

Minutes
Aurora Planning Commission Meeting
Tuesday, January 07, 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: Mercedes Rhoden-Feely, 21513 Liberty Street 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 –December 3, 2013
- II. City Council Minutes – November, 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. **Email Information on Comprehensive Plan Amendments**, (Chair Schaeffer) very exciting news that they are now accepting emails for map amendments.

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.

Mercedes Rhoden-Feely of 21513 Liberty Street informs the Planning Commission that she is interested in joining the group.

No one else spoke.

At this point Chair Schaefer is speaking about items that were on the last month's agenda regarding parking /garages until he is notified of such.

What has happened is a person applied to replace an old manufactured home with a new stick builds building that doesn't have a garage. It turns out that it is a requirement to either have a garage or an accessory structure, as I understand the idea was that if you had a garage or structure that you could then take care of potential clutter. My own perspective is I have a very old house and a lot of cars that I work on and I am sure my neighbors think what a redneck. Realize a lot of people would view this as a nuisance so the question is do we think this language to require a garage or accessory structure belongs in the code. Asks parking spaces requirement? (Schaefer)I am of a mind that yes we need a provision for off street parking.

5. New Business

A. Discussion on Site Selection and the Woodburn Urban Growth Boundary"

Oregon Court of Appeals made a decision on the Woodburn Urban Growth Boundary Woodburn has been working on this since the late 1990's and they are still having trouble. The issue is a new economic development program/idea it new as it is applied to the Oregon land use system they thought up this idea and sold it to the DLCDC and this is the second time "Thousand Friends of Oregon" has opposed it and the Oregon Court of Appeals has agreed with the thousand friends. I don't want to spend a lot of time on this but want you to understand the importance of this regarding economic development.

Traditionally to expand your Urban Growth Boundary for Commercial properties you had to calculate acreage based on metrics of type of business you expect. Others are based on number of employee's per business type. Essentially when you build a business park you could have a sense of how many people are going to fit in square footage of office space. If you're going to build and industrial facility they use a different formula but you can estimate it as well.

What Woodburn proposed that is not how businesses think when they are looking for places to locate they want to shop around for sites and to accommodate for a certain number of businesses. Woodburn needs to do that first calculation so they can see how much acreage is like to be available. They also need to do another calculation to add additional land so when those people come in to their city to look around they have a variety of sites to choose from. After they did this second analysis they compared it to first analysis and LCDC found that the two really weren't that different so the court of appeals rejected that. Court of Appeals said go back and said try to explain

it again. A lot people felt that the court of appeals just isn't buying it and they might as well they can't figure it out. So at this point it is kicked back down to LCDC and they are supposed to re analyze the whole thing.

Gibson, so Woodburn stays in limbo until this is figured out, **Schaeffer** I believe so I am not sure if part of their UGB is approved and moving forward or not.

Schaeffer just wanted you to know.

B. Discussion and or Action on the Possible or Impending Legalization of Recreational sale of Marijuana as it could pertain to our code. And in addition the email for the current statute which allows for grow sites and distribution of Medical Marijuana and the ORS that allows it. The medical marijuana statute is in effect. Many jurisdictions are trying to come up with Ordinances to incorporate the businesses into their code. That is what this community forum being sponsored by the County.

My own opinion is that it's a moving target in that many believe because of the recreational marijuana pending this November which in scale may dwarf the medical marijuana. So with that said I think rather than redo our code more than once we see what other jurisdictions do to handle this and let the dust settle a bit. The risk to that approach is that if someone wants to come to town and set up a dispensary then our response at that time would be we currently do not have language in our code to cover that use. Why don't you come and speak with our Planning Commission regarding the issue. I believe since we are such a small community we can afford to wait before we react.

Many cities are using zoning regulations and language to put limits on it such as,

- Distances to children and schools,
- for us it could be do we want it in Historic District
- And do we want to have it next to churches and so on.

What happened in Washington, they got a comfort letter and we are not going to in force the law against marijuana but we do think you should do these 4 or 5 things, regarding recreational uses.

At least one city is standing on no you can't do it. According to our ORD. is the way we are choosing to go.

If a current licensed practitioner wants to dispense it, well I think we could do some code language to cover that.

Now the question is what happens if we at a local level approve a use but then the Fed's say no then what do we do. There are many opinions on this.

My main concern is that I don't want us to be caught up in a legal responsibility of allowing it and then the Fed's come in and say no. what do we do now? Currently we are talking Medical. Chair Schaefer I say keep our heads low for now and let the dust settle deal with it if and or when we receive and application. **Commissioner Gibson**, I think it reasonable I don't want to be on the leading edge of this.

Graupp, I am asking Planning Commission for help on Aurora's opinion towards this. At the Mayors coalition they had discussed to treating as a land use situation requiring setbacks from

residential, schools, churches so on and so forth. My reason for bringing it up is that we have a chance to lobby with some of these larger groups. People are asking me an opinion for Aurora. This needs to be done by a professional.

Schaefer, I really don't think we should have an opinion at this point on recreational sales.

Graham, if we do 1,000 feet from everything they won't even be in the city limits.

Graupp, I believe that we should limit distribution to licensed professionals that already distribute drugs now. Lobby to write the bill that way.

Willman, I think we should not take a stance on this now. Let the dust settle.

Visitor Mercedes Freely, let's not adopt others problems what exists now to stop this, Chair Schaefer if it's not expressly stated than it's prohibited. Asks about is there a distinction on whether or not there is language for the selling of cigarettes? We should maybe take a look at uses.

Schaeffer I think that if the Fed's pass a law it's not like local cities can't just have a meeting the next day and adopt language regarding it so there is lag time.

Visitor Mercedes, it's a risk either way.

Schaefer, I presume that League of Cities would lobby for setbacks from schools and others.

Graupp, hence why my stance was that we get a professional write the bill.

Weidman, I think if someone is pressuring you for an opinion I think we should not at this point take a stance. Until we have more opinions from say citizens.

Should we keep this an agenda item every month or every other month? Let it sit for now. Maybe we hold off until an opinion from Patti Milne, Marion County.

C. Discussion on code language for requiring Garages, in discussion with Renata apparently this is a requirement mandated by our code, I would like your opinion on this

Willman, I don't believe they should and if it is because of messy people and their items on display. They could have a garage and still have items on display.

You can't change messy people. Schaefer I feel the same way.

Fawcett, are you sure this is in the code? Schaefer it is my understanding that the code does require one accessory space.

Graham, so it has to be a carport or garage, Schafer it could be a separate shed.

Weidman, I don't want to look at peoples stuff but I think it's your property and should be able to do what they want. I do see both sides and I want to hear from others. (Keep it as in the code now)

Graham, what are we talking about here? Is this based on space? (I like what is in the code now.)

Schafer, We know what the code is today the question is do we want to change the requirement or not.

Fawcett, 16:36:030, siding B 7 off street parking garage or carport siding to match home is required.

R1, 16:100:40 section 16:42. Parking including MF home it is required to have a garage or carport. They are the same for both MF home and stick built home. 16:42:030, off street may be provided for in all uses and all zone 2 spaces per home. Parking may not be used for storage or sale.

I think I prefer what the code states for resale purposes.

Schaefer I am with Commissioner Fawcett that distinguishing differences between MF home and Stick built home is something we should really not do. I really don't think a garage is necessary. Maybe we should see what the city council has to say about it.

Gibson, I like what the code currently states.

Consensus is to keep language as is and require it, however I think again see what Council has to say on it.

Councilor Sallee asks exactly what the question is (do we keep with what the code language is currently that makes it a requirement or do we want to allow people to not be required to build a carport or garage.)

Fawcett, Can they apply for a variance well not sure I would have to look at that it could be a grey area.

Fawcett brings up a question regarding pavement of a driveway and the issue of not making it a requirement.

D. Discussion regarding second issue charging SDC charges, based on the fact that there is no record of them being paid at the time of original placement of the manufactured home should they be charged now or not? As far as City Recorder Richardson can tell by what is in the file no SDC's have been charged or paid. So do we charge them now that they are building?

- Compare bedrooms and plumbing fixtures of the two structures
- Distinguish if meter or line needs are upgraded or not.
- Look at the overall square footage and compare the two.

Willman, I don't think we should charge SDC fee because a stick built home is more pleasing. I really think that we shouldn't except if they upgrade to a 1 inch water line.

Fawcett if they have a driveway it is required to have a paved driveway and impervious surface requirements.

Gibson was this something that they understood at time of purchase.

Fawcett, states that Marion County has a replacement application and they do not charge SDC Aurora has only a building permit.

Richardson, at this point Council took this situation and at their meeting made a decision based on the fact that we had an application in place and there was a deadline issue. However they made it clear in their motion that it was for this application only that they were not setting a precedent and wanted your discussion and thoughts on this situation for future situations. Now let me ask you this as far as your discussion would it make a difference if they had sold first and now a new property owner wanted to build on the site. Comments back on this were no from the commission.

Mayor Graupp, I am looking at precedence for if you go in and change a single family home with an apartment complex they most certainly are going to use more and be more of a load on the system therefore I believe it would be feasible at that point.

Schaefer, states I say we use the square footage and fixture count on plumbing and on bedrooms for street. We take the middle ground.

Fawcett, I want to say that in the Marion County replacement application states same like home so if you put up a 5 bedroom home then yes you would charge.

Graupp Is it number of bedrooms or based on # of people sleeping based on numbers of people living there.

Choices are;

1. Charge nothing,
2. Charge incremental if they build a larger home with more square footage. All agree except Willman.

3. No one is in favor of charging all.

Discussed is residential based on bedrooms and Commercial on fixture count? Square footage is also discussed most of the commission agree except Commissioner Willman.

Consensus is,

Chair Schaeffer Partial SDC based on taxable square footage. We will leave the rate to Council. I would say the rate be determined by the average square footage of a residence and divide by SDC charge to determine a rate.

Chair Schaefer adds this item to agenda for discussion,

E. Discussion of LA- 13-1 allowing water sales to the Airport. Marion County is proposing to change their comprehensive plan to allow the extension of water from the City of Aurora to properties in the public zone at and surrounding Aurora Airport. The hearing is 9:30 am at the downtown Salem Wednesday January 22.

Gibson, so what does that mean the Airport cant drill anymore wells or something and need to obtain water from us.

Schaefer, it means the County Land use is paving the way for that to happen. Presumably our staff is going to recommend approval. I am not surprised by this application but I don't know any of the specifics. I have not seen anything as of yet but I am sure a staff report will be issued prior to the meeting. I don't know who this was initiated by if Marion County or someone else **Mayor Graupp** states Planner Brendon Reich, Schaefer goes on to say that obviously the Airport is interested in enjoying some of Aurora's water.

Graham are they on our aquifer/ no

Schaefer, so how do you feel about this situation?

Graham, they would have to incorporate into the city and pay SDC.

Willman, who would pay for the entire infrastructure that would have to go in?

Schaefer, the Airport would have the pleasure of footing the bill for that.

Graupp, they have a water district at the airport that is sanctioned by Marion County and they want to expand or change the definition of their district because currently they are only for safety and they want to include drinking and potable water.

Schaefer, when you say change the definition I guess I am not real clear because when you say change, this part of the hearing is strictly land use **Graupp** yes Brendan is taking care of his part and then there will be a different hearing on the definition because currently it is for fire safety only they want to expand it to include drinking /potable water. But they would still have a district.

Graham, do they want to annex, no way stated by Graupp they don't want to lose control.

Gibson, do we have water that we can give up to them? (Graupp) We would expand our capacity this is open conversation no decisions have been made we would have to put a tank up there.

Gibson would we drill another well **Graupp** yes do we have that ability to drill Yes (Graupp). We would have too and it's already been checked out.

Fawcett, interesting because currently city code requires that you must annex into the city limits in order to connect to city water.

Graupp, well that would be something that we would change.

Gibson, so the city is interested in such a thing? Mayor Graupp well that is why we are here to discuss it.

Weidman, so would it be that we would upgrade our stuff so our water would be better too? I say absolutely not we just had a ban on watering this summer.

Schaefer, yes and this situation will be worse this next summer.

Gibson, what was the reasoning for the summer rationing? Graupp hitting that capacity of 260 gallons a day and running the aquifer down to 30 feet and running our pumps now in other parts of the city where we are not running our pumps there is plenty of water. There are many things we could have a work session to cover all of them if you like we have collected a lot of data. Well 5 is down for repair currently and when that is fixed we should see about 75% return on it. This well is not the one that is currently a part of this conversation.

Fawcett, Is the main reason they want to connect to get rid of their sewage? Mayor Graupp no that would be a violation of goal and need a goal exception from DLCD and no one is asking for that.

Graupp, no water would not be a goal exception according to DLCD **Schaefer** I am not so sure about that. Councilor Sallee I guess you have to go to the meeting.

Willman, move this meeting along and send a representative to see what is happening at the hearing. Information gathering at this point from the hearing.

Graupp, A number of letters are being written already from various parties. They have asked my stance on it and I have not as of yet given a response. **Weidman** so they want to have their cake and eat it too they don't want to annex but they want our water. **Graupp** they want to buy water from us yes.

Sallee, I think it's important to attend the hearing and we need more information.

Schaefer, well the hearing is not the place to get information if you want information call Brendan Reich at Marion County to obtain it before the hearing. **Graupp** however you will only get the Marion County view on this really to contact the airport for their view as well.

The key thing is to look for the staff report, prior to the meeting. Mayor Graupp now Marion County is not the decision maker here they are just the enabler the decision maker here is the Aurora Airport Water District. So they are changing their zoning to allow it to happen Graupp if they choose too. Graupp now I couldn't even answer the question because it wouldn't be legal so Marion County jumped on it and started their part to get it out of the way first.

6. Old Business

A. Discussion and or Action on View Corridor's, table for next meeting, Schaefer I looked over the franchise agreements I think we can do this without redoing these.

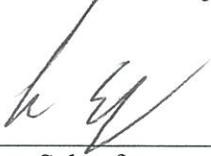
7. Commission Action/Discussion

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 8:45 pm



Chairman, Schaefer

ATTEST:



Kelly Richardson, City Recorder