

AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, April 01, 2014, 7:00 p.m.
Council Chambers
21420 Main Street N.E., Aurora, Oregon

1. **Call to Order of Planning Commission Meeting:**
2. **City Recorder Calls Roll**

Chairman, Schaefer
Commissioner, Willman,
Commissioner, Gibson
Commissioner, Graham,
Commissioner, Fawcett,
Commissioner, Weidman
Commissioner, Rhoden-Feely

3. **Consent Agenda**

All matters listed within the Consent Agenda have been distributed to each member of the Aurora Planning Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the consent Agenda and placed on the Regular Agenda by request.

Minutes

- I. Aurora Planning Commission Meeting –March 04, 2014
- II. City Council Minutes – February, 2014
- III. Historic Review Board Minutes –

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 Council could look into the matter and provide some response in the future.

5. **Public Hearing**

- A. **Discussion and or Action on Variance Application File VAR-14-01**

6. **New Business**

- A. **NA**

7. Old Business

- A. Presentation and Discussion by Representative from Aurora Airport Water District.**
- B. Discussion and or Action on the City Regulation of Marijuana.**
- C. Discussion and or Action regarding Manufacturing in Commercial zone.**
- D. Discussion and or Action on Endangered Species Act and Changing Floodplain Regulations.**

7. Commission Action/Discussion

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

8. Adjourn,

Minutes
Aurora Planning Commission Meeting
Tuesday, March 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: NONE

VISITORS PRESENT: Annie Kirk, Aurora
Brandon Reich, Marion County Planning
Gus Wettstein, Aurora
Tom Potter, Aurora
Christopher Fisher
Ben Williams, Aurora
Mike Birrenkott, Aurora
Jason Cromer, Aurora
Nick Kaiser, Aurora
Spud Sperb, Aurora
Lori Sahlin, Aurora
Rick Vlcek, Aurora
Megan Patterson, Aurora
Scott Brotherton, Aurora
Craig McNamara, Aurora
Scott Reilly, Aurora
Joel Futch, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:02 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
Commissioner, Rhoden-Feely	Present

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –February 04, 2014,
- II. City Council Minutes – January, 2014
- III. Historic Review Board Minutes –

City Planner Wakeley states she was present at the last meeting and asks that the February minutes reflect her presence.

A motion is made by Commissioner Graham to approve the consent agenda as presented and seconded by Commissioner Weidman. 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.

5. New Business

A. Discussion and or Action regarding Manufacturing in Commercial zone.

Many of you may be aware of vacant properties in and around town and the property owners would like to do more manufacturing than what is currently allowed. We currently allow 50% of the primary business. Do we want to allow more than this especially focusing on the south end of town. We don't have a specific text amendment in front of you yet I just really wanted to present it to the group and get some feedback.

Commissioner Graham, to clarify everything on the map in red is Commercial zone. (yes)

Commissioner Fawcett, under conditional uses under commercial it says 1,000 feet from residential zone. **Schaefer**, you are reading about adult entertainment only we are talking about item **D**.

Graham, I think it's a good idea so the properties can be used because they have been vacant for so long.

Willman I think it would depend on what is going in there, anything that would be bad for Aurora such as smell, nuisances, noise Ect I do not think it would be a good idea. **Schaefer** that is why we have a conditional use column so we can regulate that.

Wakeley also you have a Gateway Design Standards for new structures however if you are subject to site development review then at that time it would be regulated.

This is not a hearing

Mr. Sperb, directs a question to City Planner, Wakeley does the current city code just specify one commercial zone? **Schaefer** there is a separate industrial zone. **Wakeley** you have HRB Commercial and a Commercial zone. Many items have the same language in them regarding this issue.

Schaefer let's focus this discussion on outside of the HRB district, Feely are you still saying clearly incidental to the primary business, yes.

Chris Fisher property manager for Toby j's. Toby's is currently in the commercial zone and I certainly wouldn't want to evict them. City Planner Wakeley he is grandfathered in.

Annie Kirk asks if there is a pending application that would benefit from this if you were to pass it?

Wakeley, none at this time I have had conversations with Toby J's regarding another property.

Weidman, it's a concern but at this point it's hard to say without an application.

Weidman, I don't think we should be talking about a zone change.

Wakeley one thought you could use a conditional use application and you can make requirements based on individual business types.

Gibson, so I think we should do a conditional use but we could raise the percentage as well so the properties are more useful.

Fawcett I think it depends on if it abuts to a residential zone or not. I believe there are quite a few that do. **Wakeley** currently your code requires 100 feet buffer from residential zone along with that they would need additional spacing and setback with a buffer of shrubbery. I can think of many businesses that buffering wouldn't help much if next to a family. **Fawcett** I think it's a case by case basis next to a residential zone.

Case by case so far seems to be the consensus. However **Chair Schaefer** it's hard to enforce if a business grows and all of a sudden they put in a night shift. It is hard to enforce hours of operation and no other section of code or business license requires this.

Why is this on the agenda, **Schaefer** because we have empty building and we have had people complaining that they can't do what they want at there property?

Annie, can we get a recap on gateway standards, **Schaefer** there is no change to gateway standards any new construction would have to comply. Not many of the businesses are going to trigger the 25% rule. I would like to see it buffered from potential ugly uses driving down 99E. so I think the gateway standards require a 100 foot buffer and design standards would apply.

Wettstein, a compromise might be rather than considering the east sides of 99E since it is mostly abutting the residential zone just consider the zone change for the West side of 99E.

Sperb, the industrial zone was put in near the railroad tracks so it wouldn't be visible. I want to address only this section currently with the zone requirements you are not getting that buffering that was intended. Possibly we should consider a new zone to focus on buffering.

Mike Baron, Kasel Court how is traffic measured, **Schaefer** it is done by the trip generation manual and it measures the trends of the traffic impact. It is based on industry trends and the standard reference used nationwide.

Gibson, I believe we can be more liberal of what is allowed based on individual information.

Willman, leave it alone.

Weidman only on the West side if anything.

Rick Vlcek, what's magical about 50% number we could change it if we want to correct. You could strike percentage completely, say retail or whole sale business since it's already got a conditional use. Or would you leave the incidental language in to clearly the primary business.

Wakeley clearly the incidental is the harder requirement.

Graham, the west side of 99E needs help and I think we could do a closer study to help this area out. **Schaefer** we could come up with a light industrial zone but that is a big job. My point was a code change to handle this.

Chair Schaefer tables this item for next month when he can gather some language for the change.

7. Old Business

A. Discussion and or Action on the City Regulation of Marijuana.

Chair Schaefer, gives an update the legislature is not likely to pass a bill on putting a ballot measure out there for recreational marijuana. That leaves it open to the private parties. **Wakeley** the legislature is still discussing what prohibitions would be on medical marijuana uses.

Medical, Grow sites are essentially a secure warehouse with security where they grow it.

Dispensary is essentially retail they sell it.

Reilly, not sure how this will fit into this discussion currently your code doesn't allow a business license legally to anyone who would grow illegal narcotics.

The question I propose to you is should we allow a grow facility in our industrial zone and where is the best fit for the dispensary.

If we were to allow it in the industrial zone;

Weidman, yes

Willman, yes

Graham, yes

Fawcett shouldn't abut residential zone.

Feely, no comment, would this limit a person that is registered to grow in their residence no we don't regulate that and we can't restrict that from happening. 6 mature plants each patient 18 seedlings and no more than 4 patients.

Gibson Industrial.

It is the consensus of the Planning Commission to allow a grow facility only in the industrial zone not abutting a residential zone.

Wakeley I have supplied some examples of language for you to consider, with the attached ordinances from City of Willamina and Stayton.

What do our visitors say?

Megan Patterson, I currently run a child care facility out of my home and since we only have one officer in our town I am very concerned with the security aspect of this whole thing or lack thereof. I would say no.

Brotherton, Park Ave if you take for example a grow operation compared to say a nursery business it there a way to catch those changes and regulate appropriately. (yes) through change of use and business license along with building permits.

Fawcett, comment on what Brotherton stated, I think the difference is that this would be processed and compressed after and also an illegal substance.

Gibson, it would look like a retail operation, I think it would generate a lot of traffic, **Schaefer** we could put it in the industrial zone many jurisdictions do for example adult books and so forth. **Wakeley** there are a 1000 feet buffer rule from schools and daycare. However since daycare businesses come and go it would be hard to regulate. **Schaefer** you could if you only allow in industrial zone.

Gibson, Graham in favor of the industrial zone.

Fawcett, Feely Weidman commercial zone

Willman just say no

Schaefer, industrial

Chair Schaefer I will talk with city council next week to get a sense of what they would like to see or not.

Reilly, who are you afraid of litigations from the growers or the citizens of Aurora **Schaefer** anybody on either side.

C. Discussion on LA-13-1 regarding sale of water to the Aurora Airport. *Following the presentation 2 of the 4 members of council that were in attendance left the room so as to not appear as a decision making body.*

Brandon Reich with Marion County has presented a hand out for citizens on the process for Marion County perspective which is a land use procedure for getting this done if the city wants to.

Brendon, Marion County Planner, amendment and acceptance develop to the comp plan, our comp plan disallows water usage outside and we are more restrictive than the state and as a city you have a long process to follow in order to do this. The purpose of the amendment was to get us the County out of the way so that Aurora can do what they want to do regarding this issue. The public hearing was scheduled to remove this block and it was taken off and won't go back on until the city asks for it to go back on.

Tom Potter, 21244 Liberty, back ground on why airport needs water, I (Brendon) have collected certain information and some of the wells have arsenic in them and they are in need of fire suppression and with the entire impervious surface it is limited as to where they can locate. **Potter**, Why can't they drill their own, Brendon not sure?

Annie Kirk, point I want to get to is about the future, if the City of Aurora extends water to the airport and it grows and just outside the Marion County boundary a large business gets built I had then asked you if the water could get extended across county lines. I believe that there could be an exception but it would be a different exception. Generally water doesn't suppress growth. This is simply a commercial or employment use and there would have to be an emergency to extend sewer.

Graupp, Wilsonville does extend across to counties but they are within in there city limits

Guy Sperb, is the water at the airport a multi use or is it only for fire suppression or potable water. What are they asking for I believe it is for 5,000 gallons at full build out.

Gus Wettstein, at the January meeting? It was a comp plan amendment and public hearing and the County Commissioner asked for this and initiated it. **Brandon**, It was based on information from the

city so did the city initiate this? Contact Don Russo of Marion County Commissioners he can give you that information.

Scott Reilly, is the water a public safety hazard as of yet. I have an email from Greg Deblasse with Environmental Health from Marion County and is has not been declared a health hazard as of yet according to him.

Graupp, the airport only does fire suppression at this point.

Annie, we are talking supply for fire suppression and employment not drinking water correct. Why do they want our water because they want to expand fire suppression options and potable water for employment use.

Schaefer, you can't extend water outside of city limits because it is a State law or rule for residential.

Annie, what I heard a moment ago was based on a potential health hazard Brendon no it was for an exception to the fire suppression.

Rick Vlcek, could you fill us in on what the discussions were that led us to tonight. Who initiated it?

Schaefer let's talk about this later.

Wettstien, is there someone from airport here tonight.

Tom Potter, I have copy of memo that Brendon wrote and it points out that it would be difficult to drill because of zone and impact. Brendon because of setback and impervious surface and the arsenic on one well and then they have to be careful where they drill again. Would they have to address the Planning Commission for other options? No you could ask the board to show other options. So drilling an existing well deeper Brendon yes that could be an option but not sure that will help with arsenic.

Willman, is there hard data that the well has arsenic who did the study? A member of the airport gathered the data and sent it out to a testing firm.

Fawcett, do you know of any other projects past the airport for any other projects in the county in this area. Brendon I have not seen anything.

Greg Taylor, is this process that has started have anything to do with the FFA expansion plan? Brendon no not that I am aware of I don't see a connection to this. Taylor wouldn't they be required to make sure they could pump a certain amount of water.

Vlcek, once water line is ran and in the ground would it be easier to apply for a zone change. Brendon no I don't believe so you can get a zone change for a committed exception or reason exception (more difficult) which is where you state a certain reason (say for an extension of sewer plant for example) then there is another in depth study done correct?

Scott Brotherton asked a question regarding the ownership of the helicopter business however as answered by Brendon they are not a part of the actual airport but of the surrounding area.

No questions of Brendon at this time. We would like to thank you for coming and explaining this to our constituents.

Chair Schaefer asks the status of the following documents being posted to the city web-site. We will provide a link for these documents,

Water study 2005
Staff Report Marion County
Link to Airport Master Plan
Add materials that were presented tonight.

Chair Schaefer general comments, many people are concerned with water supply since we had to regulate over the summer so why would we even think about this without researching our options. Because we could require the airport to help us with our water supply problem if we solve it ourselves we are likely going to pay high water bills. So if we allow the sale of water to the airport it could potentially be a win for us because they would essentially pay for our water issues as well. We have learned since last summer that well 5 has been clogged and we are working on that issue and hope to have it resolved very soon and hopefully it will help our water quality.

Next water rights, the city has rights that are unused from old wells presumably anything being done outside of city limits we would take the water rights this is a normal practice that his how cities grow and obtain the land and water rights from that land.

Nick Keiser, there is source document that you didn't talk about it would be the water master plan which supersedes the other document you talked about. The airport has a lot to do before any of this could happen. At some point we will need to regulate.

Schafer, we are not going to spend money to study this at this time we cannot spend money for this.

Nick, when you have the airport needing something it's up to them to provide the data to prove what their needs are. The fire district is already stating that there is not enough fire suppression already.

Sperb, thank you very much for the overview. I am concerned about your statement regarding our water bills going up if the city were to decide to take this on. So drilling wells within city. What is the benefit to the citizens?

Schaefer, if we were to look at drilling we wouldn't drill near airport because we already know that area is not very good.

Nick, we have a water filtration unit that is at its capacity.

Schafer, the city can always use capital improvements and if we had someone that can pay for it then why not.

Reilly, you talk about others helping pull the cart this is a cost to them we have to have a buy in from airport on this or we are wasting time. We are spinning our wheels.

We would have to build in any agreement limitations.

Willman, I would like to see or hear from the airport to see if they can afford this. **Weidman** I agree with Amy. Let's get some data before we talk more.

Schaefer look at their master plan. It's on our web page.

Vlcek, they already have in ground tanks for fire suppression only.

My question, is this a done deal are we going to keep hammering on this until it's a done deal. Unless I see data and interest from them then I say we give it up. Are we going to table this or keep it going as a tax payer how are we going to split it up, obviously our job as city officials we need to make it.

Wettstien or annexation, it seems that we are trying to give something to airport without annexation. I am concerned that there are no airport officials here to answer these questions.

Schaefer, As far as annexation goes you could say you can have our water when you annex. This would require growing the urban growth boundary and this would cost millions and if you think this meeting was a waste of time then go there and really waste some time. This is so beyond our resources right now.

Annie Kirk, on 2/12/2014 I sent an email to request for consideration to form a task force to look at the relationship with the airport.

City does have an IGA with Marion County and ODA and we used to have meetings with these organizations.

Potter, it really seems as though we are spinning our wheels and I think our time would be better served looking at our own water quality issues.

Weidman, are we addressing water issues. Yes the council is and so is Public Works along with the Mayor.

Mercedes, look at city goals in respect to the cities issues and compare.

Schafer, goal is quality and quantity. I say fix quality.

Gibson, we still have a lot of distribution problems in the system and it's old and will be expensive to fix it.

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 or presented on her report.

8. Adjourn

Chairman Schaefer adjourned the meeting at 9:47 pm

Chairman, Schaefer

ATTEST:

Kelly Richardson, City Recorder

Minutes
Aurora City Council Meeting
Tuesday, February 11, 2014, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Pete Marcellais, Marion County Deputy
Dennis Koho, City Attorney
Mary Lambert, Finance
Darrel Lockard, Public Works Superintendent

STAFF ABSENT:

VISITORS PRESENT: Jim Fisher, Aurora
Ben Williams, Aurora
Tom Potter, Aurora
Joseph Schaefer
Lori Sahlin, Cody Lane Aurora
Kathe Geoff, Liberty
Annie Kirk, Main Street
Mercedes Rhoden-Feely Liberty Street
Ron & Mary Van Kleef
Scott Reilly
Tara Weidman

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Bill Graupp at 7:00 p.m.

2. City Recorder does roll call

Mayor Graupp – present
Councilor Sallee- present
Councilor Brotherton -present
Councilor Sahlin – present
Councilor Vlcek – Absent

3. Consent Agenda

- I. City Council Meeting Minutes – January 14, 2014, corrections;
- correct 2013
 - Kart to cart

- Potter Address from 2124 to 21244 pg 4
- II. Planning Commission Meeting Minutes – January, 2014
- III. Historic Review Board Minutes –December, 2013

Correspondence

I. Senate Bill 1531 Regarding Medical Marijuana, March 1st roll out this year for medical marijuana at the state level. It is complicated in my opinion. We will need to review it carefully we will discuss this during Planning Commission meetings.

Motion to approve the consent agenda was made by Councilor Sahlin and is seconded by Councilor Sallee. Motion Approved by all.

4. Visitors

Anyone wishing to address the City Council concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the City Council could look into the matter and provide some response in the future.

Ron Van Kleef 20787 Yukon Street, 6 months ago we asked about paving Yukon Street and when the city thought the builder would be doing that. Councilor Sahlin states that the development agreement didn't specify a time frame. City Recorder Richardson is instructed to get in touch with G. Cam the builder and ask what his schedule for this is.

Annie Kirk, 21370 Main Street I wanted to inform Council about a sink hole starting in the apron in front of our house.

Scott Reilly, Walnut Street states that the hearing with Marion County regarding selling water to the Airport was cancelled. I think a few council members called in and spoke to Don Russo with Marion County and I would like to have an update. Mayor Graupp states that it is currently being discussed at the Aurora Planning Commission meetings and awaiting a staff report regarding this issue.

Mayor Graupp again explains that by email Marion County contacted him regarding this issue and that there were two meetings following with the discussion pertaining to safety concerns regarding the airport and if one existed then we could discuss whether or not Aurora would be interested in talking about selling water to the airport or not. Once we had received proof of a safety issue at the very least.

Councilor Sahlin, are we reacting to anything at these meetings, No stated by Mayor Graupp the Planning Commission so far has stated that it would be against code to sell water outside of city limits.

Reilly what do you need to hear from your citizens to stop this process so we don't spend city resources regarding this issue. **Mayor Graupp** no paid staff time is being exhausted so far only non paid volunteers from the City Council and Planning Commission have spent time on this issue.

Tom Potter, you would only consider moving forward if there were a safety issue. **Mayor Graupp** yes some data has come forth and it is on the Marion County web-site and at this time I cannot speak to it all because I have not had the opportunity to read it all as of yet.

Kathy Geoff Liberty Street why would you even think about selling water?

Mayor Graupp, there has been a lot of work towards why the water shortage from last summer happened and we are fixing well 5 to make the flow better and analyze what went wrong last year. We had data that confirmed it at the time. I can't tell you the future and cannot predict water. Currently California is in a drastic drought situation and if it moves this way then it could affect us so I cannot predict the future. The public needs to take some responsibility for the water shortage as well. We all need to protect all of our natural resources. Drought situations are possible especially with the lack of snow and rainfall.

Fisher, Can Aurora be forced to sell water to the airport? **Councilor Sahlin** we cannot be forced to supply something we don't have. **Mayor**, I would love to answer this but I am learning this job on the fly and I am hearing about new laws every day. **Fisher**, If we would benefit financially we could possibly join in on a collaborative effort. Then I would be ok with that.

Councilor Sallee, solution is looking at all the options and think outside the box. It doesn't mean we are looking at all of them and not doing. We need to look at all options so we are doing our jobs good or bad.

Mayor it is my job to do this and look at all options and laws. We need data.

Comment to Scott, when we had issues last summer it was because the community was using around 224 thousand gallons a day and the airport is only asking for 5,000 gallons for the entire year.

Annie, I would say everyone would need to be responsible for our actions.

Councilor Sahlin, we are not on the other side of the fence we live with you we use the same water we had to be restricted right along with you. We have nothing to gain. I have the same concerns you do and I do care. I would ask that you come to these meetings and ask and we will attempt to get you the information you are asking about. These meetings are our way to get information out to the public.

Mayor there is a lot being done right now for the water quality and the pumps in the last 6 months we are working on it so there hopefully will not be any problems this summer.

When someone comes and presents something that could financially benefit us I have to look at this.

Where are we with water quality at this point, Darrell my job is to provide the best water to you all. I have started a few tests to help water quality and I think along with the filtration we can.

Thank you for comments.

No one else spoke.

5. Public Hearing, opens at 744pm

- A. LA-14-01 which would amend sections of the Municipal Code.**

Staff report given by Joseph Schaefer,

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 City Council
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 2014-01 (LA-14-01)
DATE: February 5, 2014 for presentation at February 11, 2014 hearing

REQUESTED ACTION

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

- A. Motion to adopt the findings in the staff report and adopt Legislative Amendment 14-01:
 - 1. As presented by staff and the Planning Commission; or
 - 2. As amended by the City Council (stating revisions)

- B. Motion to take no action on Legislative Amendment 14-01; or

- 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 decreasing 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 ~~striketrough~~ 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 January 8, 2014, which was 28-days prior to the first evidentiary hearing and 35-days prior to the City Council hearing scheduled for February 11, 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 affected neighborhood planning organizations- the Aurora Historic Review Board. 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 a 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 and the Planning Commission find 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 and the Planning Commission find 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 and the Planning Commission find 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 and the Planning Commission find 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 handler's permit. Staff and the Planning Commission find 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 and the Planning Commission find 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 and the Planning Commission find 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 and the Planning Commission find 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. Therefore, staff and the Planning Commission find 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 and the Planning Commission find 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

- 1st trigger on site plan review requirement changing to 25% rather than 10%.
- 2nd, Food Carts, We had no provision for food carts in town and we have a new text amendment for food carts in the historic district only.
 - Only allowed on existing business location
 - None of structure located on buffering and must be setbacks
 - Drive through
 - Signage code applies
 - One per site
 - No internal floor space
 - Size limit
 - Mobile and fully operable and DMV licensed.
 - In good repair with no exterior damage.
- 3rd housekeeping typo changes regarding many references between title 17 that was done last year.

No exhibits presented at this time.

Testimony time, in favor of

- No one responded
- Again no one responded.

Do you have a special occasion language for carts during that time? Schaefer this would be a different situation.

Councilor Brotherton, question just the historic district is what you're talking about here yes.

Annie Kirk, change in code only applies to historic commercial district yes. Outside of this area is it allowed? Schaefer no not now.

OPPOSED

- Jim Fisher, This simply only affects very few business and only those with enough area to support a cart. Schafer our point here was that we wanted to make it possible for established business already here not to bring in competition.
- It appears to me looking in that someone is pressuring the city to do this that has a larger lot that can afford the space.

- Weidman, you don't have to be the owner of the business to be owner of cart therefore it would benefit other types of businesses.

Public hearing closed at 7:58pm

Council Discussion,

Councilor Sahlin, I think I agree and I am fine with the language as a stated to see what happens.

Mayor, I think there is an advantage for these businesses. The concept was to not allow just anyone to come in and open up a cart.

Mayor other businesses that could set up a food cart; scatter creek could work a deal with Colony pub to have a cart on their property for example.

Councilor Sallee, Would it be possible to use the city right away area that we use during the Colony Days for food carts? **Schaefer** again we were trying to keep it to businesses that are already established here.

Councilor Sahlin have any restaurants responded with any comments on this. Have we received any negative feedback I guess is what I am asking? My position would be to approve it if we have not had any negative feedback. I just don't want a food cart to come in with bright neon colors and terrible exterior features to distract from what we are trying to achieve in the historic district.

Councilor Brotherton do you think this would open it up for other carts and other areas later on. I see a great advantage for the economy and businesses down the road.

Councilor Sallee, signage is my concern.

Mayor, I have an idea for a text amendment change give an allowance for a 4x2 signage area that is not subject to the code requirements. It would need to be a small wall mounted sign on cart itself. They decide to hold off on this one.

Councilor Sahlin is there any language on what the cart needs to look like? **Schaefer** we came up with good repair and no exterior damage. At what point does one in bad repair constitute a nuisance was one of our topics during our Planning meeting.

One item that is not here is the requirement for water or sewer hookup and disposal. It was discussed briefly and it was Council consensus to insert language to prohibit sewer and grey water disposal.

A motion is made by Councilor Sallee to approve LA-14-01 with amended language to show that there are no sewer or grey water hookups allowed and is seconded by Councilor Sahlin. Passed by all.

Staff comments,

6. **Mayor's Report,**

Not a lot to report,

A. Presentation of Plaque to City Recorder, Kelly Richardson for Achieving CMC (Certified Municipal Clerk) Certification.

There is a brief discussion regarding the Community Forum that took place earlier today regarding the legalization of Marijuana. Clearly at this forum there was more talk against the legalization. The final statement that was made was that everyone should join together to fight the legalization of marijuana.

Currently the Aurora Planning Commission has been discussing this issue regarding our code language because at this time we have none to use for the regulation of this in our town. We need to examine this issue and research what some of the larger communities are doing or not doing to make sure that we don't make any mistakes because it could be costly.

7. **Discussion with Parks Committee, Councilor Sahlin** had placed a park maintenance proposal to the council for discussion since it has been proposed that our Public Works Department take park maintenance back. I just want everyone to be clear of what needs to be done.

8. **Discussion with Traffic Safety Commission,** I have found out that there will be little to no cost for the items I am proposing regarding the crosswalk or 551.

9. **Reports**

A. Marion County Deputy Report – (included in your packet)

- Nothing Major any questions about calls for service,
- There had been an issue regarding a dark van in Hubbard and apparently it has now been sited here, we are aware of it.
- During this last snow store there were really no issues except one car in the ditch along Ehlen.
- The store on 99E had been broken into and I am working on that it apparently may have been some youths from the Hubbard area.

No more questions at this time.

B. Finance Officer's Report – Financials (included in your packets)

1. Revenue & Expense Report

You should see on your desk tops the corrected November's treasures report along with the December report. Also you each should have a copy of the Audit.

I want to remind Council that on February 20th Kelly and I will be attending a budget class so City Hall will be closed all day. Any members of council that would like to attend it is a free class given by the State at Clackamas Community College on budget basics.

Mayor Graupp, informs the council that it was not necessary to do a supplemental budget after some research with Mary and the state. This will come up at the March meeting again in the form of a resolution to transfer money within a fund.

Any questions, hearing none.

C. Public Works Department's Report – (included in your packet)

1. Monthly Status Report (Storm Water)
2. Monthly Status Report (Water)
3. Parks Report, OSU Tree Report
 - Lift station issue it needs new wiring at the tune of 6,000.00 installed.
 - During the recent snow and ice there were really no issues
 - Marion County did remove the trees near the retaining wall
 - Currently looking at the functions of the water filtration unit to see if we can get better function from it.

- ❖ Councilor Sahlin reluctantly brings up the storm water master plan. During a council meeting Bob Southard the then Public Works Superintendent had told council that it was finished and we were waiting on our City Engineer however a status report from him revealed we are still waiting on data from Southard. I know this is not your issue but it really needs to be done. Mayor Graupp I will talk with Bob about this along with retrieving if any the police department items that were in his possession.

No more questions,

D. City Recorder's Report (included in your packet) reads her report and there were no questions from Council.

- ❖ I have finally after 5 years received my CMC and I thank the council for the opportunity.

E. City Attorney's Report – (not Included in your packet)

- Not a lot going on
- I did receive a letter finally from Mr. Eddy's attorney however we are back to asking about putting a tarp over it. I had informed the attorney that this would not work and that Council would not entertain this as an option.
- I also received a phone call from a realtor regarding the Eddy property.

9. Ordinances and Resolutions

- A. **Discussion and or Action on Ordinance 474 An Ordinance to amend the Aurora Municipal Code. First Reading, Chair Schaefer reads the ORD entirely.**

Motion to approve the first reading of Ordinance 474 regarding amending the code is made by Councilor Sahlin and is seconded by Councilor Sallee. Motion passes by all.

10. **New Business**

- A. **Discussion and or Action on Possible Fee Increase for Building, Mechanical and Plumbing Permits. Presented by Charlcie Kaylor, Building Dept LLC.** Discussion, proposing to increase your permit fees for applications, it is quite a long list of recommended fees, I used a starter home to show your examples based on a 2000 square foot home. This is based on the Marion County fee structure the difference that we are talking about is \$211.00 and again the city does retain their 25% of this as well. We want to encourage people to get permits and make it reasonable. We serve 20 cities in the area and they have this same fee schedule.

- Planning fee and or a technology fee are some of the ways other cities are trying to recoup some of the costs involved with doing business.

Motion to approve notifying building codes division of the potential fee increase is made by Councilor Sahlin and seconded by Councilor Sallee. Passes by all.

- B. **Discussion and or Action on Miscellaneous Contracts for Services. Landscaping,** Councilor Sahlin wanted this in to clarify TTT park maintenance contract which was discussed during the parks report.

- C. **Discussion and or Action on Proposals for Setting up Well 5.**

There have been two bids presented

- Westerberg Drilling, Molalla - \$14,835.00
 - Schneider Water Services out of St. Paul - \$9,695.00
- We need to present to citizens what our capacity is and give them cost involved and so forth.

Hopefully this will all work and give us better water quality and more of it, however there is no guarantee on this.

Councilor Sallee asks Darrel with public works if he has a preference. We have worked with both companies and they both do very good work.

Annie Kirk, have you put out for an RFP on this. No it was not necessary stated City Attorney Koho.

It is the consensus of the council to go with the lower bid from Schneider of St. Paul.

- D. Discussion and or Action on Recommendation from Planning Commission regarding Open Position on Commission New Applicant Mercedes Rhoden-Freely.**

Motion to appoint Mercedes Rhoden-Freely to the Aurora Planning Commission is made by Councilor Sahlin and seconded by Councilor Brotherton all passes.

11. Old Business

- A. A. Discussion and or Action on approval of ACVA Draft Letter to Citizens Regarding Weed Control. Look park internal proposal. Tabled.**
B. Discussion and or Action on ACVA Grant Fund Request for Island Maintenance. Tabled

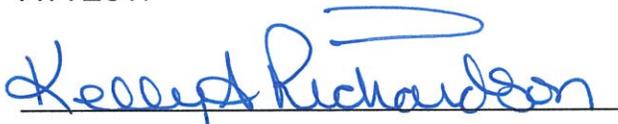
12. Adjourn

Mayor Graupp adjourns the February 11, 2014 meeting at 9:08 pm.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, City Recorder

**HISTORIC REVIEW BOARD MINUTES
21420 MAIN ST. NE, AURORA OR 97002
January 23, 2014**

Staff Members Present: Kelly Richardson, City Recorder

Others Present: Bill Graupp, Aurora

The meeting of January 23, 2014 was called to order at 7:00 p.m. by Chairman Townsend.

Chairman Townsend takes Roll Call

Chairman Karen Townsend – Present
Vice-Chair Gayle Abernathy – Present
Member Bill Simon – Absent
Member Merrra Frochen – Absent
Member Mella Dee Fraser – Present

CONSENT AGENDA

A. Minutes

- I. **Historic Review Board Minutes – December 19, 2013, pg 2**
New business 21825 Airport put the name of the applicant,

A motion to approve the HRB minutes of December 19, 2013, with changes stated was made by Member Fraser, seconded by Member Abernathy and passed unanimously.

CORRESPONDENCE

VISITORS

No one spoke.

5. OLD BUSINESS

- A. **Discussion and/or action on paint color list. *This was tabled***
- B. **Discussion and/or action on Historic Inventory list. *This was tabled***

6. NEW BUSINESS

Discussion and or Action on Sign Application for Noelle Brooks and CANVAS 21607 Hwy 99E. ,

Sign application for part of the Southend Antique building

- Wall sign, a vinyl product that adheres directly to the building. Chair Townsend states that we don't have precedence for letters applied on a building. Sign code pg 419 7:24:100; signs on buildings shall be consistent with historical documentation, would require that lettering be applied to a board and then attached to the building. Applicant is fine with that solution.
- Color would be cream.
- Americana Font
- Shapes, 17:24:070, colors and graphics, windows- 17:24:100

17.24.100

- Aboard, color cream
- Material, plywood
- Cream back ground
- Black lettering
- Americana Font

Motion to approve application as with changes discussed was made by member Abernathy and is seconded by member Fraser motion passes by all.

B. Discussion and/or action on application for complete remodel at 21668 Hwy 99E from Timber Green, LLC. Members discuss the proposed application comments are below. Non-Contributing structure.

- Paint, black and white
- Roofing, antique black
- Brick, will be removed and replaced with new brick because it would be too hard to match the color of the old bricks.
- Siding, horizontal lap with 6 inch reveal it is a cedar product that is sanded but you can see some of the grain.
- Windows all will be replaced and two will be added on Liberty street side, they will be trimmed in wood. Trim will be black. Grids of windows will be white.
- Trim color black will be, windows, door, corner boards. Fascia board trim behind the gutter and gutter will be black.

- Lamp post supports proposing black; however applicant is open to suggestion. Board mentions that it's a lot of black and we normally prefer less. Member Abernathy also states that it's a lot of black and we just want to keep it at a minimum.
- One horizontal window it's in the rear, and not visible.

Some design help is given as an FYI to the applicant,

- The bracket is wood. This particular building is not historic and it's more colonial and so these brackets may not go with the design and it looks added and almost detracts from the building and in the correct period.
- Just FYI black doors are often taken as open. You could do an accent color for the door. Talk about a rust color for door.
- One horizontal window I believe it's in the rear, and not visible.

Applicant states that we will submit a landscape plan at a later date. Because we will be taking out concrete and asphalt and be turning it into a planting bed.

Motion to approve application as presented was made by Member Abernathy and is seconded by Member Fraser. Passed by all.

Recommended is to talk with the ODOT regarding t the planting area.

C. Discussion of pending Legislative Amendment 11-01 (LA 14-01) to the Municipal Code.

Joseph Schaefer presents information regarding LA 14-01

Most of the discussion is regarding Food Carts,

Consensus of the entire Board is that we have the concerns that are listed below and would like to make them apart of the discussion at the hearing next week.

- Storage of unit itself, hours of operation
- Hours of operation limited
- Unit is in good visual repair, Motorized fully operable licensed vehicle
- All trash and debris would need removed daily
- Display of merchandise, is ok at this point

Increase of allowable vehicle trips, Chair Schaefer of the Aurora Planning Commission explains the background and the reason for the proposed change. He referenced the old bank drive

through at the corner of 2nd and Main. Our current trigger is 10% and through discussion with the planning commission we determined that it was low so we decided to increase the trigger to 25%. It would then lower the amount of applications for site development review and costs per applicant.

No more comments....

The members discuss the impending resignation of Chair Townsend. It is suggested to have a new Chair each year. Because of the resignation from Chair Townsend they all agree before they elect a new chair everyone would be in attendance.

7. ADJOURN

Chairman Townsend adjourned the meeting of January 23, 2014 at 8:50 pm.



Karen Townsend, Chairman

ATTEST:



Kelly Richardson, City Recorder

**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Variance 2014-01 [VAR-14-01]
DATE: March 25, 2014

APPLICANT/OWNER: Saul Ramirez
20843 Filbert Street
Aurora, OR 97002

REQUEST: Variance application to waive the requirement for installation of a carport or garage on the subject property.

SITE LOCATION: Map 041.W.13CA. Tax Lot 2800
20843 Filbert Street

SITE SIZE: Approx. 5,227 square feet, or 0.12 acres

DESIGNATION: Zoning: Moderate Density Residential (R2)

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.12 Moderate Density Residential and 16.64 Variances

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Applicant's Variance Application
Exhibit C: Building Permit Site Plan and signed letter regarding installation of carport

I. REQUEST

Variance application to waive the requirement for installation of a carport or garage on the subject property. The property previously received building permit approval, conditional upon the applicant installing a carport or garage on the property (See Exhibit C).

II. PROCEDURE

Variance applications are processed as Quasi-Judicial Decisions. Quasi-Judicial Decisions are conducted as stated in Chapter 16.76 of the AMC. Section 16.64 provides the criteria for processing Variance applications.

The application was received on March 5, 2014. The application was determined complete by staff and notice was mailed to surrounding property owners and a newspaper of general circulation in the City. The City has until **July 2, 2014**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

Appeals are governed by AMC 16.76.260. An appeal of the Planning 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 Variance applications are found in AMC Chapter 16.64 Variances.

16.64 Variances

The commission may grant a variance only when the applicant has shown that all of the following conditions exist:

A. The proposed variance will not be materially detrimental to the purposes of this title, be in conflict with the policies of the comprehensive plan, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity.

FINDINGS: The Moderate Density Residential zone requires the installation of a carport or garage under AMC section 16.12.040.J. At the time of building permit review, the applicant was required to provide written concurrence of the installation of a carport or garage and the building permit application was approved. According to minimum side yard setback requirements under AMC 16.12.040.F.2, the structure could not be placed further to the northern property line in order to create more space along the southern side yard as the minimum side yard setback is five (5) feet.

While the variance from installing a carport would be in conflict with the zone, staff finds it would not be detrimental to the zoning code or other properties in the same zoning district or vicinity as, based upon staff visits to the area, many of the surrounding properties can be considered permitted non-conforming as they also do not have carports or garages. Staff finds this condition can be met.

B. Special conditions exist which are peculiar to the land or structure involved and are not applicable to lands and structures in the same zone and over which the applicant has no control.

FINDINGS: The minimum lot size under the RM zone is 5,000 square feet. Tax Lot 2800 measure approx. 5,227 sq ft based on Marion County Assessor Records. The minimum lot width for the zone is fifty (50) feet and the minimum lot depth is sixty-five (65) feet. Lot 2800 meets these minimums as well as the minimum front, side, and rear setbacks under the zone.

While the land is not peculiar to others in the same zone, the applicant has stated it is difficult to construct an adjoining carport to the structure due to the rooflines and a non-adjoining carport due to crawl space/foundational issues with the manufactured home and still meet the southern setback minimum requirement of five (5) feet. Currently, the applicant has a sixteen (16) foot southern side yard, leaving eleven (11) feet for installation of a carport. The property already contains one accessory structure larger than 200 sq ft at the western property line (rear yard) which the applicant wishes to maintain. As only one accessory structure larger than 200 feet is permitted under the zone, the carport would be required to be 200 sq feet or less. AMC 16.13.040.C.1. requires that accessory buildings less than 200 sq ft be less than ten (10) feet in height and AMC 16.13.040.C.2. requires that a five (5) foot separation exist between a principal structure and an accessory structure.

If the applicant were to install an attached carport of less than 200 sq feet, other provisions of the code would leave six (6) feet of width for construction of a detached carport. Section 16.42.130 of the code for off-street parking standards states a minimum width of eight (8) to nine (9)feet for parking spaces is standard. Staff finds the location of the manufactured home in conformance with code requirements and existing accessory structures on the site made the property peculiar for additional accessory structures and this criteria is met.

C. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land.

FINDINGS: The residential use will remain as permitted and setbacks and other RM zone standards will continue to be met. Staff finds this criteria is met.

D. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms, or parks will not be adversely affected any more than would occur if the development were located as specified in this title.

FINDINGS: The footprint of the accessory structure to serve as a carport/garage would need to continue to meet setback requirements, in which case a six (6) ft wide structure would be permitted, or the applicant would need to apply for a variance from the setback requirements in order to install a useable carport or garage. The applicant has instead requested a variance from the requirement to install a carport or garage. Staff finds permitting the requested variance or waiver would not adversely affect surrounding uses, traffic, drainage, or land forms. Staff finds this criteria is met.

E. The variance granted shall be the minimum necessary to make possible a reasonable use of the land and structures.

FINDINGS: The applicant is requesting to vary from the code requirement for installation of a carport or garage on the subject property. The applicant has stated that the narrow lot size does not allow for the installation of a useable detached carport or garage and the nature of the structure does not allow for construction of an attached accessory structure less than 200 sq ft and ten (10) feet in height. Staff finds the waiver is the minimum necessary to meet other code provisions and staff finds this condition is met.

V. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for Variance (file no. VAR-14-01) based upon the following:

- 1) Develop the subject property in accordance with plans approved by the city.
- 2) Comply with all City of Aurora and State of Oregon development, building and fire codes.

VI. PLANNING COMMISSION ACTION

A. Approve the request to waive the requirement for installation of a carport or garage on the subject property.

1. As recommended by staff, or
2. As determined by the Planning Commission stating how the application satisfies all the required criteria, and any revisions to the recommended conditions of approval, or

OR

B. Deny the request to waive the requirement for installation of a carport or garage on the subject property.

OR

C. Continue the hearing to a time certain or indefinitely (considering the 120 day limit on applications).



City of Aurora Building /Planning Application

(Check appropriate box)

- | | |
|---|---|
| <input type="checkbox"/> SITE DEVELOPMENT REVIEW (AMC 16.58)
<input type="checkbox"/> FLOOD PLAN DEV. PERMIT (AMC 16.18)
<input type="checkbox"/> HISTORIC OVERLAY DISTRICT (AMC 16.20-16.22)
<input type="checkbox"/> Certificate of Appropriateness
<input type="checkbox"/> Demolition Permit
<input type="checkbox"/> Sign Review
<input type="checkbox"/> MANUFACTURED HOME PARK (AMC 16.36)
<input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT (AMC 16.80)
<input type="checkbox"/> Text <input type="checkbox"/> Map
<input type="checkbox"/> ZONING ORDINANCE AMENDMENT (AMC 16.80)
<input type="checkbox"/> Text <input type="checkbox"/> Map | <input type="checkbox"/> CONDITIONAL USE (AMC 16.60)
<input checked="" type="checkbox"/> VARIANCE (AMC 16.64)
<input type="checkbox"/> HOME OCCUPATION (AMC 16.46)
Type I Type II
<input type="checkbox"/> NON-CONFORMING USE (AMC 16.62)
<input type="checkbox"/> LAND DIVISION
<input type="checkbox"/> Subdivision (AMC 16.72)
<input type="checkbox"/> Partition (AMC 16.70)
<input type="checkbox"/> Property Line Adjustment (AMC 16.68)
<input type="checkbox"/> APPEAL TO _____ (AMC 16.74-16.78)
<input type="checkbox"/> OTHER _____ |
|---|---|



APPLICANT GENERAL INFORMATION

Applicant Saul Ramirez Phone 503-875-6048
 Mailing Address 20843 Filbert St Aurora OR 97002
 Property Owner Saul Ramirez Phone _____
 Mailing Address _____
 Contact person if different than applicant _____ Phone _____
 Mailing Address _____

PROPERTY DESCRIPTION

Address 20843 Filbert St Tax Map # 041W13CA0 Tax Lot # 2800
 Legal Description (attach add'l sheet if necessary) _____

Total Acres or Sq. Ft. _____ Existing Land Use _____
 Existing Zoning R7 Proposed Zoning (if applicable) _____
 Proposed use _____

ACTION REQUESTED: (use additional sheets as needed)

Because of narrow lot size & nature of lot & area I am requesting a variance so I am not required to build a garage & or carport as it wont fit.

ATTACHMENTS:

- A. Plot plan of subject property- show scale, north arrow, location of all existing and proposed structures, road access to property, names of owners of each property, etc. Plot plans can be submitted on tax assessor maps which can be obtained from the tax assessor's office in the Marion County Courthouse, Salem OR.
 B. Legal description of the property as it appears on the deed (metes and bounds). This can be obtained at the Marion County Clerk's office in the Marion County Courthouse, Salem OR.

ADDITIONAL INFORMATION

In order to expedite and complete the processing of this application, the City of Aurora requires that all pertinent material required for review of this application be submitted at the time application is made. If the application is found to be incomplete, review and processing of the application will not begin until the application is made complete. The submittal requirement relative to this application may be obtained from the specific sections of the Aurora Municipal Code pertaining to this application. If there are any questions as to submittal requirements, contact the City Hall prior to formal submission of the application.

In submitting this application, the applicant should be prepared to give evidence and information which will justify the request and satisfy all the required applicable criteria. The filing fee deposit must be paid at the time of submission. This fee in no way assures approval of the application and is refundable to the extent that the fee is not used to cover all actual costs of processing the application.

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application. I understand that the original fee paid is only a deposit and I agree to pay all additional actual costs of processing this application, including, but not limited to, all planning, engineering, City attorney and City administration fees & costs. I understand that no final development approval shall be given and/or building permit shall be issued until all actual costs for processing this application are paid in full.

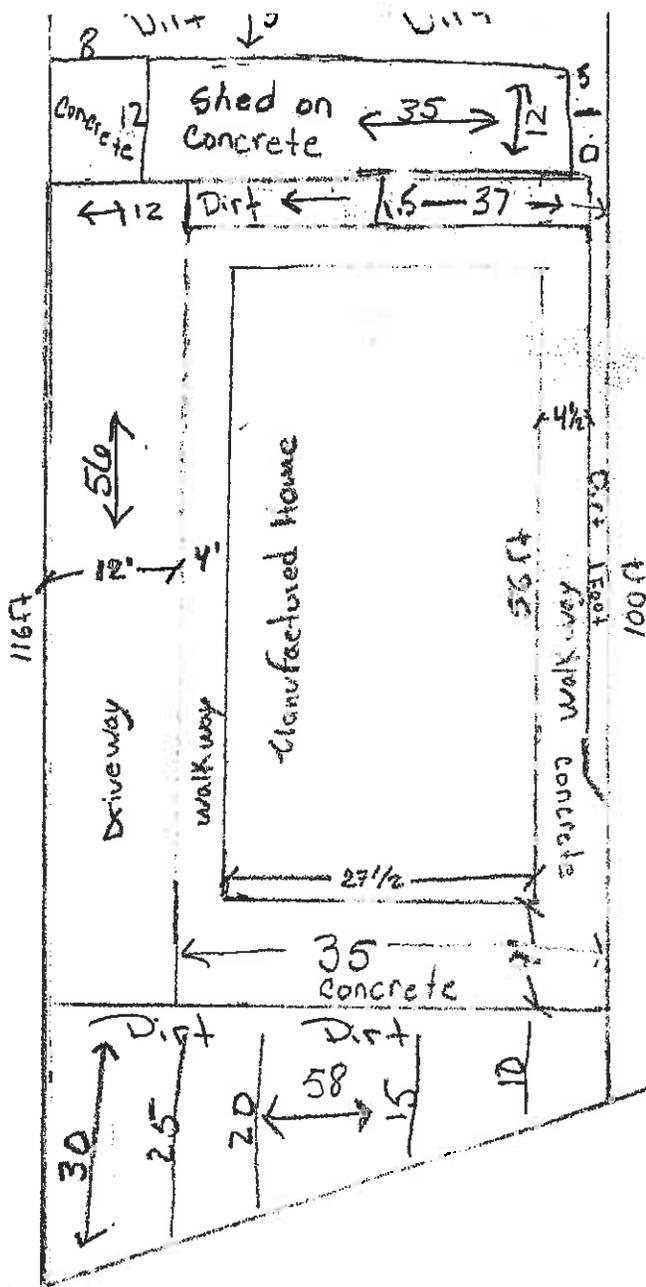
Signature of Applicant _____
 Signature of Property Owner _____

Date 3-5-14
 Date 3-5-14

Office Use Only: Received By: <u>KR</u> Date: <u>3/5/2014</u> Fee Paid \$ <u>500⁰⁰</u> # <u>275</u>
Receipt # _____ Case File # _____ Planning Director Review Date: _____
Last updated 6-14-2010

275
276

Exhibit B



500 p S
 inches Deep
 concrete on
 driveway and
 walkway.

Filbert St

Scale
 1" = 1/16"

Saul Ramirez Rosas
20842 Filbert st ne
Aurora, OR 97002

11-25-13

I, Saul Ramirez Rosas, hereby understand and agree that I will need to install a carport that meets setback and code requirements in order to obtain my placement permit. The carport will need to be installed prior to final inspection.

I also understand that I am at a maximum of 60% for building coverage and will not be building any additional impervious structures on my site.



Thank you

Saul Ramirez Rosas

Enrolled Senate Bill 1531

Sponsored by Senators HANSELL, MONROE, STARR; Senators BAERTSCHIGER JR, BOQUIST, CLOSE, FERRIOLI, GIROD, JOHNSON, KNOPP, KRUSE, MONNES ANDERSON, OLSEN, THOMSEN, WHITSETT, WINTERS, Representatives ESQUIVEL, JENSON, THATCHER, THOMPSON, WHISNANT, WITT (at the request of Association of Oregon Counties and League of Oregon Cities) (Pre-session filed.)

CHAPTER

AN ACT

Relating to marijuana facilities; creating new provisions; amending ORS 475.314; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS 475.300 to 475.346.

SECTION 2. Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered, or applying for registration, under ORS 475.314 that are located in the area subject to the jurisdiction of the city or county. For purposes of this section, “reasonable regulations” includes reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located within a zone described in ORS 475.314 (3)(a) and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana.

SECTION 3. (1) Notwithstanding ORS 475.314 and section 2 of this 2014 Act, the governing body of a city or county may adopt an ordinance enacting a moratorium on the operation of registered medical marijuana facilities until May 1, 2015, in the area subject to the jurisdiction of the city or county if the moratorium is enacted no later than May 1, 2014.

(2) Notwithstanding ORS 475.309 (1)(b), a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium under this section is not excepted from the criminal laws of this state for possession or delivery of marijuana, aiding and abetting another in the possession or delivery of marijuana or any other criminal offense in which possession or delivery of marijuana is an element.

(3) The governing body of a city or county that enacts a moratorium under this section must notify the Oregon Health Authority, in a manner prescribed by the authority, of the moratorium.

(4) A registered medical marijuana facility that is located in an area subject to the jurisdiction of a city or county that enacts a moratorium under this section may choose to surrender the medical marijuana facility’s registration. To surrender registration under this subsection, the medical marijuana facility must notify the authority, in a manner prescribed

by the authority, of the surrender. If a medical marijuana facility surrenders registration under this subsection, the authority may refund any fee imposed by the authority pursuant to ORS 475.314 (12).

SECTION 4. Section 3 of this 2014 Act is repealed on January 2, 2016.

SECTION 5. ORS 475.314 is amended to read:

475.314. (1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana and immature marijuana plants from:

(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

(b) A medical marijuana facility to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

(2) The registration system established under subsection (1) of this section must require a medical marijuana facility to submit an application to the authority that includes:

(a) The name of the person responsible for the medical marijuana facility;

(b) The address of the medical marijuana facility;

(c) Proof that the person responsible for the medical marijuana facility is a resident of Oregon;

(d) Documentation, as required by the authority by rule, that demonstrates the medical marijuana facility meets the qualifications for a medical marijuana facility as described in subsection (3) of this section; and

(e) Any other information that the authority considers necessary.

(3) To qualify for registration under this section, a medical marijuana facility:

(a) Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land; *[and may not be located at the same address as a marijuana grow site;]*

(b) May not be located at the same address as a marijuana grow site;

[(b)] (c) Must be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;

[(c)] (d) Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

[(d)] (e) Must not be located within 1,000 feet of another medical marijuana facility; and

[(e)] (f) Must comport with rules adopted by the authority related to:

(A) Installing a minimum security system, including a video surveillance system, alarm system and safe; and

(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.

(4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person whose name is submitted as the person responsible for a medical marijuana facility under subsection (2) of this section.

(b) A person convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility for five years from the date the person is convicted.

(c) A person convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility.

(5) If a person submits the application required under subsection (2) of this section, the medical marijuana facility identified in the application meets the qualifications for a medical marijuana facility described in subsection (3) of this section and the person responsible for the medical marijuana facility passes the criminal records check required under subsection (4) of this section, the authority shall register the medical marijuana facility and issue the person responsible for the medical marijuana facility proof of registration. The person responsible for the medical marijuana facility

shall display the proof of registration on the premises of the medical marijuana facility at all times when usable marijuana or immature marijuana plants are being transferred as described in subsection (1) of this section.

(6)(a) A registered medical marijuana facility may receive usable marijuana or immature marijuana plants only from a registry identification cardholder, designated primary caregiver or person responsible for a marijuana grow site if the registered medical marijuana facility obtains authorization, on a form prescribed by the authority by rule and signed by a registry identification cardholder, to receive the usable marijuana or immature marijuana plants.

(b) A registered medical marijuana facility shall maintain:

(A) A copy of each authorization form described in paragraph (a) of this subsection; and

(B) Documentation of each transfer of usable marijuana or immature marijuana plants.

(7) A medical marijuana facility registered under this section may possess usable marijuana and immature marijuana plants in excess of the limits imposed on registry identification cardholders and designated primary caregivers under ORS 475.320.

(8)(a) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused product that is meant to be swallowed or inhaled, unless the product is packaged in child-resistant safety packaging that meets standards established by the authority by rule.

(b) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused product that is manufactured or packaged in a manner that is attractive to minors, as determined by the authority by rule.

[(8)] (9) The authority may inspect:

(a) The premises of an applicant for a medical marijuana facility or a registered medical marijuana facility to ensure compliance with the qualifications for a medical marijuana facility described in subsection (3) of this section; and

(b) The records of a registered medical marijuana facility to ensure compliance with subsection (6)(b) of this section.

[(9)(a)] (10)(a) A registry identification cardholder or the designated primary caregiver of a registry identification cardholder may reimburse a medical marijuana facility registered under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

(b) A medical marijuana facility may reimburse a person responsible for a marijuana grow site under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

[(10)] (11) The authority may revoke the registration of a medical marijuana facility registered under this section for failure to comply with ORS 475.300 to 475.346, [or] rules adopted under ORS 475.300 to 475.346 **or ordinances adopted pursuant to section 2 of this 2014 Act**. The authority may release to the public a final order revoking a medical marijuana facility registration.

[(11)] (12) The authority shall adopt rules to implement this section, including rules that:

(a) Require a medical marijuana facility registered under this section to annually renew that registration; and

(b) Establish fees for registering and renewing registration for a medical marijuana facility under this section.

SECTION 6. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect March 1, 2014.

Passed by Senate February 18, 2014

Repassed by Senate March 7, 2014

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House March 5, 2014

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2014

Approved:

.....M,....., 2014

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2014

.....
Kate Brown, Secretary of State

The National Flood Insurance Program Compliance with the Endangered Species Act – Implications for Local Governments in Oregon

Questions and Answers

Q: Why is DLCD informing local jurisdictions about federal laws and programs?

A: Jurisdictions and property owners across the state rely on the National Flood Insurance Program (NFIP), administered by the Federal Emergency Management Agency (FEMA). The NFIP sets building standards to minimize loss of life and property damage from floods. It also provides flood insurance not available through the private market. It is integral to city and county comprehensive plan and code elements that address hazard planning and statewide land use Goal 7. DLCD has taken on the task of informing NFIP communities that changes to the way the NFIP is implemented in Oregon will occur as a result of the consultation currently underway between FEMA and the National Marine Fisheries Service (NMFS).

Q: What does the National Marine Fisheries Service have to do with flood hazard management?

A: FEMA has been sued in several states, including Oregon, for failing to consult with NMFS or the US Fish and Wildlife Service when species listed as threatened or endangered under the federal Endangered Species Act (ESA) are affected by development in the Special Flood Hazard Area (SFHA), or “100 year floodplain.” FEMA administers the NFIP in the SFHA and has an obligation under section 7 of the ESA to implement its program so that listed species are not put at higher risk of extinction. Oregon is home to several populations of salmon and steelhead listed as threatened by NMFS. Through the consultation process NMFS and FEMA must identify measures to insure that implementation of the NFIP will not result in further loss of salmon habitat.

Q: If this is all about Federal law, why is FEMA talking about local development standards in the SFHA?

A: Participation in the NFIP is voluntary. A city or county is approved as an NFIP participant by meeting minimum standards set by FEMA. Before now these minimum standards were all about protecting structures from damage during flood events. Implementation of these standards has been achieved by incorporating them into local development codes. FEMA expects that measures needed to protect salmon and their habitat will also be implemented by incorporating new standards into local code.

Q: Does this mean that FEMA is changing the minimum requirements for participating in the NFIP?

A: No, FEMA believes that local government compliance with the ESA has always been a requirement of the NFIP. They are proposing to put more emphasis on local government’s obligation to comply with the ESA by asking NFIP communities to demonstrate or assert that: local floodplain development permits are only issued for projects that have authorization from NMFS; or will not have an adverse impact on salmon and their habitat. FEMA will look for assurances that ESA requirements have been met during community assistance visits and when reviewing requests for SFHA map revisions.

Q: So what exactly is an NFIP community supposed to do to comply with the ESA?

A: DLCD does not have an answer to this question. Only NMFS can definitively answer this question. When consultation is completed FEMA will need to administer the NFIP according to any “terms and conditions” or “reasonable and prudent alternatives” described in the biological opinion that results from the consultation.

Q: ARRG! Why is this so hard to understand, and why do I feel like I’m not getting a straight answer?

A: The ESA section 7 consultation on the NFIP sits at the intersection of ecology, economics, and our legal system. Halting degradation of salmon habitat from activities enabled under the NFIP is difficult and contentious. DLCD intends *Ramping up Salmon Recovery Efforts through Floodplain Management* to help NFIP communities anticipate new expectations for continued participation in the program and to identify ways they can reduce impacts on salmon.

Q: How soon will my jurisdiction need to respond to changes proposed by FEMA or NMFS?

A: It is possible that at your next community assistance visit FEMA will ask you to explain what you are doing to ensure that floodplain development permits are being issued in compliance with the ESA. Your answer will need to indicate that you have a review process in place so that floodplain development permits will not be issued to projects that are likely to cause “take” of a listed fish unless authorization from NMFS has been obtained. Until the biological opinion is issued and implemented, each jurisdiction can decide on a threshold for “likely to cause take”. This threshold can be informed by a basic awareness of salmon biology, knowledge of the stream systems and fish presence in your jurisdiction, and an understanding of potential liability under the ESA. Implementation of the biological opinion is expected to take place across the state over a four year window starting after the biological opinion is issued.

For more information see:

Ramping Up Salmon Recovery Efforts through Floodplain Management
Suggestions for local government on meeting the expectations of the National Flood Insurance Program related to the Endangered Species Act

Published by the Department of Land Conservation and Development, March 2014

Include Link

Or contact DLCD staff:

Amanda Punton, Natural Resource Specialist

Amanda.punton@state.or.us

971-673-0961

Christine Shirley, Hazard Specialist

christine.shirley@state.or.us

503-934-0027

April 2014 Update

LAND USE APPLICATIONS

<u>Project</u>	<u>Status</u>
Building Permits/Correspondence	<ul style="list-style-type: none">• 21268/21270 Hwy 99e (solicitations)• 20836 Yukon Street (Cam)• 14633 Ottaway (Smetco)
Sign Permits	
Manufactured Home Permit	
Land Use Applications	<ul style="list-style-type: none">• Bixler mylars for SUB-09-01 and SDR-09-01

ADDITIONAL PLANNING

<u>Project</u>	<u>Status</u>
ODOT 99E Corridor Study	
Development Code/HRB updates	
Misc.	