

**Minutes**  
**Aurora Planning Commission Meeting**  
Tuesday, October 07, 2014 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:**

**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**

<b>Chairman, Schaefer -</b>	<b>Present</b>
<b>Commissioner, Willman</b>	<b>Absent</b>
<b>Commissioner, Gibson</b>	<b>Present</b>
<b>Commissioner, Graham</b>	<b>Present</b>
<b>Commissioner, Fawcett</b>	<b>Present</b>
<b>Commissioner, Weidman</b>	<b>Present</b>
<b>Commissioner, Rhoden-Feely</b>	<b>Present</b>

**3. Consent Agenda**

**Minutes**

- I. Aurora Planning Commission Meeting –September 02, 2014
- II. City Council Minutes – August, 2014
- III. Historic Review Board Minutes -

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**

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 during this section**

### **5. New Business**

#### **A. Discussion on Information Regarding Land Use Planning Program**

I would like to take this training program in pieces and go over each section for our group, What I want to get out of this program is to get everyone to understand exactly what we do here each month and why.

#### **Chapter 1: Overview of the Oregon Land Use Planning Program**

The purpose of land use planning is to manage land uses and activities efficiently to meet our needs today while conserving resources for future generations. Planning protects water, soil, fish and wildlife, vegetation, riparian, forest, agriculture, estuarine, and other natural systems from adverse effects of unregulated development.

Planning promotes development that enhances livability through man-made systems such as industrial and commercial development, streets, and other needed public facilities and services. Effective land use planning carefully balances conservation and development to meet state, regional and community objectives. Well-planned areas are more cost-efficient to serve with water, sewer and roads. In Oregon, this is accomplished by coordinated local government comprehensive plans and implementing measures that reflect state policies while meeting local needs and conditions.

#### **History**

Oregon's planning system dates back to the legislature's adoption of Senate Bill 100 in 1973. Overarching goals were created in consultation with more than 10,000 citizens of the state and are updated over time. The system relies upon a partnership between state and local governments to promote coordinated and consistent administration of land uses based on local comprehensive plans adopted throughout the state. The law is administered by the Land Conservation and Development Commission or LCDC, a citizens body appointed by the governor to oversee state policy, goals and guidelines. The Department of Land Conservation and Development or DLCD is the state agency that provides administrative oversight and technical assistance. Subsequent legislation created a process for appeal of local land use decisions to a new state agency called LUBA, the Land Use Board of Appeals.

#### **Statewide Land Use Planning Goals**

Oregon's primary land use policies are expressed in 19 Statewide Planning Goals\*. The goals may be clustered into four groups: Goals 1 and 2 are the process goals of comprehensive planning; Goal 1 pertains to citizen involvement and Goal 2 to comprehensive planning. Goals 3 through 8, 13 and 15 express natural resource conservation goals. Goals 9 through 12 and 14 are concerned with housing, transportation, urban growth and economic development. The remaining goals 16 through 19 apply specifically to the unique resources of the Oregon coast.

#### **Laws and Policies**

Laws enacted by the Oregon legislature are codified in Oregon Revised Statutes or ORS and create the legal framework and requirements for the statewide planning program. The primary statutes are:

- Chapter 197\*, Comprehensive Planning and Coordination
- Chapter 215\*, County Planning and Zoning
- Chapter 227\*, City Planning and Zoning
- Chapter 195\*, Local Government Planning Coordination
- Chapter 196\*, Wetlands, Rivers, Ocean Planning and the Columbia River Gorge
- Chapter 92\*, Land Divisions
- Chapter 222\*, Annexations

ORS 197 directs LCDC to adopt statewide land use planning goals to guide local governments and state agencies and also to adopt Administrative Rules to augment or provide more specific direction for meeting these goals and statutes.

## State Role

LCDC is the state policy body charged with reviewing each local comprehensive plan and implementing land use regulations to comply with the goals. The technical term that describes state approval is "acknowledgment." When "acknowledged," the plan becomes the guiding document for all land use decisions in that jurisdiction. When changes or amendments to local plans and land use regulations are proposed, LCDC and DLCD review the

proposed changes for compliance with state requirements. Generally larger cities, in coordination with counties, are required to review and update their plans in a process called periodic review. DLCD gives local government's technical and financial assistance to help them update and implement their plans.

## The Role of Cities and Counties

In compliance with statewide goals, cities and counties adopt their comprehensive plans and implement them through ordinances and other local measures. They review and update their plans and implementing ordinances as needed to meet changing needs and circumstances or to comply with new requirements.

Any development, whether a new single-family home or a shopping center, must receive prior approval from the local jurisdiction to ensure that it conforms to the land use plan and ordinances for health and safety and other local objectives. Typical land use decisions include variances, site and design review, conditional use permits, partitions, subdivisions and zone changes.

Certain kinds of development, such as an addition to a home may be approved quickly at the staff level while others, such as a home based business or small office complex in a residential zone may require conditional use approval by the planning commission. More complicated actions or policy changes, such as a new mixed use zone or zone change from multi-family residential to retail commercial may require approval of the city council or county board. A more complete discussion of city and county processes are found in the following chapters.

## Appeals

Under Oregon law, individuals or organizations must have "standing" to appeal a land use decision. This means that they must have participated in the local hearings and raised specific issues concerning the proposed action. There are a number of ways to appeal a land use decision. Most are settled at the staff or planning commission level while others are heard by the elected city council or county commission or hearings officer. Others are decided by the Oregon Land Use Board of Appeals. Local staff are good resources for clarification on specific procedures.

## Coordination

Governmental agencies are required to consult and coordinate with one another before making land use decisions that may affect another jurisdiction. An example is when the decision involves unincorporated areas within a city's urban growth boundary. In addition, by coordinating their plans, state, local and federal agencies can help leverage scarce funds and assure the public that spending on roads, water, sewer and other facilities is efficient and effective.

## Citizen Involvement

Citizen involvement is the first of Oregon's Statewide Planning Goals and a hallmark of our planning program. Goal 1 calls for "widespread citizen involvement" and "effective two-way communication with citizens." At every level of government, citizens must be kept informed of land use activities and given opportunities to be involved. Each city and county plan must include a citizen involvement program that describes how the public can participate in each phase of its planning process, including rules for public notice and comments. Some jurisdictions use neighborhood or area advisory committees to review and make recommendations on major land use proposals.

## What is a Comprehensive Plan?

A comprehensive plan is a generalized, coordinated land use map and policy statement of the governing body of a city or county. It relates to all man-made and natural systems as well as activities relating to the use of lands. It establishes the community's vision and identifies the type, location and intensity of future development. It must address local conditions and priorities consistent with the applicable requirements of the

Statewide Planning Goals. The plan is implemented through ordinances, codes, or regulations. It has the force of law and is the guiding land use document for each local jurisdiction.

## **Factual Base**

Statewide planning goals require specific data and analysis to support the policies and land use designations.

Thus, accurate up-to-date information is a key component of each comprehensive plan. Required information includes facts about current and expected population growth, buildable lands, current land uses and development trends as well as inventories of local natural resources and geologic and hydrologic conditions that may affect planning decisions.

## **Goals, Policies and Maps**

Local plans are guided by goals and policies that reflect the unique circumstances and vision of each community, respond to current needs and conditions, and provide guidance for implementing and amending the plan, funding and other matters. Each plan also includes a comprehensive plan map that shows the applicable land use designations, such as residential, employment and resource lands. Comprehensive plans also contain other supporting maps showing the urban growth boundary, and existing and proposed land uses, transportation facilities and public facilities and services. They also cover flood areas, geologic hazard areas, agricultural and forest lands, natural resources, historic resources and recreational facilities.

## **Implementation**

Implementing measures are the ordinances, budgets and capital improvement programs, and specific standards and criteria that guide local jurisdictions in carrying out their comprehensive plans. These include zoning and land division ordinances and other land use regulations. For example, zoning ordinances specify

- the uses and activities allowed in various areas in a community. In urban areas, they typically emphasize topics such as housing, economic development and livability. In rural areas, zoning provisions typically emphasize farm and forest uses, rural residential development, and natural resource protection.

## **Functional Plans**

Functional plans usually include site-specific details. A parks master plan may provide design for recreational facilities. A downtown redevelopment or main street plan may include streetscape design, off street parking, street trees and other amenities, pedestrian and bicycle circulation, lighting and mixed uses. Other examples of functional plans include Capital Improvement Programs, Transportation Systems Plans and Public Facilities Plans such as for sewer or water.

## **Sub-Area/Neighborhood Plans**

The purpose of sub-area or neighborhood plans is to address specific needs identified by residents and businesses of a specific area. They protect and enhance livability at the neighborhood level within the framework of the comprehensive plan. These plans often include measures such as park improvements or better traffic circulation in the area.

## **Emerging Issues**

In addition to the topics typically covered in the comprehensive plans, a number of new issues are gaining attention. Among these are sustainability, climate change and regional planning. Oregon's planning program and local land use plans provide a framework for communities to address these issues.

## **Sustainability**

Many local communities are considering sustainable development as a framework to meet the physical, social and economic needs of the present as well as future generations. Sustainability involves management practices that emphasize mixed use development patterns, enhanced transportation linkages, protection of natural amenities and a sense of community. Many jurisdictions are integrating the concept of sustainability into their comprehensive plans and land use regulations. Many plans have these core elements in place already.

## **Climate Change**

Scientific evidence confirms that the earth's climate is being affected by greenhouse gas emissions from cars, trucks, power plants and other human activities. The effects of climate change could have serious implications for the people, environment and economy of Oregon. The State has assessed these potential impacts and identified a range of actions to help prepare for, adapt to and mitigate the effects of too much carbon in the atmosphere. Local governments are beginning to address this issue. Resources for addressing climate change through local initiatives may be found at [www.orclimatechange.gov](http://www.orclimatechange.gov).

## Regional Planning

Many land use and natural resource issues affect areas beyond local governmental boundaries. Groundwater supplies, watershed restoration, economic development and transportation systems are examples. Regional planning can help address these and other matters through cooperation and coordination among neighboring jurisdictions and state agencies.

The State has several programs to help local jurisdictions meet regional planning needs, including intergovernmental teams and other regional problem solving approaches. Establishing urban growth boundaries and coordinating the delivery of public facilities and services inside that urban growth area is an important element of regional planning.

Specific regional programs in Oregon include the Portland Metro regional plan and urban growth boundary, estuary planning through the Oregon Coastal Management Program and planning coordination in the Columbia River Gorge National Scenic Area.

## Statewide land use Planning Goals,

The role of City and Counties over view, this section is very important on what we review and how.

**Appeals**, for us the staff section really isn't accurate because if a staff decision is appealed it then has to go somewhere, so in our situation it goes to Planning Commission and Planning Commission decisions go to the City Council for appeal.

**Coordination**, either ODOT or County the system works better when everyone is on the same page. We have not had to do a lot of coordination of effort.

**Citizen involvement**, this is what we're doing here inviting everyone to come with that there are the agenda posting requirements. Renata also prepares notice labels when making a decision and property owners are then noticed and they must receive the decision or agenda a certain amount of time before also some items/applications need to be posted in the paper and there is a timeline for that as well.

**Comprehensive Plan**, this is really our land use constitution along with title 16 the Comp Plan is more the big picture this is where the zoning comes in. Sometimes when you change one you have to change the other.

**Factual based** means we can't just make it up. This requires facts and common sense behind it. Example Bixler property, for example they were going to put a mini grocery store in there and not to worry there won't be a traffic impact and the city approved it and someone appealed it they would request to see the facts.

Goals, policy strong economy are factors as well  
Map, these are the zones.

**Implementation** is not just implemented through the code because our city has a traffic impact plan for traffic impacts as well.

**Functional plan** those are even more detailed and they must comply with the Comp Plan, such as the Main Street plan for example.

The HRB is part of the Comp Plan and is regulated as part of Comp Plan and title 17.

Visioning is separate from the Comp Plan but it complements the Comp Plan. If you were to update the Comp Plan it is a huge process and so many times we start with the visioning process before a Comp Plan is updated.

Oregon has the strictest and most rigorous State law Goals and Rules.

Ron Van Kleef, 20787 Yukon asks what are the items that your speaking about, Schaefer, let's say for example ODOT wants to have a bathroom outside of the city limits and they would need water this is a goal exception.

Another example for us to have that grocery store on property because we think there won't be a traffic impact we would need a goal exception to goal 12 ODOT would fight it all the way.

Van Kleef, I notice a few ODOT surveyors on Main Street. Are they planning on something Mayor Graupp yes they are planning on repaving a section of 99E south of the bridge heading back from Canby the bridge to 2<sup>nd</sup> street Aurora.

No more questions or comments

## **6. Old Business**

### **A. Discussion and or Action on Legislation on Regarding Recreation Marijuana**

Chair Schaefer opens with a question has anyone seen poling or the trend on where it's going, Mayor Graupp stated City of Portland is going to attempt a city tax even though the law doesn't support that. We try to avoid items that would put us in direct line of conflict.

Voting day is our next meeting, Mayor Graupp points out to the Commission that we are now 6 months into the moratorium on medical Marijuana.

Chair Schaefer for a recap the grow operation we had said in the industrial zone and sale/retail in the commercial zone not abutting residential so essentially the west side of 99E was the consensus of the Commission.

Ballot measure gives health authority to regulate sometime near 2016

So we won't be compelled to move forward quickly because there won't be regulation process.

Mayor Graupp, if it passes I think we should merge into what other cities are doing in Marion County.

## **7. Commission Action/Discussion**

### **A. City Planning Activity (in Your Packets)**

Status of Development Projects within the City.

Chair Schaefer reads the report submitted by City Planner Wakeley as she was excused from the meeting for lack of necessity.

#### **Discussion items;**

- 20836 Yukon deck violations, it is still a violation/compliance issue that is ongoing at this time and being addressed. Mr. Van Kleef of Aurora summarizes the situation and asks if they had not

built the deck over 30 inches then a permit would not be needed. Correct however Schaefer points out that you can't alter grade to accommodate a structure after construction has began just to make it your way. He also states that it clearly violates our code and it has been ruled on as such. Van Kleef asks why you would not want to be welcoming Chair Schaefer it has nothing to do with that however they do need to comply with the code when applying for permits. At this point it's an ongoing situation so therefore we should not be discussing it.

- No application at this time for Non-Remonstrance agreement for 21042 Jenny Marie.

## 8. Adjourn

**Chairman Schaefer adjourned the October 7, 2014 meeting at 7:48 pm**



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Chairman, Schaefer

**ATTEST:**



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Kelly Richardson, CMC  
City Recorder