

Minutes
Aurora Planning Commission Meeting
Tuesday, February 04, 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
Renata Wakeley, City Planner

STAFF ABSENT:

VISITORS PRESENT: Annie Kirk, Aurora
Christopher Ross, Aurora
Mercedes Rhoden-Feely, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:03 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	Present
Commissioner, Willman	Present
Commissioner, Gibson	Present
Commissioner, Graham	Present
Commissioner, Fawcett	Present
Commissioner, Weidman	Present

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –January 07, 2014
- II. City Council Minutes – December, 2013
- III. Historic Review Board Minutes –

No comments....

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

Correspondence

I.

4. Visitor

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. Public Hearing

A. Public Hearing regarding LA-14-01 which would amend sections of the Municipal Code.

Staff summarizes her staff report,

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

105 HIGH STREET S. E. SALEM, OREGON 97301-3667
TELEPHONE: (503)588-6177 FAX: (503)588-6094

TO: Aurora Planning Commission
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 2014-01 (LA-14-01)
DATE: January 28, 2014 for presentation at February 4, 2014 hearing

REQUESTED ACTION

The Planning Commission's options for taking action on Legislative Amendment 14-01 include the following:

- A. Adopt the findings in the staff report and recommend that the City Council adopt Legislative Amendment 14-01:
 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 14-01
- C. Continue the public hearing:
 1. To a time certain, or
 2. Indefinitely

BACKGROUND

Aurora's Municipal Code does not currently provide provisions for mobile food units in the commercial core. Several residents and business owners have expressed interest in the addition of mobile food units (food carts) to their existing commercial eating and drinking establishments to help offset costs of running a restaurant and as a means to supplement seating areas with less costly and impactful "walk away" food services. The Planning Commission and staff reviewed the development code over several months in 2013 and submitted an application in January 2014 to initiate public hearings on the proposed revisions. The Planning Commission is also

recommending to decrease the "trigger" for initiating site development review applications, clarify several minor areas of the code for ease of reference and/or correct citations, and amend the medium density residential zone to include residential care facilities as recommended by the Fair Housing Council of Oregon.

The following section of the Aurora Municipal Code (AMC) are proposed for amendment:

- Miscellaneous pages throughout Title 16 correcting title references to elected official and staff such as Mayor, Planning Commission, City Council, Planning Director, etc.
- 16.02 Definitions; 16.12 Residential Low/Moderate Density; 16.13 Accessory Buildings; 16.22 Historic Commercial Overlay; 16.52 Temporary Uses; 16.58 Site Development Review; and 16.60 Conditional Uses.

Legislative Amendment 14-01 includes the adoption of the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold** and ~~strike through~~ format for review purposes (see Exhibit A).

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 March 18, 2011, which was 45-days prior to the first evidentiary hearing on January 8, 2014.
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. Ten days prior to the first evidentiary hearing, the City sent written notice of the hearing to the applicant and affected neighborhood planning organizations. At least ten days prior to the first public hearing, the City published notice in a newspaper of general circulation- Canby Herald on January 22, 2014.
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.
6. The Planning Commission reviewed the proposed legislative amendments at the February 4, 2014 public hearing.

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 February 4, 2014 and a second hearing will be held by the City Council on February 11, 2014. 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 and city council hearings. This is consistent with City procedures. Staff finds 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 for process. Goal 2 generally supports clear and thorough local procedures. Staff finds Goal 2 is met.

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

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources intent is to "protect natural resources and conserve scenic and historic areas and open spaces" and requires procedures for the establishment of historic areas and inventories. As the proposed code updates does not amend or alter the historic area or inventory. staff finds Goal 5 does not apply.

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 respond to a need identified within the business community. The proposed code amendments are not found to deter employment or business opportunities. Staff finds 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 encourages economic development in the commercial core and a pedestrian friendly atmosphere. The code amendments attempt to provide a system that allows for economic development of existing eating and drinking establishments while also reducing the need for a lengthy application process when traffic impacts are determined to increase by less than 25 percent. Staff finds Goal 12 issues are met.

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 amendments do not reduce permissible uses of properties in the affected zones.

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 commercial lands. Applicants for mobile food units will be required to show compliance with County and Oregon Health Department rules, such as a food handlers permit. 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 February 4, 2014 and a second hearing will be held by the City Council on February 11, 2014. 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. 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 an adequate factual base for such activities.

FINDINGS: Adoption actions are consistent with the acknowledged AMC. 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 identified within the business community. The proposed code amendments are not found to deter employment or business opportunities but rather to support commercial activities and increased economic 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 respond to a need identified within the business community and encourage a pedestrian friendly atmosphere by allowing for the provision of mobile food units that are accessible to pedestrian activities and encourage economic activities within the historic core which has sufficient infrastructure to support vehicle and pedestrian demands. Location of mobile food units will be upon property's already serving as eating and drinking establishments. The reduction of change in use applications or new businesses that would be subject to land use application (Site Development Review) due to traffic impacts is found to be waived on minimal impacts to traffic increases and therefore, Staff finds this condition is met.

4. The applicable provisions of the implementing ordinances.

FINDINGS: The Historic Commercial Overlay are intended to provide areas for retail, eating and drinking establishments, and service uses. The provision for allowing mobile food carts in not contradictory but rather complementary to permitted uses within the zone. The purpose of the code revision is to permit and encourage additional commercial activity, vending, and a pedestrian oriented environment that creates a visually attractive atmosphere and promotes commerce. Staff finds the proposed code amendments can be established in compliance with the development requirements 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, mistake or inconsistency in the comprehensive plan or implementing ordinances. This criterion does not apply.

Encl: EXHIBIT A- Title 16

EXHIBIT B- Historic Review Board review comments, as summarized by staff

- 16.22 Historic Commercial Overlay
- 16.58 Site Development Review

Hopefully tonight we will be making recommendation to council in order to do this there are 4 categories for discussion.

We placed notice outside of city hall and printed notice in the Canby Herald on January 27th and I believe this went to Historic Review Board at their last meeting for comments. We have not noticed each land owner because we are not limiting but expanding use so it was not necessary to do so.

Wakeley, My recommendation is to approve LA-14-01

On Pg 2 of the staff report, state wide rules required that DLCD be notified and it used to be 45 days and its now at 35 I noticed them by email 28 days prior to tonight however 35 days before the council meeting.

Schaefer my question is regarding just a few particulars I had thought we agreed on text that the vehicles were going to be motorized self contained moving vehicle. Discussion is that we agreed on wheels that it had to be able to move many members do not recall this being as motorized.

Discussion begins with a review of items marked in red,

Begins with in favor of,

Carl Mcnigh, Main Street, I am wondering where your conversation is at because most of the trailers and carts out there are not motorized. I am opposed to the motorized. **Schaefer** this has gone back and forth between HRB and Planning at first HRB opposed motorized vehicles however after speaking with Chair Townsend they are more open to it.

Fawcett, I thought that we discussed a skirt around to conceal the wheels

Annie Kirk, question I have no opinion either way but my question is 15 to 20 feet in length will there be height exclusion as well. **Schaefer** not so far I would assume 14ft **Renata** this would be considered an accessory structure and our code states 18ft **Annie**, well that's high. Do you have an idea on what it would be **Schaefer**, no but I think it would be worth the PC time to discuss it and take it into consideration.

Tara Mcnigh, where did the length stipulation come from? **Schaefer** we have discussed it for months and so since it states 15-20 we may have not finished the entire discussion. **Tara**, during the Colony Days we used our wine-a-bego and it is 22 feet. **Fawcett** I think originally we said 30 but it was a little long **Gibson** we discussed it at 25 feet the length of the room. **Schaefer**, 22 to 24 feet and we do not want to prohibit drive away carts is what I am hearing from the PC.

Wakeley, In my research of this point other cities require fully licensed through DMV and must obtain a business license.

Hearing closed at 7:28 pm

- #4 keep Food Cart
- #6, length 26 height 13 width 9 feet.
- #7 mobile at all times and on inflated wheels.

Not sure we need a minimum length at this time. **Fawcett** Portland has wording for sidewalk vending kart. **Fawcett** another issue is the actual size of the cart some of the ones at the Canby Fair open up quite large. What is your suggested length and height you would say. **Gibson** I can't imagine it would be over 20.

- Make sure the height doesn't exceed where a fire truck can travel.
- **Sallee**, going back to height and length you could state it includes any expansions.
- **Weidman**, then I feel we would have to go longer. We are only talking what rolls down the road.
- **Renata**, Gresham has 26ft

Regarding HRB comments on appearance it would be tough to regulate and it's subjective.

- We could add 8 and say it must be in good repair with no exterior damage. **Annie Kirk** suggests something regarding nuisance issues unless it is somewhere else in the code.

- HRB comments regarding storage, they don't want it to be stored the entire time on site. Wakeley if it's on private property then you really can't regulate. **Willman**, suggests, if it is DMV licensed to the property owner then we cannot regulate however if not then it would need removed. Wakeley I think we see if this is an issue and worry about regulating it if it becomes an issue then.
- **Gibson**, I don't think we should worry about this
- **Weidman** I need to think
- **Graham**, not sure,
- **Fawcett**, don't we have a nuisance ordinance already?
- **Schaefer** I suggest leave it alone let council deal with it
- Hours of operation, should we regulate it? Consensus is to not regulate.
- Prohibit type of refreshments served. No

Do we have consensus on width 10 feet is agreed upon by all.

A Motion to make recommendation to City Council to adopt Legislative Amendment (14-01) is made by Commissioner Fawcett and is seconded by Commissioner Graham. Motion Passed by all.

6. New Business

A. Discussion and or Action of Letter of Interest to join the Aurora Planning Commission from Mercedes Rhoden-Feely.

Motion to recommend Mercedes to City Council to fill vacant position and filling Sallee vacated position is made by Commissioner Weidman and seconded by Commissioner Willman. Motion passes by all. No opposed.

7. Old Business

- A. **Discussion and or Action on View Corridor's**, This should be added to our next code revision.
- B. **Discussion and or Action on the Possible or Impending Legalization of Recreational sale of Marijuana as it could pertain to our code.**
 - Christopher, with Property Management Company, for 21668 Highway 99E. is enquiry regarding medical marijuana for a grow site. I would like to take a minute and explain.
 - the grow sites are highly secure,
 - minimum doors and windows,
 - Locks & alarms installed
 - The question in my (Schaefer) mind is where in town do we want this sort of thing located at with bars and such, big draw on PGE. My biggest thing is a highly secure warehouse

type building, in our community we have R1,R2 Commercial and Industrial zones, the property you are managing currently is commercial zone and I think that commercial would be the appropriate zone,

- I imagine if it passes to sell recreationally they would also want a secure facility.

Renata, There is language in your packets for proposed language. I want to clarify this question is different than a dispensary situation.

Grow site, what are your thoughts,

- Which zone is applicable? **Willman** do we have a jurisdiction to regulate on this because I thought Renata to say we could allow it in residential zone.. **Schaefer** the state doesn't but local government does.

Willman I need to think about it.

Fawcett I tend to look at what the state does and not to restrict it.

Graupp, clarify amount to able to grow.

Schaefer, a medical grow cite can service 4 patients with 24 plants each.

Tara, I am thinking about situations like OLCC ultimately they have the regulation authority on liquor control so will we really be regulating.

Schaefer he has to abide by State law but also by local laws and ordinances regarding time place and manner.

Annie, interesting so to your comments a minute ago help me with the difference between Commercial and Industrial. In commercial zone we do not allow manufacturing more that 60% of the use & more activity. Industrial is quieter and less activity. **Schaefer** I think industrial is more fitting for the warehouse situation.

Schaefer, Put on agenda on for March regarding unused commercial properties to change to industrial zone.

Annie, I think that you have to consider the warehouse look and secure verses what property owners concerns are.

Willman, I don't like the idea living close to a secure grow especially since we only have one police officer on staff.

Applicant states, I think it would be more secure because of the amount of security and the cameras in the area. **Willman** when you say security is there someone there with guns securing it?

Schaefer would you suggest a minimum distance from a residential zone **Willman** yes.

Schaeffer, I think that you simply put it at this one location because really this is the only site that would work in Aurora. What would the impact be on this site, applicant states that there are a lot of rules and regulations that they would have to follow.

So potentially we could say so many feet from residential zone so less impact

What do you think? **Graham**, industrial is more fitting I think

It could be that you make it a conditional use and PC reviews each application.

Weidman it would be nice to see shops and more jobs but it doesn't seem to be the ideal thing that is happening currently.

Sallee, this is a grow facility for 4 patience and commerce for that. How many employees are you bringing to town? (Applicant) You want to bring people to town let it happen be the first one.

Applicant I think you need to remember that we are not proposing bringing a bad element to town quite the opposite and at least the property is being used for something.

Fawcett, security as far as the business what is the expectation for police and fire protection for insurance purposes. Applicant whatever the standard is.

Who are these people you are referring to at this point I am imagining men in black suits and it's really kind of scary.

We screen and along with the state.

Annie, food for thought how is Colorado handling this? Applicant that state is making a killing on this from taxes. I think it would be nice to meet the property owners and the applicants so we are able to discuss this with them.

Willman I think it would be nice to ask surrounding property owners.

Schaefer, Put this off till next meeting and do research. Wakeley I have a few properties or cities that are rolling out the red carpet.

All of the tax revenue stays with the state. .

C. Discussion on LA-13-1 regarding sale of water to the Aurora Airport.

Recap a bit an amendment to the Marion County comp plan to allow us to run a water line up Airport Rd and sell water to a small water district.

Marion County, was going to put it straight to the commission and vote some of us were surprised by how fast it went.

I want to see what all of you think regarding this issue;

Weidman, why are we talking annex because the Mayor stated at the last PC meeting no way will the airport annex. **Schaefer** its sort of the elephant in the room

Graham, why would we not want to possibly strike a deal with the airport if it meant that our system could receive some updates. Is the aquifer separate? **Graupp**, yes it is.

Mayor, It is a hot topic because of the recent restrictions and we need to be careful.

I think it safe to say Marion County is very supportive of the airport.

Wouldn't it be more prudent to gather data before we make a decision?

Schaefer I would say this would require us to get more new wells to supply the demand at a cost to the airport.

Annie, is this is only about water? **Schaefer** not in my mind I think it is more complicated than that and I am not sure if you aware of recent comp plan amend for runway expansion all of these things impact Aurora so if they are going to ask for water we obviously have a bargaining chip. Here are our terms.

Annie, let's go back to recap Marion County proposed? A Comp plan text amendment that would essentially run city water across their land to the airport. **Schaefer**, The city currently cannot extend water outside of the city limits. That would be a goal exception and it is very costly. I would be curious to see that data that is being collected on both sides.

Willman let's get the data before we discuss it.

Graham, yes data before discussion.

Gibson, not sure what we can accomplish.

Graupp, what other areas are concerning the group at the airport so maybe I can gather that data as well.

Annie, is there any way they can move forward on this without our involvement? No.

Graham, why can't airport do another well, **Graupp** its quality not amount.

7. Commission Action/Discussion

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

- City Planner Wakeley had no discussion items in addition to what has been previously discussed.

8. Adjourn

Chairman Schaefer adjourned the meeting at 9:50 pm



Chairman, Schaefer

ATTEST:



Kelly Richardson, City Recorder