconded by Commissioner Willman. Motion Passes Unanimously.

**B. Discussion and or Action on Analysis of Traffic Impact when new tenants move into existing establishments. Property Location 3<sup>rd</sup> and Main Old Bank Building is topic tonight.** The discussion started with Chairman Schaefer explaining why he wanted this added to the agenda. This was a business license application to begin with and the initial license was approved for the retail establishment however when the applicant decided to change their application to include a drive through for coffee then they were asked to show if it would be a minor modification or a major modification as per our code. If it were found to be a major modification then it would trigger a site development review as per our code now.

There really are two issues here change of use and at what percentage of traffic impact is our trigger for site development review.

- ODOT currently has a 20% traffic impact trigger
- Other cities in the area vary
- Main point here is to keep control of the traffic impact on our streets
- What is a realistic number for Aurora, Schaefer I think 20 to 30 possibly
- We will discuss this further at the October meeting.

➤ I (Schaefer) would like to discuss view corridors at the October meeting as well.

## 6. Old Business

A. NA

## 7. Commission Action/Discussion

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

➤ City Planner Wakeley was excused from the meeting.

## 8. Adjourn

**Chairman Schaefer adjourned the meeting at 8:18 pm**



Chairman, Schaefer

**ATTEST:**



Kelly Richardson, City Recorder  
Planning Commission Meeting

August 06, 2013

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