

Minutes
Aurora Planning Commission Meeting
Tuesday, September 02, 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
Renata Wakeley, City Planner

STAFF ABSENT:

VISITORS PRESENT:

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:01 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	Absent
Commissioner, Rhoden-Feely	Absent

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –August 05, 2014
- II. City Council Minutes – July, 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. Marion County Community Services' Economic Development Oregon Lottery Grants program information.

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. Public Hearing, Opened at 7:04 pm

A. Discussion and or Action on Legislative Amendment 14-02

Chair Scheafer declares that he owns a small 3,000 foot lot along 99E however no development has occurred as of yet.

No questions regarding this.

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 2014-02 (LA-14-02)
DATE: August 26, 2014 for presentation at September 2, 2014 hearing

REQUESTED ACTION

The Planning Commission's options for taking action on Legislative Amendment 14-02 include the following:

- A. Adopt the findings in the staff report and recommend that the City Council adopt Legislative Amendment 14-02:
 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 14-02.
- C. Continue the public hearing:
 1. To a time certain, or
 2. Indefinitely.

BACKGROUND

The Planning Commission has received several solicitations to allow for greater allowances of manufacturing and processing space related to fronting retail businesses in the commercial zone, outside of the historic district. The proposed revision allows for greater allowances for processing of related retail goods, when a commercially zoned property does not abut a residential zone, in order to provide greater flexibility and production of retail goods while also preserving the intent of the commercial zone.

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

- 16.14 Commercial

Legislative Amendment 14-02 includes the adoption of the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold** and ~~strikethrough~~ 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 July 15, 2014, which was 49-days prior to the first evidentiary hearing on September 2, 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. At least ten days prior to the first public hearing, the City published notice in a newspaper of general circulation- Canby Herald on August 20, 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 will review the proposed legislative amendments at a September 2, 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 September 2, 2014 and a second hearing will be held by the City Council on September 9, 2014. Notice was posted at City Hall and published in the Canby Herald. 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; Goal 4, Forest lands; and Goal 5, Open Spaces and Historic Areas are not found to be applicable **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 but rather to allow for greater economic uses of commercially zoned properties without hindering the intent of the commercial, retail zone. 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 is not found to be applicable. 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. 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 September 2, 2014 and a second hearing will be held by the City Council on September 9, 2014. Notice was posted at City Hall and published in the Canby Herald. 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.

2. The applicable provisions of the implementing ordinances.

FINDINGS: The Commercial zone is stated as intended to provide areas for retail and service commercial uses. Manufacturing and processing are already a permitted use related to retail. The Planning Commission seeks to expand space allowance for processing of retail goods, related to retail sales, in order to increase production and economic viability for retail uses. 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.

EXHIBIT A- Aurora Municipal Code (AMC) section 16.14 for the Commercial zone

John Black, 21424 Liberty Street

Ask the Commission if there was a specific request by someone that initiated this change in the code. Chair Schaefer explains that to allow business owners a more flexible zone and it fits the area as long as it doesn't abut a residential zone as my property does. Mr. Black then asks when will this take affect and Chair Schaefer states approximately 60 days. There are a number of properties that would or could be affected by this change along 99E and allow less restrictive guidelines. City Planner Wakeley states that in recent months I have had to turn down license applications based on use restrictions.

Loretta Scott, Bobs Avenue asks the Commission if they know specifically how many lots this change would affect Chair Schaefer informs her that we believe approximately 15.

No more questions at this time.

Hearing closes at 7:18 pm Hearing no comments from Commissioners

A motion to accept the staff report and recommendation to City Council to approve LA-14-02 is made by Commissioner Gibson and is seconded by Commissioner Willman. Motion Passed by All.

6. New Business

No new business to consider

7. Old Business

There is no old business to consider.

7. Commission Action/Discussion

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

Discussion items;

- 20836 Yukon deck violations, it is the Consensus of the Planning Commission after a brief discussion is that they need to conform to the required rear yard setbacks and alter the deck accordingly.
- 21032 sign application not complete at this time
- 99E corridor study no final document at this time
- there are some documents that should be put on the web-site such as, ODA Study, Feasibility Study, and the Corridor Study along with the Oregon Main Street information.

Chair Schaefer requests that the Commission discuss legislature surrounding recreational marijuana be put on the October agenda.

8. Adjourn

Chairman Schaefer adjourned the September 2, 2014 meeting at 7:40 pm



Chairman, Schaefer

ATTEST:



Kelly Richardson, City Recorder