

AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, December 2, 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 –November 04, 2014
- II. City Council Minutes – October, 2014
- III. Historic Review Board Minutes – October, 2014

Correspondence

- I. **Real Time Risk Newsletter Article from City County Insurance**

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. **New Business**

- A. Discussion on Training Information Chapter 3 Implementing Measures and Land Development in Practice.
- B. Discussion on Renewing Commissioner Graham and Chair Schaefer Terms.

6. **Old Business**

- A. Discussion and or Action on Legislation on Regarding Recreation Marijuana

7. Commission Action/Discussion

- A.** City Planning Activity (not in Your Packets) Status of Development Projects within the City.

8. Adjourn,

Minutes
Aurora Planning Commission Meeting
Tuesday, November 04, 2014 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder

STAFF ABSENT: Renata Wakeley, City Planner, excused

VISITORS PRESENT:

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:00 p.m.

2. City Recorder Did Roll Call

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

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –October 08, 2014
- II. City Council Minutes – September, 2014
- III. Historic Review Board Minutes – not available

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

Correspondence

I. NA

4. Visitor

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

No one spoke during this section

5. New Business

A. Discussion on Information Regarding Land Use Planning Program Chapter 2

I would like to take this training program in pieces and go over each section for our group, What I want to get out of this program is to get everyone to understand exactly what we do here each month and why. Chair Schaefer reads the information in chapter two to the group there is really no discussion at this point and no questions really as he goes over it.

He points out a few things as follows

- Goal 11 we have franchise agreements with PGE, NW Natural
- Goal 12 transportation 99E coordinates with the state and Ehlen with the County.
- Rural Resource Planning is a big deal in Oregon but not really here in Aurora

Chapter 2: Urban, Rural and Resource Planning

Welcome to Chapter 2 – Urban, Rural and Resource Planning. The Oregon planning program relies on cities and counties to prepare and implement their local comprehensive plans and use regulations. Oregon's planning law requires local plans and regulations to be consistent with state law and the Statewide Planning Goals, including applicable rules adopted by the Land Conservation and Development Commission or LCDC.

Urban Planning

Cities have the primary responsibility to plan for and manage urban-scale development and provide appropriate services for areas within their urban growth boundaries or UGBs. This concept is covered in more detail later in this chapter. Cities and counties jointly manage unincorporated areas within urban growth boundaries and urban reserve areas that may eventually be added to an urban growth boundary.

Land Supply

Cities and counties must maintain a 20-year supply of land within an urban growth boundary to meet projected needs. This includes vacant and re-developable land with the topography and infrastructure to support residential, commercial and industrial uses. Goal 10, the state's Housing Goal and administrative rules, provide specific guidance for preparing a housing needs analysis and buildable lands inventory. Goal 9, the Economic

Development Goal, provides help for preparing an Economic Opportunities Analysis* to ensure an adequate supply of suitable sites for growth.

Goal 9, Economic Development*

This statewide goal requires cities to maintain an adequate supply of suitable sites that meet their community's economic development needs, policies and objectives. This includes an adequate supply of sites of suitable sizes, types, locations and service levels for a variety of industrial and commercial uses. Local plans must include an Economic Opportunities Analysis of factors related to local, state and national trends and policies that support current and projected economic development for the next 20 years.

Goal 10, Housing*

This goal requires cities to assure adequate opportunities for a variety of housing types, locations and densities that meet the community's housing needs. These are based on coordinated population projections and other factors related to local housing and employment trends. Land use regulations governing review and approval of needed housing must be clear and objective and may not be used to deny an application or reduce density. LCDC administrative rules provide guidance on how to conduct a buildable lands inventory. Within the Portland metropolitan region, housing rules specify requirements for each jurisdiction, based on its size and contribution to meeting regional housing needs.

Goal 11, Public Facilities and Services*

This goal requires cities and counties to plan for and develop timely, orderly and efficient sewer, water, transportation and other infrastructure that support existing and proposed land uses. Planning for these services is a principal means by which a city can affect the location, scale, and pace of development. Other public services and facilities such as law enforcement and fire protection also should be considered. Transportation planning is explained in more detail in the urban growth section.

Each local government with more than 2,500 people must adopt a Public Facilities Plan for water, sewer and transportation facilities. These plans include an inventory of existing and needed future facilities, an estimate of the general timing, costs and potential funding sources.

Rural/Resource Planning

In Oregon, counties are required to coordinate planning of all jurisdictions within their boundaries and undertake primary planning responsibility for areas outside cities. They are responsible for protecting natural resources and economic resource lands, and providing a framework for rural residential, commercial and industrial development.

All this must be consistent with the Statewide Planning Goals. Counties typically protect agricultural and forest lands for uses that are compatible with a resource-based economy. County plans may allow limited rural development in unincorporated communities and on resource lands. Using planning processes set out in state administrative rules. Planning for rural development on farm and forest lands often requires an "exception" to the statewide planning goals.

Goal 3, Agricultural Lands* and Goal 4, Forest Lands*

As we just noted, counties are required to plan to conserve natural resources while supporting local and state agricultural and forest economies. Plan policies and land use designations protect farm and forest land. Exclusive Farm Use and Forest zoning regulations limit uses on agricultural and forest lands based on LCDC rules. These zones also include minimum lot sizes to preserve land in blocks large enough to maintain commercial-scale farming and forestry.

Goal 5, Natural Resources*

Goal 5 applies to cities and counties and is designed to protect and conserve a wide range of natural resources, including riparian areas; wetlands; fish and wildlife habitat; wild and scenic rivers; wilderness areas; mineral and aggregate resources; energy sources; groundwater; natural areas; historic and cultural resources; scenic views and sites; and open space. Local governments are required to follow a specific planning process for resource protection. They must inventory resources and determine their significance; identify conflicting uses; evaluate the economic, social, environmental and energy consequences of allowing conflicting uses; and develop programs that protect each resource. LCDRC administrative rules provide detailed guidance for each of the Goal 5 resource categories. The rules describe specific "safe harbor" resource protection programs a local government can choose to meet goal requirements without challenge.

Unincorporated Communities

The State has a process for identifying "exception areas" and to enable counties to plan and manage land use in unincorporated communities with residential, commercial and industrial development that may be situated in or near resource areas. The process allows such uses to continue and in some cases, expand. Counties are required to identify and designate these rural centers, plan for permitted and prohibited uses and anticipate current and future facilities needs.

These designations allow for different intensities of development:

A rural community is primarily residential.

A rural service center provides goods and services to the surrounding rural area.

An urban unincorporated community includes a mixture of residential and employment uses and is served by a community water and sewer system.

Destination Resort Planning.

A destination resort is a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. In accordance with state law, counties may allow destination resorts on certain rural lands to help create or strengthen the local tourism economy. To retain natural features and minimize adverse environmental impacts, including any effects on farming operations, the resort must be compatible with the site and adjacent land uses. Destination resort planning is complex and may be controversial. It is a substantial planning effort that may take considerable time and staff resources to complete.

Urban Growth: Goal 14, Urbanization*

This goal requires cities to project future growth and identify areas that may accommodate this growth in an orderly and efficient manner. Those areas slated for urban growth are identified after assessments of public facilities and services; environmental, energy, economic, and social consequences; and the compatibility of urban uses with nearby agricultural and forest activities. They are then included within the UGB, a key feature of Oregon's land use planning system.

Urban Growth Boundaries

This goal calls for each city and the surrounding county to establish a UGB. UGBs separate urbanizable land from rural land, identifying the extent of urban growth planned for the next 20 years. Urbanizable land is the area within the UGB outside developed areas suitable and available for future planned urban development and services. Annexation to a city is typically expected, but not always required as services are extended and development occurs.

Cities are required to estimate their needs for a 20-year supply of land to accommodate housing, employment and other urban uses. Public facilities, streets and roads, schools, parks, and open space also must be

Included in this 20-year estimate. Forecasts estimate the future population of a given area, based on historic growth and assumptions about future trends. All counties in Oregon must coordinate with their cities to develop, adopt, and maintain population forecasts for land use planning, including determining the size of UGBs. Within the Portland metropolitan region, the Metropolitan Service District, or Metro, is responsible for planning coordination and establishing the region's UGB.

If the 20-year land supply within a UGB is considered insufficient, cities are required to amend their comprehensive plans by any or all of the following:

Planning for more redevelopment

Providing for more infill development

Increasing residential densities

Expanding the UGB

Expanding an Urban Growth Boundary

State rules set priorities for the types of land that can be added to an UGB. The first priority is land designated as urban reserves; areas that the city and county agree could be future urban areas. This is followed by the exception areas we just talked about and "marginal lands." Marginal lands apply only to Washington and Lane counties. If none of these areas are adequate to meet the projected 20-year land need, less productive farm or forest lands may be considered. Highly productive farm and forest lands are the last priority. Other matters to consider when contemplating a UGB expansion include the availability of urban services, the most efficient use for the land and constraints such as wetlands and steep slopes.

Urban Growth Management

The quality of life in cities depends in part on how urbanizable lands are managed so they remain suitable for eventual urban development. The key document for coordinating these efforts is the urban growth management agreement signed by each county and city.

Linking Transportation and Land Use: Goal 12, Transportation*

This goal guides transportation planning in the state. It requires many communities to adopt a Transportation System Plan, or TSP, and coordinate land use decisions and local transportation planning with the Oregon Department of Transportation, or ODOT. The goal of a TSP is to plan for a safe, convenient and economical network of transportation facilities for a broad range of types of travel. The TSP is a major tool for guiding the

Location, timing and scale of development in existing and newly urbanizing areas.

Transportation facilities have far-reaching effects on the economy, land use patterns, air quality and quality of life. The most effective regional transportation systems include a mixture of transportation modes, including automobile, truck, air, rail, mass transit, boat, pedestrian and bicycle.

land use regulations are consistent with and support their TSPs. They also must take appropriate action to resolve any transportation impacts of new development.

Natural Hazard Planning: Goal 7, Natural Hazards*

The purpose of this goal is to protect people and property from natural disasters and hazards, such as floods,

Landslides, earthquakes, tsunamis, coastal erosion and wildfires. There is some overlap between the provisions of Goal 7 and the hazard provisions of Goal 17, Coastal Shore lands, and Goal 18, Beaches and Dunes. While all these goals have a shared purpose of limiting or prohibiting certain developments in hazard areas, development in coastal shore lands or beach and dune areas must be consistent with their more specific requirements.

Inventories

As components of their comprehensive plans, local governments are required to make inventories, policies and implementing measures to reduce risks to people and property due to natural hazards and disasters. The following are three options for developing a natural hazards inventory: Community-Wide Hazard Identification; Community-Wide Vulnerability Assessment; and Risk Analysis.

A Community-Wide Hazard Identification is included in most comprehensive plans. A hazard map is created after estimating the extent of the hazard, intensity and probability of occurrence. They provide a general outline of areas where a more thorough review of any proposed development should occur. Overlay zones indicate where specific development review standards are needed.

A Community-Wide Vulnerability Assessment combines the hazard identification information noted previously with an inventory of the existing or estimated property and population exposed to a hazard. Many local comprehensive plans do not contain a vulnerability assessment.

A Risk Analysis estimates the damage, injuries and costs likely to be experienced in a geographical area over a period of time. Although there are few examples at the present time, this level of hazard assessment is becoming more prevalent.

In addition to these three levels of these. Hazard assessments, communities should require a site evaluation report when considering approving new development in known or potential hazard areas. Most inventories conducted at community and/or regional scale lack details about specific properties.

Floodplain Management

The goal of Floodplain Management is to reduce losses to people and property from floods while protecting the natural resources and functions of floodplains. Development within the floodway is prohibited, while development within the floodplain generally is allowed. Floodplain management involves regulatory, construction and public education measures to avoid and minimize potential risk to development from flood hazards. Local cities and counties can meet Goal 7 requirements for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet National Flood Insurance Program or NFIP requirements.

Coastal Hazards

Coastal areas are subject to unique hazards. Ocean waves, currents, tides and storms cause chronic hazards along the ocean shore, such as velocity flooding; beach, dune or bluff

erosion; and landslides. Reversing flooding typically occurs within estuaries and in some low lying shore areas near the mouths of rivers. Coastal cities and counties have developed comprehensive plan provisions and zoning ordinances to address these hazards consistent with the State coastal goals. In addition, catastrophic hazards, such as earthquakes and tsunamis occur periodically. State laws place restrictions on the construction of certain types of facilities within tsunami inundation zones and require new buildings to withstand earthquakes. The State Department of Geology and Mineral Industries has produced inventory maps that show tsunami inundation and earthquake zones local communities can use to plan for these hazards.

Emergency Preparedness

The State Oregon Office of Emergency Management plans and prepares for prevention, mitigation and management of emergencies or disasters that present a threat to the lives and property of citizens and visitors to the state. The agency is responsible for coordinating and facilitating emergency planning, preparedness, response and recovery activities with state and local emergency services agencies and organizations. While not typically engaged in local land use planning or land use decisions.

No more questions or comments

6. Old Business

A. Discussion and or Action on Legislation on Regarding Recreation Marijuana, They have not released any preliminary numbers as of yet so we would only be speculating at this point.

7. Commission Action/Discussion

A. City Planning Activity (in Your Packets)
Status of Development Projects within the City.
Chair Schaefer reads the report submitted by City Planner Wakeley as she was excused from the meeting for lack of necessity.

8. Adjourn

Chairman Schaefer adjourned the November 4, 2014 meeting at 7:35 pm

Chairman, Schaefer

ATTEST:

Kelly Richardson, CMC
City Recorder

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.

Byron Schriever, 14980 Seal Rock, presents his water filter of 4 months it is in fairly good condition. I would give it a C+.

Mayor Graupp thanks him for the update and informs him that the copper and lead test came back good.

5. Mayor's Report, Mayor Graupp

- Various Discussion Points/Topics
- Councilor Sallee and I attended the Main Street Conference it was very beneficial for me and I noticed that two members from the Historic Review Board Karen Townsend and Gayle Abernathy attended as well. The displays were well done.
- Councilor Sallee states that the presenters were phenomenal on marketing and display aspects that help individual businesses and people shopping locally.
- Mayor Graupp, one thing I notice coming back from the conference our own downtown area more and there first Friday event the thing I noticed most was that everything was dark the streets and the stores were dark it was hard to tell they were even open.
- Councilor Sallee marketing the businesses so that everyone knows there open in the evenings is key. The outside display is delicate although window display can be a good tool too much can hinder people from seeing what is happening inside. The same is true of outside display too much is a bad thing because it then looks like junk and people don't want to walk through it to get to the store front.
- The conference was well done and I think we took away many things that could be helpful in our community.

I stopped by Wilsonville City Hall; I noticed they were handing out these scrapers and lids to make people more aware of their grease disposal and to help remind people to not put grease down their drains. I think we should think about whether or not to hand out items such as these.

I will be gone until November 3rd for business and family funeral.

Councilor Sahlin, as Council President will be signing checks. Councilor Sahlin asks for a list of regular checks so I know which ones are normal expenditures or not.

Councilor Sahlin informs the group that ODOT will be doing some paving in the near future on 99E from the light to Barlow Rd.

- 6. Discussion with Parks Committee,** Last month there was discussion regarding the trees in the park that were discussed so far we have no report. Roof life did provide an estimate for the restrooms and will begin clean up soon. Councilor Vlcek asks about the estimate for the tree trimming he feels as though some of the work can be done in house to save

some money. Councilor Sahlin I am all for saving money however we need to make sure this gets done. Councilor Sahlin requests that where the park is concerned when people are discussing it especially by email that he be cc'd on all correspondence so he is up to speed as well.

Mayor Graupp asks if we are going to consider striping out a soccer field. Councilor Vlcek will head up the project since he has a contact that is willing to make the soccer goals. Once we receive a quote we can decide from there.

7. **Discussion with Traffic Safety Commission**, No one is present.

8. **Reports**

A. Marion County Deputy Report – (not included in your packet)

- Councilor Vlcek asks if the Mayor and Councilors were aware that there is a new deputy coming to Aurora. In January Deputy Marcellais contract is up. It is my understanding that Deputy Marcellais has picked his replacement and feels as though he is the right person for Aurora he begins in January at which time Council can speak with him.

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

1. Revenue & Expense Report

- I have included a new report I believe it gives a better picture of percentages spent. They all agree that they like this report and would like to see it each month.
- The Auditors were here for 2 days rather than 3 days so far so good.
- Mayor Graupp informs the group regarding our discussion to change auditing firms that would not be necessary however it is recommended to change staff within the firm every so often.

No more questions from Council.

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

4. Sewer Dept Report

- The routine water meter installation is going well. Councilor Sallee how many meters are budgeted for replacement this year? 50
- Mayor Graupp had received an email from the residents on Albers Way regarding the light pole that has not been taken care of.
- Councilor Sallee asks Public Works Superintendent again about a punch list of the top 5 items that need done and where we're at on these items. Honestly I do not see a lot of progress happening from previous discussions. Superintendent Lockard informs Councilor Sallee that we have a lot of comp time on the books right now so it may have to wait. Councilor Sallee you need to prioritize and get this list done.

- Councilor Sallee also asks for a master list of mandatory tests and reports along with their due dates. Just to make sure that we are in compliance at all times.
- Lockard also informs Council that he has someone coming in to possibly clear more land for additional irrigation. I suspect it to run around 9 to 10 thousand dollars.

D. City Recorder's Report (included in your packet)

- Finished LEDS training
- Working still with HD supply regarding software integration.

E. City Attorney's Report – (not included in your packet) Mayor Graupp updates the council as Attorney Koho is out sick.

- Apparently all of the paperwork was successfully filed and a judge reviewed it and rather than ruling in 365 days it was shortened to 180 days. So by early spring we could have this finished potentially either cleaned up or foreclosed.
- Councilor Vlcek asks if were to foreclose would it be possible to place a trailer on it for temporary offices for city hall. Mayor no it is zoned Historic District and they are not allowed in the district. Between Councilors they discuss the possibility of this site as a future city hall site and Councilor Sahlin states let's wait to see what happens first.

There is no more discussion.

9. Ordinances and Resolutions & Proclamations

A. Discussion and or Action on First Reading of Ordinance Number 477 An Ordinance Providing for a Cross Connection Program and repealing Ordinance Number 387.

Councilor Sallee, ask for clarification regarding number 7 if everyone uses chemicals then wouldn't they be required to have a backflow device? Mayor Graupp no because it's not required and on the end of the hose it would be hard for a back up and if they do then we cannot police everyone so we will do the best we can. Councilor Sallee also asks if it is required for everyone with sprinkler system's to have a device? Yes they are. Also who is the specialist? And why is it not identified. Mayor Graupp, It would be the person performing the tests.

Councilor Sahlin asks who is going to police this situation.

Councilor Vlcek, are we going to send letters?

It is briefly discussed how all of this will work and is decided that staff can put together a process of implementation and bring it back to council to review.

Motion to approve the first reading of Ordinance Number 477 is made by Councilor Vlcek and seconded by Councilor Sallee. Passed by all.

10. New Business

- A. Discussion and or Action on Ordinance Number 477 An Ordinance to Change the Current Cross Connection Program.

11. Old Business

A. Discussion and or Action on Proposal from Verizon Wireless

- Councilor Sallee asks if the current amount proposed seems appropriate, Finance Officer Lambert states yes it does.
- Councilor Vlcek' concern is about safety and health risks involved, Mayor Graupp states this is an ongoing issue which there is no resolve. Councilor Sahlin I think the jury is still out on that one.
- It is the consensus of the Council to have Mayor Graupp sign the lease with Verizon and move forward.

Councilor Brotherton brings up a point regarding the city hall building fund and if it would be a good idea to look into putting up a temporary trailer across the street and demo this building. Mayor Graupp states if the council feels it's time to start the analysis process to see what our needs are for a new city hall he thinks that would run around 10,000 to begin that phase of the process.

I think the better place to start would be to find new ways to generate new funds for the city hall building fund. No consensus is arrived at.

12. Adjourn

Mayor Graupp adjourns the October 14, 2014 Council meeting at 8:35 pm.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, CMC
City Recorder

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

Staff Members Present: Kelly Richardson, CMC
City Recorder

Others Present: Bill Graupp, Aurora
Kuri Gill, State Preservations Office

The meeting of October 23, 2014 was called to order at 7:01 p.m. by Chair Abernathy.

Chairman Townsend takes Roll Call

Chairman Gayle Abernathy – Present
Member Bill Simon – Present
Member Merra Frochen – Present
Member Mella Dee Fraser – Present
Member Karen Townsend – Present

CONSENT AGENDA

- I. Historic Review Board Minutes – September 23, 2014, on pg 1 and 2
frees standing sign should be changed to free standing sign and on pg 2
the free standing sign was refaced with metal not made of metal.
- II. City Council Minutes --September 2014
- III. Planning Commission Minutes - September, 2014

A motion to approve the HRB minutes of September 23, 2014, with corrections made was made by Member Simon and is seconded by Member Frochen. Passed by all.

CORRESPONDENCE

- I. None

VISITORS

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

No comments

5. PRESENTATION

- A.** Kuri Gill with the State Preservations Office to present CLG Projects in the local area.

Certified Local Government, the city applied to become a certified local government you were accepted and so you are now eligible for grant process,

Oregon Heritage, is part of State Preservation office, Aurora now a CLG is encourage and supported and preserved, as a Federal Program through Parks Service, they are run differently in every state we determine who qualifies, we say preservation has to happen on the local level because you know your city. We require you meet 4 times a year, and you must have a Board of at least 3 people and a designation in their code and then a process to follow. A year ago Aurora applied and qualified, so now you get extra assistance from us and you can apply for grant money and certain projects you can do, it is a one to one match, the city match can be staff and hours spent on the project as well.

In general to be strong,

- Survey- to know what you have
- Public Education- to know why it is important
- Designation, what is in your district
- Treatment- what can you do with it.
 - Create a news letter, for everyone because it is an asset for the entire community
 - Packets and or pictures and character define features don't alter these items.

At this point Kuri begins a slide show and shows the board many different grant ideas from other cities.

Apply in November application due February 2015 funds available April 1 so really it's a 17 month process to complete the projects.

6. New Business

- A.** Discussion and or Action on Christ Lutheran Church Entry Remodel and Elevator Proposal 15029 2nd Street.

Pastor Craig Johnson, along with

Allan Kostic, presents the plan of the new church design as presented on the application. They point out the Issue of steps upon entering the building and circulation is a problem with so

many stairways to everywhere. It is a 3 storey building and no elevator. We are looking at the rearrangement of stairways to make access better. Better transparency upon exiting the building. So upon looking at the old 1800 church we thought let's bring back the old church steeple along with Code efficient stairwells inside of the building for the restrooms and to be ADA compliant.

The goal is to remove the bell tower and use the brick in planter areas and gathering spaces.

Pastor Craig, states that the accessibility is a main concern and because we didn't have that we would not qualify to be the disaster response area for the entire city because of fire life safety issues.

All the growth will be happening within the foot print of the existing building because there is no land for expansion. All of the work would be done on the church side of the sidewalk.

Materials goal is to match everything that is there exactly.

A few questions from the board are as follows

1. Height, it appears to be over the 35 foot height restriction.
2. Setbacks from the current sidewalk area in section 17.40.160 were not completely sure if this change would be allowed because of the new code standards.

The church is a massive building and it works because it flows well as a rolling hill and with the large expansion you are proposing it will become very dominant building and therefore take away from the other historic buildings.

Kostic, my first reaction, is that we did go through the code and we may have missed it but because of what you're telling me this would kill the project we simply can't just move it back.

Kostic, we may be able to look at the steeple situation however it is exactly what was there earlier. Board states that the fly zone was not there then and the former building was a very different style with the steeple built into it. Would there be a variance situation that may be granted.

Board states that it's their understanding that the city doesn't allow variances for setbacks.

Pastor Craig reiterates what the architect has stated earlier and the board explains;

Pastor, you need to understand that when the boundaries were drawn many buildings that are not historic were placed in to the district. Pastor Craig states we are trying to work with the building that we have. Currently we are trying to work in the box and we are just trying to comply and have a useful building as possible.

Chair Abernathy, I like what I see.

Townsend the height and setbacks are an issue at this point; I think that it's beautiful, however I think that in order for a decision to be reached you will need to scale it back some.

What about the following items

Windows, no change

Wood, stair case

Clear glass at this point in the stairwell

Flat Roof, slope is a question, on pg 430, code section, 17.40.150, C, flat roofs not regulated in this section.

The items that we need to address with the city planner are as follows,
Flat roof, height of steeple and setbacks.

A motion to table this application until November and a discussion with the Aurora City Planner can happen is made by Member Fraser and is seconded by Member Simon. All passed.

It is the consensus of the board to change the schedule of the following meetings due to the holiday season as follows. November 20 December 18th .

B. Discussion and or Action on Renovation and Expansion Application from Aurora Family Health 21348 Hwy 99E.

Applicant is pulling the application based on the fact that this is a conceptual conversation on the renovation only at this point and doesn't want a decision made at this time.

The Board clarifies that this is a structure just less than 1920 so it is a contributing structure. The proposed addition, would be in the rear correct? Applicant states yes the board goes on to clarify that supposedly you're not supposed to see from the right of way. It looks to me that it would fit according to section 17.40.020,

The applicant states next time I come I will have side views as well and address all of the materials as well.

7. Old Business

- A. Discussion and or action on Sign Inventory
- B. Discussion and or action on Historic Inventory list

No discussion on these old business items at this time.

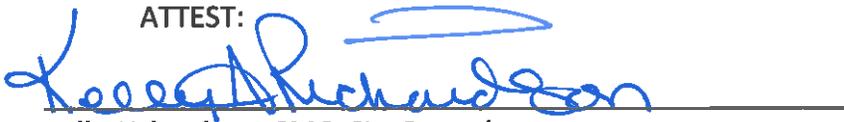
8. ADJOURN

8. ADJOURN

Chairman Abernathy adjourned the meeting of October 23, 2014 at 9:02 pm.



Gayle Abernathy, Chairman

ATTEST:


Kelly Richardson, CMC City Recorder



citycounty insurance services
www.cisoregon.org

REAL-TIME RISK

November 2014

News, Updates and Emerging Risk Management Issues
of Interest to CIS Members

There's Smoke, but There's No Fire

Why Employers Should Not Overreact to Oregon's Recreational Marijuana Law

CIS members have been quick to react to the passage of Oregon's recreational marijuana law, but from an employment law perspective there is little (if anything) for employers to react to.

The new law (which was listed as measure 91 on Oregon voters' ballots) goes into effect on July 1, 2015. It has no employment or labor law provisions included in the language of the law. Zero. In fact, the new law specifically states that it "may not be construed . . . [t]o amend or affect in any way any state or federal law pertaining to employment matters." Nor does it give authority to the Oregon Bureau of Labor and Industries to draft labor or employment regulations interpreting the law. In a nutshell, all the new law does is legalize the possession of marijuana for adults within specified limits, and provides for a commercial regulatory system of marijuana production, distribution and sale.

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HIRE TO RETIRE (H2R) BLOG

CIS is pleased to introduce a blog focusing on employment law as it relates to public sector employers.

This blog will provide legal updates in a timely fashion, as well as "lessons learned".

Visit H2R.cisoregon.org to access the blog.

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Real-Time Risk • November 2014

Page 2 of 5

The following are some of the primary questions I have fielded from CIS members regarding Oregon's recreational marijuana law and my responses. Of course, if you have a question that isn't answered here, feel free to email or call me (tjones@cisoregon.org or 503-763-3845).

DOES THE NEW LAW MAKE MARIJUANA USERS A PROTECTED CLASS UNDER OREGON LAW, LIKE RACE OR DISABILITY?

No. The recreational marijuana law does not give lawful marijuana users any employment or labor rights or protections, and it does not give employees a right to sue employers who may choose to discriminate against them because of their lawful marijuana use.

DOES THAT MEAN I CAN FIRE SOMEONE FOR THE SOLE REASON THAT THEY USE MARIJUANA?

Probably. I qualify this answer for a couple of reasons. First, the safest terminations occur because the employee has violated an existing policy or an employer's publicized directive (like a discipline notice). Thus, to minimize risk to your organization, I would want to know what your organization's policies state on the subject of employee drug and alcohol use.

Most CIS members currently have policies that demonstrate their organization's "zero tolerance," meaning that the employer doesn't allow its employees to test positive for any drug or alcohol in the work place (even if the employee is not impaired). With that kind of a policy, and assuming we could show that your employees knew about it, terminating a lawful user of marijuana would be acceptable.

NOTE: If your organization is subject to federal regulations implemented by the Department of Transportation, the Federal Aviation Administration or any other federal agency, you must continue to comply with those regulations. Marijuana remains illegal under federal law, and your organization must comply with those regulations.



"In a nutshell, all the new law does is legalize the possession of marijuana for adults within specified limits, and provides for a commercial regulatory system of marijuana production, distribution and sale."



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Real-Time Risk • November 2014

Page 3 of 5

Some CIS members, however, have policies that merely prohibit employees from coming to work in any intoxicated or impaired state. These employers should expect that random drug tests will reveal more marijuana use among their employees, but not necessarily impaired or intoxicated employees. Those employers should also respond in accordance with their policies, and consider whether termination is appropriate.

Second, issues arise when the termination relates to an employee who is arrested for marijuana possession (above the legal limits set by the new law, or for possession of any amount at any point before July 1, 2015). Specifically, the organization needs to be careful about setting a precedent that it can't or won't follow with a different employee later, i.e., if we fire this employee for being arrested or convicted, are we going to fire the next employee who is, as well as every other employee who follows suit? Also, terminations based on arrests or convictions should never be made lightly: Consider whether there is a reasonable connection between the offense and the nature of the work performed by the employee, because the closer the connection, the less risky the termination decision will be.

Finally, even if the recreational marijuana law doesn't give lawful marijuana users any employment law rights or protections against terminations, remember that a termination for lawful marijuana use may not necessarily constitute "just cause" under the collective bargaining agreements in place with your employees. It will be necessary to consult with your organization's labor counsel on that issue.

DOES THAT MEAN I SHOULD FIRE SOMEONE BECAUSE THEY ARE A LAWFUL MARIJUANA USER?

That's the real question, isn't it? Some of your best employees may choose to lawfully use marijuana under the new law without any impact on the work they do for you. Your pool of qualified applicants for any given position could shrink if you excluded lawful marijuana users. Some of your citizens may strongly support the law and not take kindly to your organization reacting harshly to



Real-Time Risk • November 2014

Page 4 of 5

employees who are lawful users of marijuana. I think, however, the best way for your organization to approach this is to consider the history of your organization's tolerance towards drug and alcohol use and to take a position, whatever it may be. That position can always be adjusted later, but starting with a baseline approach now in anticipation of the July 1, 2015, effective date is a sensible start.

HOW DOES THE NEW LAW AFFECT MEDICAL MARIJUANA USERS AND EMPLOYERS' OBLIGATIONS TOWARDS THEM?

It doesn't. The new law does not give licensed medical marijuana users any rights in the labor or employment law context. The law in this regard is unchanged: Employers are not required to accommodate medical marijuana users in the workplace, or to allow medical marijuana users to use medical marijuana during working hours. If an employee who uses medical marijuana has a "disability" under federal or Oregon law, however, the employer will still be required to engage in the interactive process with that employee to determine whether the underlying disability can be reasonably accommodated.

What rights (yeah, right) does the recreational marijuana law give me, the employer?

It doesn't. Having said that, an employer may lawfully prohibit employees from:

1. Coming to work impaired (discussed above);
2. Coming to work with any detectable amounts of marijuana in their system, even if they aren't impaired (discussed above);
3. Smoking marijuana on organization property, in organization vehicles, or on organization property;
4. Bringing marijuana (in any form), marijuana brownies or other items prepared with marijuana in them to the work place or on work premises (discussed below);
5. Serving items prepared with marijuana to co-workers or members of the public while on work time, or on work premises or property (discussed below); and



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Real-Time Risk • November 2014

Page 5 of 5

6. Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, smoking masks, roach clips, and or other drug paraphernalia; and
7. Bringing marijuana paraphernalia to the work place or on work premises, including any equipment, products or materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants.

SO IS THERE ANYTHING EMPLOYERS SHOULD DO NOW?

Yes. First, review your policies on drug testing in the work place and drug use by employees. Do these policies accurately reflect your organization's view and tolerance towards employees who use drugs and alcohol, even if lawfully? If not, some rewriting may need to go into effect. You may also wish to consider expanding on current policies to address the lawful prohibitions I describe above. Any policies relating to drug use or drug testing should be properly announced so that employees are put on notice.

Second, as noted above, decide as a general matter what the organization's view towards lawful marijuana use will be.

Third, consider sending a notice to your employees now that states in general terms what the organization's view is towards marijuana in the workplace and that the passage of Oregon's recreational marijuana law does not change that view. The notice could remind CDL holders about their obligations, as well.

- Tamara E. Jones, CIS Pre-Loss Attorney



CIS TO ISSUE A NEW DRUG TESTING/DRUG USE POLICY

The 2015 edition of the Sample Employee Handbook will be made available distributed during the early part of the new year, well before the new law goes into effect in July 2015. It will include a new drug testing/drug use policy that addresses issues in this article.

Chapter 3: Implementing Measures and Land Development in Practice

Welcome to Chapter 3 – Land Development in Practice. As we noted in our overview in Chapter 1, local comprehensive plans are the overarching documents cities and counties use to guide and regulate land use and development. The comprehensive plan must be consistent with Statewide Planning Goals and is implemented through zoning ordinances, development codes and other regulations. All cities and counties within Oregon have a comprehensive plan and implementing ordinances. It is important to periodically review and revise plans and regulations to ensure they are consistent with legal requirements and reflect community needs and values. The purpose of this chapter is to explain these practices in more detail.

Comprehensive Plans

Comprehensive plans identify each community's type, location and intensity of future development. Depending on the size of the jurisdiction, plans may be subject to periodic review by DLCD, the State Department of Land Conservation and Development. They are expected to accommodate changing needs over time. Where applicable, comprehensive plans include policy guidance for specific natural resources such as rivers, wetlands, forests, farmland, rangeland, estuaries, shorelands, beaches, and dunes.

Preparation

The process to prepare each comprehensive plan requires several steps. They may overlap and do not necessarily take place in this specific order:

- Identifying current conditions and issues
- Collecting data
- Setting goals and
- Preparing the plan

When identifying current conditions and issues, it is important to undertake early and thorough public involvement efforts with citizens, local businesses, community organizations and neighborhood leaders. Public engagement may occur in many ways, from open houses, town hall meetings and workshops, to coffee klatches and personal interviews. Websites, e-mail, and other on-line techniques help broaden public outreach and promote civic engagement.

The second task, data collection, also contributes to identifying issues. Information is most often available from governmental agencies, community resources such as housing inventories, and current and previous policies and plans. After careful review and analysis, the data can show emerging patterns that may help to predict future conditions. Examples include population projections and economic forecasts. Information about natural hazards, geology and topography can help guide decisions about where future development should occur.

The third step is to set goals. What is the community's vision? What kind of community do people favor? How much land should be set aside for future housing needs? Industrial development? Natural resource protection? Recreation? Other uses? The resolution of many of these issues will involve application of requirements contained in the statewide planning goals and state statutes.

The fourth and final step is to prepare or update the comprehensive plan - the document that is reviewed and adopted by the governing body. The plan covers public involvement, key goals and focus areas, and implementation measures. The planning process may require several drafts and take considerable time and effort.

Adoption

Adoption of the comprehensive plan is considered a "legislative" action. It follows public hearings, which provide an opportunity for formal public testimony, and final approval by the city council or county commission. After state review and "acknowledgement," the comprehensive plan becomes the community's guiding policy statement regarding land use and development.

Implementation

Comprehensive plans are implemented through land use regulations such as zoning ordinances and development codes. Other measures may include capital improvement programs, design review ordinances, intergovernmental agreements, refinement plans, and special area management plans.

Updates, Amendments and Periodic Review

State law (ORS 197.628) establishes procedures for periodic review of comprehensive plans and land use regulations. This process is mandatory for some more populated jurisdictions and is optional for others. The purpose of this process is to ensure that comprehensive plans and land use regulations are appropriate for the community, given any changes in local, regional and state conditions and continue to comply with the statewide planning goals. Statewide Planning Goal 2 requires all comprehensive plans to contain a schedule for review and revision on a periodic basis. Plans must continue to provide sufficient land for projected population growth and development and ensure that such growth and development is supported by adequate transportation and public facility infrastructure. Needed amendments must go through the adoption process described previously.

Zoning

The purpose of a zoning ordinance is to carry out the policies and designations contained in the comprehensive plan. Zoning ordinances divide community into various land use zoning districts, such R-1 residential, or C-1 Commercial. Each specific zone lists uses and activities allowed outright, allowed with conditions, or prohibited. Zones delineate areas where similar types of development are permitted and others are not. For example, a mixed-use housing/commercial district permits a variety of housing types and businesses, but may not allow large-scale industrial manufacturing. Zones can separate conflicting land uses, protect property values, improve predictability in decision-making, increase efficiency

of public services and protect natural resources or special types of land. Zoning ordinances also contain procedures for actions requiring review or hearings; for amendments to the ordinance or map; and for enforcement.

Zoning Map

The Zoning Map is a visual and spatial planning tool that implements the comprehensive plan. The map shows the location and boundaries of base zones and overlay zones covering all geographical areas of the city or county. The zoning map and any changes to zoning designations over time must be consistent with policies and designations in the comprehensive plan. The comprehensive plan and zoning map may be very similar but not necessarily identical.

Zone Types

Basic zone designations typically include general categories of uses such as Residential, Commercial, Industrial, Public, Farm, Forest, and Rural Residential. Overlay zones typically apply to floodplain and natural hazard areas; specific natural resource areas; or, special use areas such as airports. Within the basic zone categories, communities often include several more specific zones. For example, sub-categories of residential zoning may include single-family, multi-family, medium-density, and high-density. While zoning categories are similar statewide, each community creates its own, based on the desired development pattern and policy framework contained in the comprehensive plan.

Conditional Uses and Variances

Local governments may allow certain uses in a zone subject to review and special conditions. The zoning ordinance lists conditional uses that may be authorized within each zone. Conditions of approval may be specified by the zone or imposed by a decision-maker based on the results of a public review and hearing, although in this case the decision-maker will need to justify special conditions by citing an overarching policy or requirement. A variance allows a local government to modify some requirements to account for unique circumstances based on standards outlined in the zoning ordinance. Variances may reduce lot size requirements or coverage standards, off street parking requirements or structural setbacks. Variances do not allow uses not otherwise authorized in a zoning category.

Conditional use provisions generally apply to uses or activities that have potential adverse impacts or compatibility issues and therefore require review. In many cases, adverse impacts and compatibility issues can be resolved or minimized by the application of conditions or limitations. Zoning ordinances specifically list the types of uses and activities that may be authorized through the conditional use review process. Some types of conditional uses, such as those allowed within Exclusive Farm Use zones, are subject to specific state requirements.

Variance provisions provide the opportunity to modify regulations due to unusual circumstances, such as the lot configuration, in order to allow the same use as similarly situated nearby property. For example, a variance may be requested to allow a reduced setback for a home built on an unusually shaped lot. Variances are subject to specific and rigorous approval standards outlined in the zoning ordinance. Decisions require evidence and findings demonstrating the standards are met.

Overlay Zones

Overlay zones modify the regulations in a base zone by allowing or limiting uses or adding specific requirements. For example, an area may be zoned commercial and also be included in a design overlay zone to meet certain community goals. Among the many types of overlay zones are those for floodplains or other hazards, riparian areas or environmental considerations, future urban uses, greenways, main streets, airports and transportation corridors.

Alternatives to Conventional Zoning

Euclidian Zoning is the most common zoning ordinance framework used in the United States. The term "Euclidian" is from the 1926 U.S. Supreme Court case, *Village of Euclid, Ohio v. Ambler Realty Co.* This style of zoning segregates land uses into use categories based on the type and intensity of allowed uses and activities. Residential zones typically allow the lowest intensity uses and industrial zones typically allow the highest intensity uses. Over time, many communities have chosen to abandon this tiered approach in favor of more specific and exclusive zoning categories. This approach encourages more efficient uses of land, public facilities and transit.

Local governments also are increasingly considering "Performance Zoning," also known as "Effects-Based Planning," and "Incentive Zoning." Both establish goals and criteria for development and are considered more flexible than more conventional zoning.

Another alternative, "Mixed-Use Zoning," allows compatible but different types of uses in a single area. A mix of housing, retail, and offices often results in a compact pedestrian friendly development pattern with more efficient infrastructure and stronger economic ties within the community. Mixed-use areas can be included within "Form-Based Codes." These codes regulate development form, rather than land use. For example, form-based codes in a densely developed area typically include smaller set-backs, higher residential density and improved pedestrian circulation.

DLCD has prepared a Model Code for use by small cities and provides technical assistance to local governments. For information about the model code or code assistance program, contact the regional representative for your area.

CC&Rs or "Covenants, Conditions and Restrictions" are also known as "private zoning." They are often established and enforced by a homeowners' association formed by the developer. The goal is to maintain high standards of development by prohibiting activities that could degrade the appearance or security of the development. Covenants restricting ownership in the development by certain classes or races of people are illegal.

Land Divisions

Under Oregon law, there are two categories of land divisions: partitions and subdivisions. A partition divides a unit of land into two or three parcels. A subdivision divides a unit of land into four or more lots.

Minimum Lot Size

Minimum lot size is the smallest area allowed for a lot or parcel. In cities, this is the smallest area of land in a particular zone on which a structure may be built. Minimum lot sizes are typically expressed in square feet in urban zones and in acres in rural zones. The minimum lot size in an area determines the density of allowable development. Typical minimum residential lot sizes in urban areas are between 5,000 and 20,000 square feet. In rural farm and forest zones, they are between 80 - 160 acres, and in rural residential areas between 2 and 10 acres. For reference, one acre is 43,560 square feet. If it were square, it would be approximately 209 feet on each side, about the size of a small city block.

Plans and Plats

Partitions and subdivisions undergo two stages of review and approval. A tentative or preliminary plan is a proposal that is reviewed by local officials to ensure conformance with code or ordinance requirements and identify planning issues or problems. After it is approved, the tentative or preliminary plan becomes a final plat with accurate survey lines and dimensions of lots, streets, utilities, and other physical features. This final plat is officially recorded with the county. Detailed standards and procedures governing partitions and subdivisions are found in ORS Chapter 92*.