

AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, June 03, 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 –May 06, 2014**
- II. City Council Minutes – April, 2014**
- III. Historic Review Board Minutes – April, 2014**

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 Conditional Use Application 2014-01 & SDR 2014-01
Property Address 21680 Main Street NE Carl and Tara McKnight.**

- 6. New Business**
 - A. Discussion and or Action on Request for Extension SUB-09-01 and SDR-09-01for Mr. Bixler property.**
 - B. Discussion and Review of Conditional Use Application in 1993 for Property Address 15109 Second Street.**
 - C. Discussion and or Action on Information Regarding Metro Area Boundary Update.**

- 7. Old Business**
 - A. Discussion and or Action regarding Manufacturing in Commercial zone.**

- 8. Commission Action/Discussion**
 - A. City Planning Activity (not in Your Packets) Status of Development Projects within the City.**

- 9. Adjourn,**

Minutes
Aurora Planning Commission Meeting
Tuesday, May 06, 2014 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Renata Wakeley, City Planner

STAFF ABSENT: NONE

VISITORS PRESENT: **Eman Sadek, Tigard Oregon**
Carl McKnight, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:03 p.m.

2. City Recorder Did Roll Call

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

3. Consent Agenda

Minutes

- I.** Aurora Planning Commission Meeting –April 01, 2014
- II.** City Council Minutes – March, 2014
- III.** Historic Review Board Minutes –

A motion is made by Commissioner Gibson 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.

Carl McKnight, States that he had submitted a business license for 21680 Main Street for a food cart this last Thursday and thought that it would be on the agenda however I see that it

is not. I was told this last Monday that I would need to do a conditional use permit. I have already had an electrical permit submitted and approved. On April 18th I had asked what the next steps were but through some miss communications I was not told until Monday morning that I needed a conditional use permit. So I would like to get it on the agenda for this evenings meeting rather than wait another month. My question is why it was not on the agenda since I had put in a business license application. **Schaefer** we don't as commissions take care of business license. Now a conditional use permit is a fairly precise procedure first you make application then property owners are notified and then a public hearing is scheduled. **McKnight** and I can appreciate all of that but since this process started in September and Council approved the food cart and because I was in communication with the city on this it really would be a shame to have it go another month. Schaefer well what the city council approved was a text amendment it was not geared towards any one project so the process is what it is. We really rely on the applicants to pay close attention to what the rules are and apply with the correct applications to move it forward properly and to get all the information in on time.

City Recorder Richardson asks if she may interject and Chair Schaefer states no. At which point Commissioner **Willman** asks why not and then goes into a discussion with the group regarding the fact that he is here now and needs approval in order to move forward with his plans. Is there anything we can do for him? **Chair Schaefer** explains that this is not allowed expressly by law and we cannot violate the law. **Weidman** did he have his application in by the deadline to be on tonight's agenda? Chair Schaefer no that's the whole point. Willman was he made aware of this process? **Chair Schaefer** I can't say but we were very clear in the text amendment what needed to be done and the process to follow. McKnight I still don't see why since you have a short agenda this evening. **Chair Schaefer** it would violate State law to do so because the process and postings along with notifications have not been done it's just not going to happen tonight. McKnight well I am not asking it to be approved this evening I asking it to be discussed so it can be sent out for comment. Well it cannot be discussed either.

Willman so there is nothing we can discuss to help him further along in this process? Chair Schaefer no not until the process and application is followed. Schaefer we have to follow the fundamental state laws.

Could you please tell me the process Chair Schaefer please contact City Planner Wakeley. City Planner Wakeley explains that she can get him an application and help him through the process.

McKnight then asks what criteria is needed for the HRB meeting it's my understanding that many of these items are listed and addressed therefore no approval is required except by staff. Chair Schaefer these are questions for HRB not us. Chair Schaefer thanks Mr. McKnight for coming.

5. Public Hearing Opens at 7:22 pm

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

- Chair Schaefer reads the script and asks for ex-parte contact with the applicant or any reason to declare an issue. No one comments or raises an issue.
- City Planner Wakeley reads her staff report as follows.

CITY OF AURORA PLANNING COMMISSION

STAFF REPORT: Interpretation 2014-01 [INT-41-01]
DATE: April 21, 2014

APPLICANT/OWNER: Erika Zurita

REQUEST: Interpretation of the Aurora Municipal Code (AMC) by the Planning Commission in regards to approval of a non-remonstrance agreement for sidewalks in lieu of installation.

SITE LOCATION: 14943 Walnut Street NE, Aurora, OR 97002 (also known as Map 41W13CA Lot 4700)

SITE SIZE: Approximately 5,000 square feet, or 0.11 acres

DESIGNATION: Zoning: Moderate Density Residential (R2)

CRITERIA: Aurora Municipal Code (AMC) Chapter 16.34 Public Improvement and Utility Standards

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Non-remonstrance Application
Exhibit C: Photos of Walnut Street

I. REQUEST

Approval of a non-remonstrance agreement in lieu of sidewalk improvements as part of building permit review under AMC 16.34.030.A.2.

II. PROCEDURE

Pursuant to 16.34.030.A.2. and subject to approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements. AMC 16.78 requires Limited Land Use Decisions be processed as written notice of a decision to be provided to owners of adjacent property for which the application is made.

The application was received on April 10, 2014. The application was determined complete by Staff and placed on the next available Planning Commission agenda. Notice of a limited land use decision on this property was also posted at City Hall with the Planning Commission agenda on April 29, 2014. Pending a decision from the Planning Commission at the May 6th meeting, a Notice of Decision will be mailed to adjacent property owners. The City has until **August 4, 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 16.78.120. An appeal of the 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 non-remonstrance agreements are found in AMC Chapter 16.34 - Public Improvements and 16.78- Limited Land Use Decisions

16.34 Public Improvement and Utility Standards

16.34.030.A.2. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements if the following conditions exist:

A. A partial improvement creates a potential safety hazard to motorists or pedestrians; or

FINDING: Staff finds installation of a sidewalk along the frontage of the subject property along Walnut Street would result in an unconnected sidewalk along properties to the north and south (see Exhibit C). Staff finds an unconnected sidewalk could create a safety hazard to pedestrians in an elevation change and a potential trip hazard. Staff finds this criterion is met.

B. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.

FINDING: Properties to the north and south of the subject property along Walnut Street do not have sidewalks. The applicant is proposing a new single family dwelling which staff finds does not result in a significant increase to vehicle or pedestrian traffic to the residential neighborhood. While the transportation system plan does identify Walnut Street as requiring sidewalks, it is unlikely other properties along Walnut will undertake frontage improvements in the near future. Staff also finds the installation of sidewalks along the subject property would not create a significant increase to safety or capacity and finds this criterion is met.

16.78 Limited Land Use Decision

16.78.090 Standards for the decision.

A. The decision shall be based on proof by the applicant that the application fully complies with:

1. The city comprehensive plan; and

FINDING: Staff finds the application meets the criteria under 16.34 for approval of a non-remonstrance agreement. The implementing ordinance of the comprehensive plan is included under Title 16- Land Development. A review of Title 16 is included below. Staff finds this criteria is met.

2. The relevant approval standards found in the applicable chapter(s) of this title and other applicable implementing ordinances.

FINDING: The property is zone Moderate Density Residential (R-2). Staff finds the property meets the size, width, and depth required under the zone. The applicant proposes construction of a single family residence on the property which is a permitted use under the zone and the building permit has been approved in compliance with height and setback requirements.

AMC section 16.34.060.A. states, "on public streets, sidewalks are required except as exempted by the Aurora transportation system plan (TSP) and shall be constructed, replaced or repaired in accordance with the City's public work design standards." While the City TSP does identify Walnut Street as requiring sidewalks, the AMC does allow the Planning Commission to accept a non-remonstrance agreement in lieu of improvements under certain conditions.

Staff finds the criteria under Title 16 can be met, with conditions.

V. CONCLUSIONS AND RECOMMENDATIONS

Based upon the findings outlined in the staff report, staff recommends Planning Commission action **VI.A.1** as outlined below for the Interpretation application (File No. INT-14-01) with the following conditions of approval:

1. The applicant executes and records a non-remonstrance agreement for sidewalks with Marion County. The non-remonstrance agreement shall be reviewed and approved by the City prior to recording.

VI. PLANNING COMMISSION SAMPLE MOTIONS

- A. Motion to adopt the findings in the staff report and approve Interpretation 14-01:
 1. As presented by staff, or
 2. As amended by the Planning Commission (stating revisions)

OR

- B. Motion to deny Interpretation 14-01 (stating how the application does not meet the required standards),

OR

- C. Continue the decision to a time certain or indefinite (considering the 120-day limit on applications) in order to collect additional information from the applicant or staff (stating the information required in order to make a decision)

Discussion and or testimony on the application as follows.

- Applicant Saul Ramirez explains his situation to the commission regarding what he is asking for and why. Once I take into consideration all of the setback requirements there is simply not enough room in my opinion to build the carport I cannot park my trailer and my other vehicles safely.
- Chair Schaefer asks a few questions regarding size of the proposed structure.
- Applicant it will be under 200 square feet.
- Through much discussion it is determined that the applicant really would like not to have a carport it would be much easier for me considering the size of the lot.

Public Hearing closes at 7:41pm

Discussion between the Commissioners again they consider a few options for the applicant but over all they all agree that the lot is small and it would hinder the applicant.

A few of the Commissioners are in favor of a carport if there is some way to make it work but through the discussion it is clear the applicant would prefer not to have one.

Commissioner Willman makes a motion to grant the variance as requested and not require a carport on this lot as recommended by staff's report provided and is seconded by Commissioner Mercedes-Feely. Passed by All.

6. New Business

- A. **Discussion and or Action on Non-Remonstrance Agreement [INT-14-01] with Applicant Erika Zurita Property Address 20855 Walnut Street.**

CITY OF AURORA PLANNING COMMISSION

STAFF REPORT: Interpretation 2014-01 [INT-41-01]
DATE: April 21, 2014

APPLICANT/OWNER: Erika Zurita

REQUEST: Interpretation of the Aurora Municipal Code (AMC) by the Planning Commission in regards to approval of a non-remonstrance agreement for sidewalks in lieu of installation.

SITE LOCATION: 14943 Walnut Street NE, Aurora, OR 97002 (also known as Map 41W13CA Lot 4700)

SITE SIZE: Approximately 5,000 square feet, or 0.11 acres

DESIGNATION: Zoning: Moderate Density Residential (R2)

CRITERIA: Aurora Municipal Code (AMC) Chapter 16.34 Public Improvement and Utility Standards

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Non-remonstrance Application
Exhibit C: Photos of Walnut Street

I. REQUEST

Approval of a non-remonstrance agreement in lieu of sidewalk improvements as part of building permit review under AMC 16.34.030.A.2.

II. PROCEDURE

Pursuant to 16.34.030.A.2. and subject to approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements. AMC 16.78 requires Limited Land Use Decisions be processed as written notice of a decision to be provided to owners of adjacent property for which the application is made.

The application was received on April 10, 2014. The application was determined complete by Staff and placed on the next available Planning Commission agenda. Notice of a limited land use decision on this property was also posted at City Hall with the Planning Commission agenda on April 29, 2014. Pending a decision from the Planning Commission at the May 6th meeting, a Notice of Decision will be mailed to adjacent property owners. The City has until **August 4, 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 16.78.120. An appeal of the 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 non-remonstrance agreements are found in AMC Chapter 16.34 - Public Improvements and 16.78- Limited Land Use Decisions

16.34 Public Improvement and Utility Standards

16.34.030.A.2. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements if the following conditions exist:

A. A partial improvement creates a potential safety hazard to motorists or pedestrians; or

FINDING: Staff finds installation of a sidewalk along the frontage of the subject property along Walnut Street would result in an unconnected sidewalk along properties to the north and south (see Exhibit C). Staff finds an unconnected sidewalk could create a safety hazard to pedestrians in an elevation change and a potential trip hazard. Staff finds this criterion is met.

B. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.

FINDING: Properties to the north and south of the subject property along Walnut Street do not have sidewalks. The applicant is proposing a new single family dwelling which staff finds does not result in a significant increase to vehicle or pedestrian traffic to the residential neighborhood. While the transportation system plan does identify Walnut Street as requiring sidewalks, it is unlikely other properties along Walnut will undertake frontage improvements in the near future. Staff also finds the installation of sidewalks along the subject property would not create a significant increase to safety or capacity and finds this criterion is met.

16.78 Limited Land Use Decision

16.78.090 Standards for the decision.

A. The decision shall be based on proof by the applicant that the application fully complies with:

1. The city comprehensive plan; and

FINDING: Staff finds the application meets the criteria under 16.34 for approval of a non-remonstrance agreement. The implementing ordinance of the comprehensive plan is included under Title 16- Land Development. A review of Title 16 is included below. Staff finds this criteria is met.

2. The relevant approval standards found in the applicable chapter(s) of this title and other applicable implementing ordinances.

FINDING: The property is zone Moderate Density Residential (R-2). Staff finds the property meets the size, width, and depth required under the zone. The applicant proposes construction of a single family residence on the property which is a permitted use under the zone and the building permit has been approved in compliance with height and setback requirements.

AMC section 16.34.060.A. states, "on public streets, sidewalks are required except as exempted by the Aurora transportation system plan (TSP) and shall be constructed, replaced or repaired in accordance with the City's public work design standards." While the City TSP does identify Walnut Street as requiring sidewalks, the AMC does allow the Planning Commission to accept a non-remonstrance agreement in lieu of improvements under certain conditions.

Staff finds the criteria under Title 16 can be met, with conditions.

V. CONCLUSIONS AND RECOMMENDATIONS

Based upon the findings outlined in the staff report, staff recommends Planning Commission action **VI.A.1** as outlined below for the Interpretation application (File No. INT-14-01) with the following conditions of approval:

1. The applicant executes and records a non-remonstrance agreement for sidewalks with Marion County. The non-remonstrance agreement shall be reviewed and approved by the City prior to recording.

VI. PLANNING COMMISSION SAMPLE MOTIONS

- D. Motion to adopt the findings in the staff report and approve Interpretation 14-01:
 - 3. As presented by staff, or
 - 4. As amended by the Planning Commission (stating revisions)

OR

- E. Motion to deny Interpretation 14-01 (stating how the application does not meet the required standards),

OR

- F. Continue the decision to a time certain or indefinite (considering the 120-day limit on applications) in order to collect additional information from the applicant or staff (stating the information required in order to make a decision)

It would be staff recommendation to approve the non-remonstrance agreement as presented in my staff report.

Chair Schaefer welcomes Erika Zurita the applicant and ask her to tell the group a little about why she is here this evening. Erika gives some background about what it is they are doing which was replacing a mobile home with a new construction stick built home and didn't realize that sidewalks were her responsibility so that is why I am here tonight.

There is a brief discussion amongst the group hearing no more from the audience or the applicant Chair Schaefer calls for a motion.

A motion to approve the non-remonstrance agreement as recommended by staff is made by Commissioner Fawcett and is seconded by Commissioner Willman. Passed Unanimously.

B. Discussion and or Action on ODOT Letter of Concurrence Regarding Corridor Study.

Chair Schaefer, this is something we worked on for a couple years there is a sample letter from me to ODOT for an update on this, no comments from PC. **Wakeley** the draft has been available for review at City Hall. We really didn't like 1st & 2nd street proposal but we like Ottaway segment so we are thanking them is basically what this is about.

7. Old Business

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

Chair Schaefer informs the Commissioners that the City Council adopted the 1 year moratorium they want us to continue discussion but not move forward with approving or recommending anything until after the November election.

Councilor Sallee how is that going to affect us right now, **Schaefer** we are not going to be allowing it in the commercial zone at this time until the moratorium is lifted and language in the code is changed.

How does Aurora citizens feel about this Chair Schaefer states it is mixed about 20% say absolutely not ever then the next smaller group says yes do it and then the rest are saying what is everyone else doing.

I (Emma Sadek a Realtor in the area) have always been no don't do it however now that I have seen children benefit from marijuana I have changed my mind. I think it will benefit Aurora because it can be a draw for Aurora. The reason we would allow this is to help people with the pain.

Mayor Graupp, the council and I have spoke to many others regarding this issue and it's not that we don't see the need for it but we are stepping back because we don't want to be the first we simply cannot afford a legal battle or changing our code language more than once.

Last Thursday there was a conference in Portland on this issue that the League of Oregon Cities put on which was very informative.

Everyone is cautious because legislature moved so quickly and there were attorneys from the league and many local police chiefs in the room and the opinions were so varied.

- Currently the question is what is public use or consumption? If someone is growing and there was some consumption and this is growing in back yard ok but if you can see it from the sidewalk then that is illegal because its public space or view.
- So you can't smoke on the sidewalk because you're in public view.
- Sean Oday does think local jurisdictions or states will be able to ban it but the legislative council doesn't agree with him so even attorneys at this point can't agree. No city wants to move forward on this.
- Land use regulations and what is or not approved cities should be able to say what zone.
- What priority is in 2015 require background check for people who work there a lot of safety issues as well.

So that really is why the council is taking the wait and see approach at this point.

B. Discussion and or Action regarding Manufacturing in the Commercial Zone.

Current Code 16.14.030D. Retail or wholesale business with not more than fifty (50%) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly incidental to the primary business conducted on the premises;

Proposed Addition,

16.14.030E Retail or wholesale business with not more than seventy-five (75%) percent of the floor area used for the manufacturing, processing or compounding of products on lots that do not abut a residential zone.

after brief discussion it is decided to have the proposed wording read as below;

16.14.030D. Retail or wholesale business with not more than fifty (50%) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with to the retail business conducted on the premises;

16.14.030E Retail or wholesale business with not more than seventy-five (75%) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premise on lots that do not abut a residential zone.

We can discuss further at our next meeting.

C. Discussion and or Action on Email from Cliff Bixler regarding Property in Aurora. Discuss regarding granting extension, and then we can notice.

Platt status,

- Signatures have been done.
- Application of sub division and lot division. He received approval and then council granted a 1 year extension because things were slow. This comes to an end this June 2014.
- Now he has submitted Mylar and met conditions of approval and the Mylar is signed and off to be recorded.

It sounds like he will create the lots and record it for subdivision.

Chair Schaefer requests a copy of the Bixler bond. There has been discussion of not doing a 2nd storey.

Wakeley there isn't anything on agenda at this point but maybe for next month. There is no limit on your 1 year extensions.

Mayor Graupp remember that there is a for sale sign on the lot.

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 8:52 pm

Chairman, Schaefer

ATTEST:

Kelly Richardson, City Recorder

Minutes
Aurora City Council Meeting
Tuesday, April 08, 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
Mary Lambert, Finance
Darrel Lockard, Public Works Superintendent
Dennis Koho, City Attorney
Charlcie Kaylor, Building Dept LLC

STAFF ABSENT:

VISITORS PRESENT: Tom Potter, Aurora
Joseph Schaefer
Annie Kirk, Main Street
Scott Reilly
Tara Weidman

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Bill Graupp at 7:02 p.m.

2. City Recorder does roll call

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

3. Consent Agenda

- I. **City Council Meeting Minutes** – March 11, 2014, pg 4 #7 9A. first bullet make sentence more clear. Bullet 3 regarding contracting for over time and fire hydrants (wrong out of place typo)
PG 5 Red Cross months Sahlin makes comment regarding proclamation being pointless if we aren't going to participate was made by him not Sallee.
- II. **Planning Commission Meeting Minutes** – March, 2014
- III. **Historic Review Board Minutes** –February, 2013

Councilor Vlcek asks clarification on as to whether or not they can attend the PC meetings or not. City Attorney Koho reply's to the question. He states that as long as they (Council members) are not deliberating on a decision of any kind they (Council members) may attend as a group. It could be argued that on an item that is likely to come before you it could be an issue so if it does just state and clarify your attendance at that meeting. City Recorder Richardson states after contacting a few colleagues regarding the subject that it could be perceived in correctly by the public and that you must declare if any subject matter came before you for a decision later on. As City Attorney Koho agrees with declaring any ex-parte contact.

Mayor Graupp, I think if it is special circumstances and special speakers then it's really something that could be tolerated however we do all have access to the tapes as well.

Correspondence

I.

Motion to approve the consent agenda with the corrections stated was made by Councilor Vlcek and is seconded by Councilor Sahlin. 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.

Phil Hankins, Aurora asks the status of the light pole base located on Albers Way. Public Works Superintendent Darrel Lockard is working on a solution. The Mayor explains that we contacted PGE and because of the way it is constructed we will need to reconstruct it so we are working on it.

Bryon Shriver, Aurora updates the city council with his water filter from his residence and shows that it is still brown. Mayor Graupp informs him that he as well came in last month and showed council his water filter and it looked about the same. There is always going to be iron in the water. Hopefully with well 5 working better it will help with the water quality.

Councilor Vlcek asks if we have received any data from other city's regarding this same type of filters on homes to see if they look the same or different. Mayor Graupp no I don't believe anyone followed up on this yet.

Annie Kirk, I would like to know if there is going to be a parade or not. Mayor Graupp informs her that prior to an email that he received earlier today his answer would have been no however it is now up in the air I am waiting to hear back from this person.

No one else spoke....

5. **Public Hearing** Opens at 7:22 pm

A. **On Permit and Inspection Fee Proposal for Increase**

Mayor Graupp opened the public hearing calling for comments hearing none closes the public hearing at 7:23 pm there was no discussion amongst councilors.

A motion is made by Councilor Sahlin to direct staff to do an Ordinance for the next meeting on the proposed fee change and is seconded by Councilor Vlcek. Motion Passes by all.

6. **Mayor's Report,**

A. **Mayor Graupp** Most of the items that I want to address is already on the agenda so I really don't have anything at this time.

7. **Discussion with Parks Committee, Councilor Sahlin** updates the council our parks contract expires May 31, 2014 so we need an RFP for both Parks and 99E frontage. **Annie Kirk**, strongly advises that the company would be licensed in all phases of landscape and maintenance. We did have a volunteer that stated they would help with the RFP.

The Park was recently cleaned up by a Marion County work crew (at no charge) just in time for our Easter celebration it took 10 people about 7 hours. There were many items that were not being done such as the pine needles clean up and limb removal.

It was the consensus of the Council to put out for an RFP for Parks maintenance along with 99E and the triangles and boxes along Main Street and Ehlen Rd.

- It was also briefly discussed to see if a County work crew would work for certain aspects of these maintenance items.
- Parks committee would also like a schedule for the locks at the park for the restrooms.
- The committee is also having tree 137 looked at by Bruno tree services as it has been identified as a problem.

8. **Discussion with Traffic Safety Commission,** Deputy Marcellais informs council that this Friday at 9am he has a meeting with the Marion County Traffic Engineer regarding Ehlen Rd. Hwy 551 that is an ODOT issue and we will see what happens.

Councilor Sahlin asks deputy Marcellais point blank how many people have to die at that intersection on Hwy 551 before ODOT will do something about it? Deputy Marcellais makes suggestion to offset the lights which is the most cost effective solution. Sahlin do

we have any leverage? Planning Commission Chair Schaefer suggest math statistics as ODOT is math driven.

City Attorney Koho states that you have a legislator in your midst you could ask him. At which point the Mayor welcomes Vic Gilliam as a visitor. Mr. Gilliam informed deputy Marcellais that he would look into this and get back to him.

9. Reports

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

- Updated patch was presented and it was the consensus of the council to move forward with the patch as presented.
- Very routine month, other than the store at the north end of town had now been burglarized as well.
- Proposal regarding the use of overtime for grants just waiting to hear back.
- Waiting to hear back from Marion County Public works for paint back program for the fire hydrants and curbs. This will save the city a few dollars.

No more questions at this time.

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

1. Revenue & Expense Report

- We are working on a new format on the budget documents as per the States new forms.
- Park reserve .45 cents was that interest.
- Councilor Vlcek asks about the report that the previous Finance Officer provided regarding percentages spent and wanted to know if they could get that. Mary explains her process and why she had not put them in but is asked to do so.
- Budget committee meetings start at the end of the month April 30, 2014

C. Public Works Department's Report – (not included in your packet)

1. Monthly Status Report (Storm Water)
2. Monthly Status Report (Water)
3. Parks Report, OSU Tree Report

Superintendent Lockard reads his report as presented he also informs council that the Marion County work crews that helped with the park did a good job and were easy to work with.

- Still working on results from well 5
- Focusing on pumps currently
- Is informed to get barriers on sidewalk near 2nd street by coffee shop
- Once well 5 is up and going we will be looking at coagulation to help with the water quality this will help catch the iron.
- We are looking at leaks on Liberty that is why we are working on the pumps.

- Working on obtaining a camera for the sink hole on Main Street.

No more questions,

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

Discussion items were,

- Possible lease option on water tower should be at the next meeting
- In forms council that there has been some work done on the server and that we should be setting some dollars aside in the next year or two for that.
- Clarification regarding sewer charges per EDU, brief discussion regarding what is the trigger at which time it is determined that a kitchen determines separate dwelling unit.

It is the consensus of council to direct staff to move forward in notifying potential property owners of this issue and if they see differently to contact city staff.

No more questions.

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

- There has been some movement on the Eddy property they would like to meet to discussion terms and conditions of sale regarding liens filed on the property by the city.

10. Ordinances and Resolutions

A. Discussion and or Action on Ordinance 475 An Ordinance Regulate Medical Marijuana. First Reading. Mayor Graupp had directed staff to put this on the agenda because of the May limitation to act. So we can approve or discuss at this point.

We do have a recommendation from Planning Commission and Chair Schaefer is here to present it. The recommendation from Planning Commission is to draft new code language regarding zone specific areas. However we have already done a few code changes and are very aware of the costs involved each time.

City Attorney Koho, if council doesn't take action then State law will take effect and it will be allowed within a 1000 feet from childcare, school ect.

Mayor Graupp, one word that I don't care for is it says reasonable, time, reasonable dates.

Chair Schaefer, to me it makes sense to allow 9 to 5

A second reading would need to take place April 30, 2014 to pass prior to the May 1st deadline.

Our Business license currently doesn't allow us to issue a license based on the fact that it would be non- lawful and since we have had it for a long time and can document that it's a start.

Councilor Vlcek, it makes sense to wait until after the election and to wait and see what other cities are doing.

Sahlin, what is behind the moratorium because of the outrage that has been stated to legislatures? So they acted on it and came up with a moratorium.

Koho, one of the items we are looking at is a longer radius and then there won't be many locations to achieve it.

Motion to approve first reading of Ordinance 475 an Ordinance Establishing a Moratorium on Medical Marijuana Facilities within the City of Aurora was made by Councilor Vlcek and seconded by Councilor Sahlin.. Passed by all.

There will be a Special Council meeting April 30, 2014 6 pm

Councilor Sahlin what stops someone from taking action on us for blocking it. Would we refer them to the state? Koho yes we would the state gave us the authority to do so.

B. Discussion and or Action on Permit Inspection Fee Proposal, an Ordinance needs to be done for the next meeting.

11. New Business

A. Discussion and or Action on Clarification and or Policy Regarding Resolution Number 633 and Code Section 13.08 Sewer Charges. Discussed earlier in the agenda and staff were directed to identify and inform property owners and enforce the additional sewer rates to apply.

B. Discussion and or Action on Draft Budget Item with Marion County Sheriff.

Motion to approve and or Continue with Marion County Sheriff Services and approve the contract as is made by Councilor Vlcek and is seconded by Councilor Sahlin. Motion Passes Unanimously.

1. One question regarding communication services and why it is highlighted. Staff will look into this and provide an answer.

12. Old Business

- 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**

/ / / / / / / /

Councilor Vlcek , states for the record a few items that he is concerned with and confronts Mayor Graupp.

- Regarding the recent Marion County Comp Plan Amendment and proposed sale of water to the Airport from the City of Aurora. Did the Council direct you to begin this process and or to have these conversations regarding the sale of water to the Airport? **Mayor Graupp** no I was not.
- Also I received an email for clarification on another item and I want to know if in fact it did happen or if this is just a rumor. I would like to know if you have been in contact with anyone regarding a Fed Ex facility here in Aurora near the south end of the airport. **Mayor Graupp** no, so there has not been any discussion concerning businesses and the airport. **Mayor Graupp** Fed Ex I don't even know what that is regarding. **Councilor Vlcek**, according to the email they are trying to obtain property for a distribution center. **Mayor Graupp** states that is news to me.
- **Mayor Graupp** asks Councilor Vlcek if that is real news is he announcing that and **Vlcek** states hopefully not. **Councilor Vlcek** states that it was an email that was sent to me and **Graupp** asks if we can all read it. **Vlcek** it simply states that you were in discussion with people regarding this and **Graupp** states no.
- **Annie Kirk** asks Councilor Vlcek if he is referencing the recent French Prairie meeting and **Councilor Vlcek** states yes. **Kirk** confirms that she heard that information regarding this at the French Prairie meeting. **Mayor Graupp**, I was at the French Prairie meeting and there was no discussion regarding this. **Kirk** again states that allegedly Mayor Graupp had participated in conversations with representatives regarding Fed Ex who is allegedly looking into property at the Airport. **Mayor Graupp** states again no there was no such conversation at that meeting in fact the meeting was about the City of Donald and the neighboring communities regarding participation in a tax levy to gain more Marion County Deputies in the North Marion County area. Which I had chose not to discuss tonight because I had told them I have no comment because that was a Donald suggestion. There were various representatives there for this discussion point regarding Donald's proposal. This was a meeting that I have participated in since my days on the Planning Commission and there was absolutely no discussion regarding the issue of Fed Ex at this meeting it was all about Donald's proposal on a local tax levy as I had said earlier. **Councilor Sahlin** asks if they are a public body and if they are required to have minutes. **Mayor Graupp** states no they are not a public body. They do have a published agenda.

- Councilor Vlcek** going back to expanding the city water up to the Aurora Airport you were in discussion with the Airport and County representatives? **Mayor Graupp** states that his statement to them was that they should have that discussion with the city of Aurora. **Graupp** because I was informed by the County that the Airport was trying to negotiate a deal with Wilsonville for water and my response to the Marion County Economic Development manager was why wouldn't they talk to Aurora. **Councilor Vlcek** ok so who was responsible for getting the item onto the County agenda. **Graupp** the county commissioners were **Vlcek** which one? **Graupp**, Patte Milne and this may be a misunderstanding of the County Planning Commission regarding that. **Vlcek** who requested it to be pulled from the agenda? **Mayor Graupp** as soon as I saw it on there since we questions regarding it I requested it to be taken off. Also my Planning Commission chair in his opinion they were not following the process and so from that knowledge and he is very knowledgeable I made the request. **Vlcek** so that was the day before or the same day of the meeting? **Mayor Graupp** no that was the day that all of the Marion County Commissioners were in discussion and they had to get an agreement from all of them before it could be pulled and one of them was on vacation so they had to wait on that commissioner to return. Once they had a consensus then they couldn't pull it off but essentially they had to vote it off the agenda. We had talked with Brandon about a week after that notice and said hey we were not ready for this at this time. **Councilor Vlcek** I wish I had the name of the Commissioner that I spoke to I must have miss placed it and **Graupp** states it was Don Russo and **Vlcek** agrees that it sounds familiar. In my discussion with him when I told him the first he had heard of it was the day of the council meeting he was then quite surprised at that as a member of council that I had no knowledge of it prior to the council meeting.
- Bottom line what I am getting to is when you go out and represent the city of Aurora when it is something that is potentially a big ticket item such as this and I have talked to you about this before that I want communication with the council before discussions begin and that the council is either giving you the thumbs up or down on these types of items. **Mayor Graupp** ok fair enough. I don't feel like we made any commitments there it was to just open the door if Aurora wanted to proceed. **Vlcek** opening the door still means you are representing the city on this and you need to talk with us first. Especially since look at what happened last fall. I mean really the political unrest on this obviously the citizens from that meeting are upset with the fact that we don't have enough water and that we are looking at selling water I think that there are better ways that we could have done it and maybe had it been sold to the public beforehand well really I don't think we could sell it at all. I mean the city has a long history of not wanting the Airport to expand and so for us to open the door to more airport noise and everything that goes along with that. There are a lot of people in the city that don't want that to happen. I think we need to have these kinds of discussions as a council first before any of us just go out speaking with others on city business at other venues. Is that going to happen I mean you can say yes and then you're going to go right back out and do it again. **Mayor Graupp** I can tell you the process I followed **Vlcek** well the process that we followed on the hiring of the Public Works employees I

did not hear any of those discussions prior to the hiring of them. It was supposedly all discussed with other people and I want to hear these things and I am tired of hearing about these things at the last second at meetings and through the grapevine. If you don't want me to be a functioning member of council then I might as well resign right now if that is as little of what you think of me as a member of this council that I am not included in any of these decisions then I am wasting my time. **Graupp** well I, I, well I think you are a great part of the council **Vlcek** then why am I not being included in these discussions? **Graupp** I followed the processes that needed too **Vlcek** ohCouncilor Sahlin can we not turn this into an inquisition please this is not going to get worked out that way **Vlcek** well I am tired of just not being a part of the discussions. Councilor Sahlin ok I think you have made your point and your being heard I just don't want to spend another hour on this or arguing about this. **Vlcek** honestly I am not sure I am being heard by the right person so I say adjourn this meeting I am done.

Graupp any other comments

Kirk, let me offer a suggestion I know that from history with a past Mayor we had was very active and in her activeness there was hesitation in the community and If I recall correctly a similar type concern came up where council in my recollection did not feel necessarily that they were in touch with what she was talking about in the community. I recall that the council discussed with her regarding this and that she would inform council prior to any discussions or intentions of attending various meetings so that council was aware of the discussions prior to them happening and then there was a report given to council afterwards. There was then clear documentation of what was happening it seemed to be a cooperative approach to this situation at that time and addressed those concerns. Then Kirk asks City Recorder Richardson if she recalled this and it was confirmed by Richardson. Richardson explained that the Mayor provided an agenda or schedule of events and the topics prior to and then received council input on these items prior to attending and then after the meeting she then gave a report back to council regarding those issue. **Councilor Sahlin** this was our last female Mayor was it? Kirk yes it was. **Councilor Sahlin** really oh ok I am not sure that's the way to handle this. **Kirk** well I think that could be debated. **Sahlin** I see the transparency issue. **Councilor Sahlin** it was not my intent to shut you down Councilor Vlcek. I just really don't want to turn this into a heated argument. **Sahlin** I think that Rick has some valid points relative to this. This is not the private sector and we are just not at liberty to go in and say were representing Aurora. I know that you have had discussions with me but if we're not including all of the council then that can result in problems. **Councilor Sahlin** I think for the record your point is taken and I do agree with some of it. **Vlcek** ok thank you that's all I wanted was it to be on the record. **Attorney Koho** the only point I have is that in informing everyone just make sure your not deliberating on a decision in private with the majority vote and at times that's a juggling act, **Vlcek** there is a difference in making a decision and simply communicating with council and informing them of the direction he is going Koho absolutely.

Vlcek the last point I want to make is that I have not been included in the direction that is being taken **Councilor Sahlin** in hindsight I am sure if people could have made different decision they would relative to the outcome of this issue. I did say that things could and should have been done

differently. I really think the County took us for granted on this issue but I don't have all the facts. Councilor Vlcek well I don't either and that's the problem and that's where we need to get back to the transparency if it would have been I don't think we would be having this discussion.

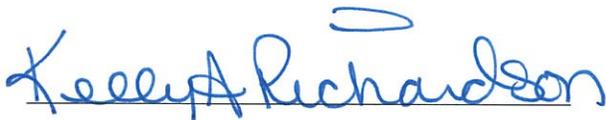
Any other topics for tonight's meeting hearing none Mayor Graupp

13. Adjourn at 9:05 pm.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, City Recorder

**HISTORIC REVIEW BOARD MINUTES
21420 MAIN ST. NE, AURORA OR 97002
April 24, 2014**

Staff Members Present: Kelly Richardson, City Recorder

Others Present: Tara Weidman, Aurora
Bill Graupp, Aurora

The meeting of March 27, 2014 was called to order at 7:00 p.m. by Chairman Abernathy.

Chairman Townsend takes Roll Call

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

CONSENT AGENDA

A. Minutes

- I. Historic Review Board Minutes – March 27, 2014

A motion to approve the HRB minutes of March 27, 2014, as corrected was made by Member Simon, seconded by Member Frochen and passed unanimously.

CORRESPONDENCE

- I.

VISITORS

No one spoke.

5. OLD BUSINESS

- A. Discussion and or action on Application for Fence at 21358 Hwy 99E Aurora Family Health. Review Original application no revisions submitted.

A motion to approve the application as presented is made by Member Townsend 30x48 picket fence 17;40;070 section A 1, seconded by Member Simon. Unanimously. Passed.

B. Discussion and or action on Application for Fence at 21823 Airport Rd Vorge Castro Valdes, from original application in December 2013 and Violation Letter.

Discussion regarding fence, (Applicant Explains) Sorry that I preceded without an application but I thought that after our conversation it was ok to go ahead and I saw some people fishing in my pond and wanted to get it stopped. I had taken pictures of fences similar to mine and included them with my application. **Chair Abernathy** states that many of the fences that you are showing are grandfathered in but now we have a different fence code in place and we need to go with it.

Laura Johns, in the first 6 months living here my truck got broken into. **Chair Abernathy**, first of all what is allowed in the County this is Aurora because this is in the city limits and in the HRB we asked you to come back in January but you didn't do that you built it without permission and or a decision so that is why you were sent a violation letter. Laura originally he wanted a metal fence and you said wood so that is what he got out of your last conversation with him because his English is not too good.

Fence with lattice is only approved on the back yard and on the side yard up to the house anything beyond that on the side or in the front must be picket fence and cannot exceed 4ft in height. As per code section 17.40.70 non -contributing structure, wood, picket and painted white.

Motion to approve the amended application was made by Member Townsend and stated as follows the fence along Ehlen rd from front of house to rear of house must be a picket fence 4 feet in height it can be made from existing fence that is up illegally and the back 50 feet along Ehlen Rd from existing fence it doesn't need painted all fence in front of property is picket and no more than 4 feet high and is seconded by Member Simon. All in favor unanimously passed.

Railing,

If you are trying to match this then we could approve it however you need to check to see if it is high enough for building code.

A motion is made by Member Townsend on the railing which is to be erected on top of the cement bulk head it is to resemble as closely as possible the railing on the porch but this is subject to the state building height requirements Member Frochen seconds all in favor.

Send a letter to the Marmalade Business located in the old Tarte Building because they have not applied for sign application.

C. Discussion and/or action on paint color list.

Member Townsend will take home her notes and type them up for the next meeting discussion in May.

D. Discussion and or action on Historic Inventory list, everyone decided that category headlines were needed and will discuss further at the May meeting.

E. Discussion and or action on Sign Inventory, a brief discussion ensues regarding a possible loop hole as it is written regarding when an A-Board is displayed and if laying it down means it is not displayed.

Member Townsend would like to set a possible date regarding the guideline update they decide to have a progress report in May regarding Rehabilitation and alteration and in June building alterations.

6. NEW BUSINESS

A. Discussion and or action on Sign Application for 21620 Main Street Christa's Café.

Wall sign, pg 417 section B we have also used this as a parapet sign so it is easier to read and legible across the street. One wall sign for every 17 feet is allowed.

Motion to approve the application as presented is made by Member Simon and seconded by Member Frochen motion passes unanimously.

7. ADJOURN

Chairman Abernathy adjourned the meeting of April 24, 2014 at 8:50 pm.



Gayle Abernathy, Chairman

ATTEST:


Kelly Richardson, City Recorder

**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Conditional Use Permit 2014-01 [CUP-14-01] and Site Development Review 2014-01 [SDR -14-01]

DATE: May 28, 2014 (for the June 3, 2014 Planning Commission meeting)

APPLICANT/OWNER: Carl and Tara McKnight

REQUEST: Conditional Use Permit approval for installation of a food cart and Site Development Review approval for an outdoor garden/eating/retail space.

SITE LOCATION: 21680 Main Street NE, Aurora OR
Map 041.W.12CD, Tax Lot 4400

SITE SIZE: 4,792 square feet or 0.11 acres

DESIGNATION: Zoning: Commercial (C) with Historic Commercial Overlay (HCO)

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.22 Historic Commercial Overlay, 16.58 Site Development Review, and 16.60 Conditional Uses

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Application and site plan
Exhibit C: Historic Review Board minutes (May 22, 2014)

I. REQUEST

Conditional Use Permit approval for installation of a food cart and Site Development Review approval for an outdoor garden/eating/retail space

II. PROCEDURE

The application was determined by staff to be subject to Site Development Review (SDR) as the application can be considered new development that will intensify the use of the property. SDR applications are processed as Limited Land Use decisions under AMC 16.78. The application was determined by staff to be subject to a Conditional Use (CU) application as the proposed use is only permitted with conditional use approval. CU applications are processed as Quasi-Judicial Decisions under AMC 16.76. AMC 16.58 provides the criteria for reviewing Site Development Reviews and 16.60 provides the criteria for reviewing Conditional Uses.

The application was received and fees paid on May 12, 2014. The application was determined complete by Staff and notice was mailed to surrounding property owners on May 27, 2014. The City has until **September 8, 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 and 16.78.120. An appeal of the Planning Commission's decision shall be made, in writing, to the City Council within 15 days of the Commission's final written decision.

IV. CRITERIA AND FINDINGS

The applicable review criteria for Site Development Review are found in AMC 16.58.

16.58.100 Approval Standards

The review of a Site Plan shall be based upon consideration of the following:

A. Provisions of all applicable chapters;

FINDINGS: The subject parcel is zoned Commercial (C) with a Historic Commercial Overlay (HCO). AMC 16.22.020 includes eating and drinking establishments and general retail sales as permitted uses. AMC 16.22.030 lists food carts as permitted with conditional use approval. The applicant has submitted a concurrent application for conditional use approval along with site development review approval. Staff finds this criterion is met.

AMC 16.22.040.I. requires all properties, uses, and structures in the HCO to meet the requirements of Title 17, Historic Preservation. Comments from the Historic Review Board are included under Exhibit C. Staff finds this criterion is met.

B. Buildings shall be located to preserve topography and natural drainage and shall be located outside areas subject to ground slumping or sliding;

FINDINGS: Staff finds this criteria does not apply.

C. Privacy and noise;

1. Buildings shall be oriented in a manner which protects private spaces on adjoining residential properties from view and noise;
2. On site uses which create noise, lights, or glare shall be buffered from adjoining residential uses;

FINDINGS: No buildings are proposed and the adjacent zones are for commercial uses. The proposed use has street frontage to the north with landscaping and to the west with existing structures. Property to the east is developed with a carpet warehouse and gas station. Property to the south is developed for parking and all adjacent parcels are zoned for commercial uses. Staff finds this criteria is met.

D. Residential private outdoor areas:

FINDINGS: Staff finds this criteria does not apply.

E. Residential shared outdoor recreation areas:

FINDINGS: Staff finds this criteria does not apply.

F. Shared outdoor recreation space shall be readily observable for reasons of crime prevention and safety;

FINDINGS: The proposed uses and development of Lot 4400 are proposed to receive access via existing businesses on adjacent lots 4500 and 4600. The site is screened with landscaping and fencing. Staff finds this criteria does not apply.

H. Demarcation of public, semipublic, and private spaces;

FINDINGS: Staff finds this criteria does not apply as the space is private property.

I. Crime prevention and safety:

3. Exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime;

4. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person.

FINDINGS: Criteria 1 and 2 are related to residential development and found not to apply. A lighting plan for the site was not provided by the applicant. A lighting plan in conformance with the above criteria shall be submitted for City review and approval prior to business license approval. The lighting plan must also show that lighting shall not reflect onto surrounding properties. This is included as a recommended conditional of approval.

J. Access and circulation;

1. The number of allowed access points for a development shall be as determined by the City Engineer in accordance with standard engineering practices for city rights-of-way, as determined by Marion County for county rights-of-way, and as determined by the Oregon Department of Transportation for access to Highway 99E.

2. All circulation patterns within a development shall be design to accommodate emergency vehicles.

FINDINGS: The development of lot 4400 proposes pedestrian access from lots 4500 and 4600 containing existing improvements. Staff finds this criterion does not apply.

K. Public transit;

FINDINGS: Pedestrian access to the property is proposed via adjacent businesses on lots 4500 and 4600 which have existing sidewalks. No transit stops abut or are adjacent to the subject properties. Staff finds this criterion does not apply.

L. All parking and loading requirements shall be design in accordance with the requirements set forth in Chapter 16.42.

FINDINGS: Parking shall be in conformance with the HCO zone and Title 17. Title 17 exempts parking requirements under Title 16 for additions to commercial structures and new commercial uses. Staff finds this criteria is met.

M. All landscaping shall be designed in accordance with the requirements set forth in Chapter 16.38.

FINDINGS: A preliminary landscape plan provided by the applicant is included under Exhibit B. AMC 16.38.030(C) requires the installation of all landscaping requirements prior to issuance of a certificate of occupancy. Prior to business license approval, the applicant shall be required to install all landscaping as shown on the subject application. If landscaping exceeds \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with Title 17. This is included as a recommended condition of approval.

The subject property does not abut residential property and additional buffering and screening is not required.

N. All public improvements shall be designed in accordance with the requirements of Chapter 16.34.

FINDINGS: Public improvements and compliance with Chapter 16.34 are discussed under the conditional use review criteria below. Staff finds this criterion can be met, with conditions.

O. All facilities for handicapped shall be designed in accordance with the requirements set forth in the ADA requirements;

FINDINGS: ADA facilities are discussed under the conditional use review criteria below. Staff finds this criterion can be met, with conditions.

P. All of the provisions and regulations of the underlying zone shall apply.

FINDINGS: Staff finds the applicant meets the zone criteria under the HCO for permitted uses and can meet the criteria for Site Development Review and Conditional Use Permit approval, with recommended conditions of approval. Staff finds this criterion is met.

The applicable review criteria for Conditional Use Permits are found in AMC Chapter 16.60- Conditional Uses.

16.60 Conditional Uses

A. The planning commission may approve a conditional use permit only when the applicant has shown that all of the following conditions exist:

1. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;

FINDING: The property abuts an established permitted use- an eating and drinking establishment. The applicant has provided a site plan for pedestrian access to the site via the existing businesses that front on Main Street (see Exhibit B). Food carts are permitted as a conditional use when located on the same property and accessory to an established eating and drinking establishment. Lot 4400, 4500 and 4600 are under the same ownership and AMC 16.04 for "lot" allows abutting property under the same ownership, whether in a platted lot or property described by metes and bounds, to be considered part of the same lot. Staff finds this criteria is met.

However, the site currently lacks vehicle access to bring food carts to and from lot 4400. Staff finds this criterion is not currently met, but could be met if vehicle access is provided. Applicant must show evidence of a long term access agreement or written permission for installation and/or removal of the food cart from owners of abutting properties prior to installation of the cart. In addition, written permission for construction, landscaping or other improvement access to lot 4400 must also be documented. This is included as a recommended condition of approval.

If the applicant proposes additional parking or pedestrian access to Lot 4400 from adjacent properties not under their ownership (Lot 3600 or 4000 of Map 041W12CD, for example), evidence of a long term access agreement or recorded easement for parking and pedestrian access to benefit the subject property shall be provided to the City. If pedestrian access or parking from adjacent properties is proposed, expiration of the access agreement or recorded easements for parking and pedestrian access to lot 4400 shall automatically invalidate the conditional use approval for the food cart. This is included as a recommended condition of approval.

2. All required public facilities have adequate capacity to serve the proposal and are improved to the standards in Chapter 16.34;

FINDING: Lot 4400 fronts onto a public street on its north side, which is improved with a sidewalk. However, current topography precludes pedestrian and vehicle access from the northern frontage at this time. The applicant proposes pedestrian access from Main Street via established businesses on Lots 4500 and 4600 currently under their ownership. If the applicant proposes parking or pedestrian access from the properties to the east, the applicant will need to document written permission or agreement from the owner(s) of those lots. This is included as a condition of approval and notice to abutting property owners was provided, as part of the land use review process.

The HCO zone exempts parking under AMC 17.040.020.A.4 and 17.040.020.C.1 "additions to commercial structures are exempt from the parking requirements in Title 16". Staff finds this criterion does not apply. Staff finds evidence of sufficient parking to serve the property does not apply.

Sewer or grey water disposal hookups are not permitted. Restroom facilities shall be provided as part of the existing businesses on lots 4500 and 4600, which are currently under the same ownership. In order to ensure access to restroom facilities related to the conditional use, staff recommends the hours of operation for the food cart be limited to hours of operation of adjacent businesses. This is included as a recommended condition of approval.

Currently, lot 4400, 4500, and 4600 are under the same ownership. If lot 4400 is no longer under the same ownership of lot 4500 or 4600, the location of the food cart on the "same property/lot and accessory to an established indoor eating and drinking establishment" property shall no longer be met and the Conditional Use Permit shall be void. This is included as a condition of approval.

If an established indoor eating or drinking establishment is no longer in use on lot 4500 or 4600, the Conditional Use Permit shall be void as the criteria for a food cart on the same lot as an established eating and drinking establishment shall no longer be met. This is included as a recommended condition of approval for the conditional use permit application.

3. The requirements of the zoning district are met;

FINDING: AMC 16.22.030.C.1 states, "no structures, product display, or storage shall be located within yard setback or buffering and screening areas". The HCO zone has zero side and rear yard setbacks and staff finds this does not apply. Drive through units are prohibited.

A sign permit application was not included. If signage is proposed, the applicant shall be required to submit a sign permit application. This is included as a recommended condition of approval. Drive-through units are prohibited and the applicant is not proposing a drive through. Staff finds the requirements of the HCO zone for lot coverage, size, and uses are met. Additional development on Lot 4400 may be subject to additional land use requirements or applications. Staff finds this criteria is met.

4. The use is compatible with surrounding properties or will be made compatible by imposing conditions;

FINDING: Surrounding properties are commercially zoned and the proposed use is not found to be in conflict with other the surrounding properties. Staff finds this criterion is met.

5. All parking and loading areas are designed and improved in accordance with the requirements set forth in Chapter 16.42;

FINDING: No additional parking or loading areas are proposed. AMC 17.040.020.A.4 and 17.040.020.C.1 state "additions to commercial structures are exempt from the parking requirements in Title 16". Staff finds this criterion does not apply.

6. All landscaping is designed and improved in accordance with the requirements set forth in Chapter 16.38;

FINDING: No additional parking or loading areas are proposed. AMC 16.38.030.C. allows certificates of occupancy to be approved upon completion of landscaping requirements. Staff proposes the business license application be approved upon installation of landscaping, as submitted with the application. This is included as a recommended condition of approval. Staff finds this criteria can be met, with conditions.

AMC 17.44.030.B.1 requires properties up to twenty thousand square feet in the Historic Commercial Overlay to have at least fifteen (15) percent of the total lot area landscaped. Staff finds this criteria is met. Buffering between non-residential and residential uses is found not to apply.

7. All public improvements are designed and constructed in accordance with the requirements set forth in Chapter 16.34;

FINDING: No public improvements are required as part of the proposed application for installation of a food cart and outdoor garden/eating/retail space. AMC 16.22.030.C.7. prohibits sewer or grey water disposal hookups. This is included as a recommended condition of approval.

Lot 4400 is land locked, with access proposed via existing businesses on lots 4500 and 4600. No street, sidewalk, storm, water or sewer improvements are required as part of the subject application. Staff finds this criterion is met.

8. All facilities for the handicapped are designed in accordance with the requirements set forth in the ADA requirements;

FINDING: The proposed site plan includes access from existing businesses on lots 4500 and 4600 to lot 4400 via steps. In order to meet this criteria, access must be revised to comply with ADA requirements and/or the property owners must show ADA compatibility via another access. This is included as a recommended condition of approval.

9. The provisions of all applicable chapters of this title are satisfied; and

FINDING: Staff finds the applicant meets the zone criteria under the HCO for permitted uses and can meet the criteria for Site Development Review and Conditional Use Permit approval, with conditions. Staff finds this criterion can be met.

10. Properties located in the historic commercial or historic residential overlay comply with the requirements set forth in Title 17 of the Aurora Municipal Code. A certificate of appropriateness approved by the historic review board shall satisfy this requirement.

FINDING: The property is located in the historic commercial overlay and is identified as the Aurora State Bank (Secondary Significant, Resource #62, in the Aurora Historic Building Inventory from 1985 and is listed as "eligible/contributing" in the July 2011 inventory completed by SHPO). The Historic Review Board (HRB) reviewed the application and site plan on May 22, 2014. See Exhibit C.

The HRB provided the following comments/concerns: (1) fencing; (2) submission of a landscape plan to HRB for review and approval, if cost exceeds \$2,500; (3) tents/canopies; and (4) review of the food cart(s). Proposed conditions of approval to address HRB comments are summarized below:

The current fencing is not compatible with the historic commercial overlay, 17.40.070. Any replacement of existing fencing on site shall be required to meet AMC 17.40.070. Review and approval by the HRB prior to installation is recommended.

According to AMC 17.04.050.B.2., landscaping not exceeding \$2,500 in cost shall not require HRB review and approval. The applicant shall provide cost estimates for the landscaping proposed in the application to the City in order to determine if a landscape plan requiring HRB approval is required.

Based upon comments from the HRB, staff recommends the Planning Commission limit the number of tents, booths or canopies of any size on site at any time to one (1). If the owner proposes the use of tents, booths or canopies greater than one hundred twenty (120) square feet, a temporary structure permit under AMC 17.32.040 shall also be required. This is included as a condition of approval.

AMC 16.22.050.C includes several requirements for proposed food carts, including size, repair and licensing. At the time of application, no materials were provided regarding the size, condition, operation, etc of the food cart. The applicant simply provided a proposed food cart area and stated that the food cart may change over time. In order to maintain compliance with the criteria under 16.22.050.C and the requirements for review and approval for a conditional use permit, staff recommends two options: (a) continue the hearing to a date and time that the applicant can provide additional information on the proposed food cart for Planning Commission approval or (b) require that review and approval for the proposed food cart, and subsequent replacement or revised food carts, receive review and approval from the Historic Review Board on file with the City in order to maintain a valid conditional use permit. These options are included as a condition of approval.

B. In reviewing an application for a conditional use, the commission shall consider the most appropriate use of the land and the general welfare of the people residing or working in the neighborhood. In addition to the general requirements of this title, the commission may impose any other reasonable conditions deemed necessary. Such conditions may include, but are not limited to:

- 1. Limiting the manner in which the use is to be conducted, including restrictions on the hours of operation;*
- 2. Establishing additional setbacks or open areas;*
- 3. Designating the size, number, location and nature of vehicle access points;*
- 4. Limiting or otherwise designating the number, size, location, height and lighting of signs;*
- 5. Requiring fences, sight-obscuring hedges or other screening and landscaping to protect adjacent properties;*
- 6. Protecting and preserving existing soils, vegetation, wildlife habitat or other natural resources.*

FINDINGS: In order to assure restroom facilities are provided to customers on site as opposed to impacting surrounding properties/uses, staff recommends the hours of operation for the food cart be limited to hours of operation of businesses on lots 4500 and 4600. This is included as a recommended condition of approval.

The proposed uses abut commercial properties and uses and staff does not find additional buffering, setbacks or open areas are required.

In order to reduce impacts to abutting uses, the applicant must show evidence of a long term access agreement or written permission for installation and/or removal of the food cart from owners of abutting properties prior to installation of the cart. In addition, written permission for construction, landscaping or other improvements access to lot 4400 must also be documented.

Pedestrian access to the site is proposed via the existing businesses on Lot 4500 and 4600. If the applicant proposes additional parking or pedestrian access from adjacent properties (lot 3600 or 4000 of Map 041W12CD for example), evidence of a long term access agreement or recorded easement to benefit the subject property shall be required. This is included as a recommended condition of approval.

Applicant shall be required to meet sign code requirements of Title 16 and 17.

Staff finds criteria 16.60.B can be met, with conditions.

V. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for Site Development Review (SDR-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.
- 3) A lighting plan in conformance with AMC 16.58.100.I. shall be submitted for City review and approval prior to business license approval. The lighting plan shall also show that lighting shall not reflect onto surrounding properties.
- 4) Prior to business license approval, the applicant shall be required to install all landscaping as shown on the subject application. If landscaping exceeds \$2,500, review and approval by the Historic Review Board is also required in compliance with Title 17.

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for Conditional Use Permit (CUP-14-01) based upon the following:

- 1) Applicant must show evidence of a long term access agreement or written permission for installation and/or removal of the food cart from owners of abutting properties prior to installation of the cart. In addition, written permission for construction or landscaping access to lot 4400 must also be documented.

If the applicant proposes additional parking or pedestrian access from adjacent properties (Lot 3600 or 4000 of Map 041W12CD, for example), evidence of a long term access agreement or recorded easement to benefit the subject property shall be provided to the City. If pedestrian access or parking from adjacent properties is proposed, expiration of the access agreement or recorded easement for parking and pedestrian access to lot 4400 shall automatically invalidate the conditional use approval for the food cart.

- 2) If lot 4400 is no longer under the same ownership of lot 4500 or 4600, the location of the food cart on the "same property/lot and accessory to an established indoor eating and drinking establishment" property shall be voided, and the Conditional Use Permit shall be void. This is included as a condition of approval.

If an established indoor eating or drinking establishment is no longer in use on lot 4500 or 4600, the Conditional Use Permit shall be void as the criteria for a food cart on the same lot as an

established eating and drinking establishment will no longer apply. This is included as a recommended condition of approval as part of the conditional use permit application.

- 3) If signage is proposed, the applicant shall be required to submit a sign permit application.
- 4) All conditions of approval must be met prior to business license approval. Prior to business license approval, the applicant shall be required to install all landscaping as shown on the subject application. Evidence of a valid business license for the food cart shall be on file with the city at all times.
- 5) Copies of current Marion County permits related to the food cart food handlers permits and other required Marion County permits shall be filed with the City.
- 6) Hours of operation of the proposed uses on Lot 4400 shall be limited to 10 am to 7 pm.
- 7) The applicant shall provide evidence of ADA access to Lot 4400 prior to business license approval.
- 8) Sewer or grey water disposal hookups are prohibited.
- 9) The number of tents, booths or canopies of any size on site at any time shall be limited to one. If the owner proposes the use of tents, booths or canopies greater than one hundred twenty (120) square feet, a temporary structure permit under AMC 17.32.040 shall also be required.
- 10) Any replacement of existing fencing on site shall be required to meet AMC 17.40.070. Review and approval by the HRB prior to installation is recommended.
- 11) The applicant shall provide cost estimates for the landscaping proposed in the application to the City in order to determine if a landscape plan requiring HRB approval is required.
- 12) At the time of application, no information on the proposed food cart was provided. The Planning Commission may choose to (a) continue the hearing to a date and time that the applicant can provide additional information on the proposed food cart for Planning Commission approval OR (b) require that review and approval for the proposed food cart, and subsequent replacement or revised food carts, receive review and approval from the Historic Review Board on file with the City in order to maintain a valid conditional use permit.

VI. PLANNING COMMISSION ACTION

- A. Approve the conditional use permit (CUP-14-01) and site development review (SDR 14-01) application for installation of a food cart and outdoor garden/eating/retail space.
 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

B. Deny the request for a conditional use permit and site development review approval for CUP 14-01 and SDR 14-01 stating how the application does not meet the applicable approval criteria.

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

LEGEND

LINE TYPES

- TAX LOT BOUNDARY
- OLD PROPERTY LINE
- ROAD RIGHT-OF-WAY
- VACATED RIGHT-OF-WAY
- RAILROAD
- RAILROAD RIGHT-OF-WAY
- STREAM LAKE ETC. TAX LOT BOUNDARY
- STREAM LAKE ETC. NON-BOUNDARY
- SUBDIVISION BOUNDARY
- PARTITION PLAT B'DY.
- TAX CODE BOUNDARY
- EASEMENT

SYMBOL TYPES

- TLC
- CENTRAL POINTS
- SURVEY MONUMENTS
- CLD. CORNERS
- 1/4 SEC.
- 1/16 SEC.
- 1/8 COR.
- 1/4 COR.
- 1/8 COR.

NUMBERS

TAX CODE NL
000 00 00 0

ADVERSE - ALL ADVERSES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAY.

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION DOES TO THIS TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAY.

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

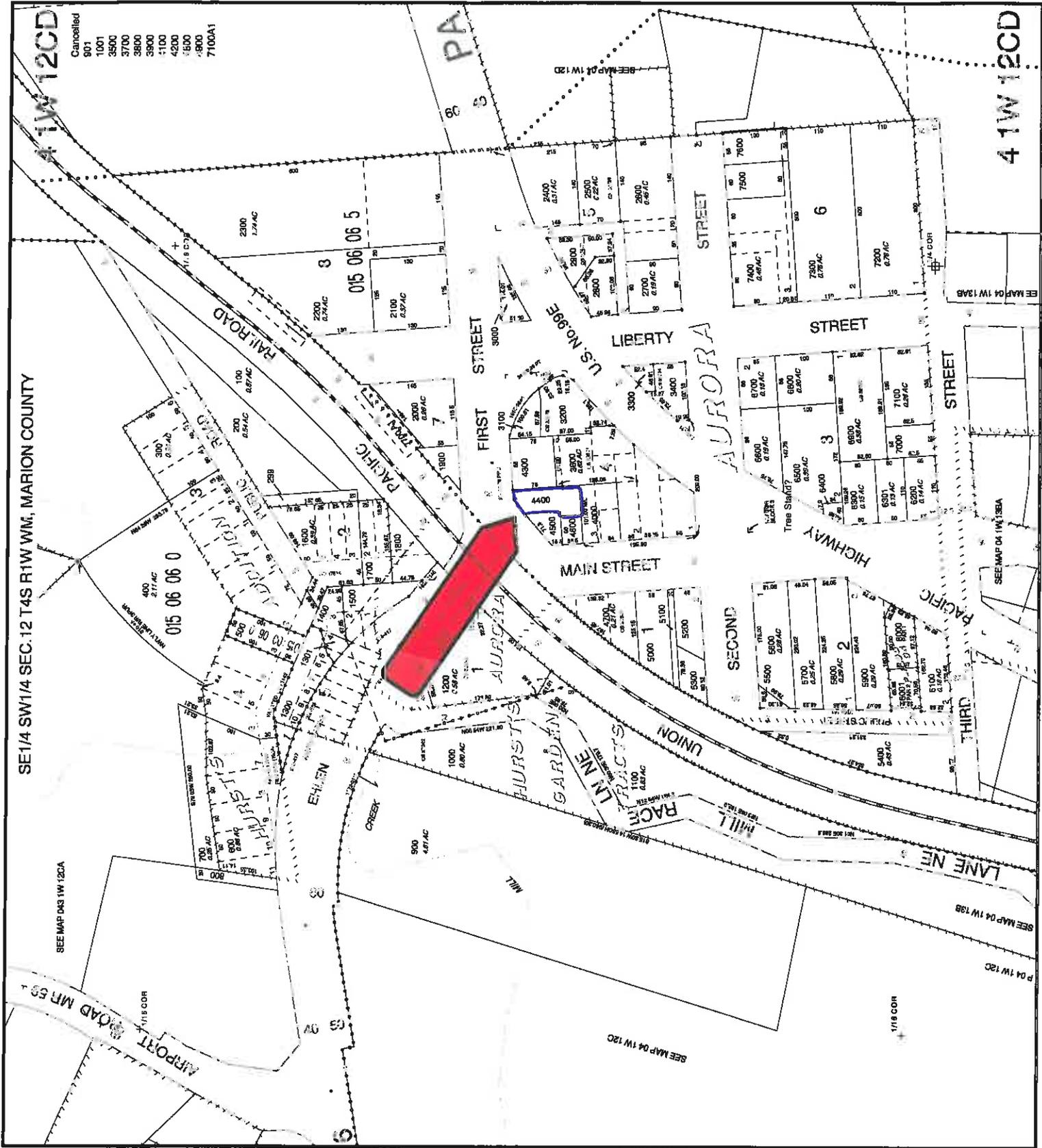
NOTICE: This map was created for Assessor's Office use ONLY.



SCALE 1" = 100'
 OF 1:1000

Plot file created: March 28, 2011
 Assessor's Office of Marion County

Exhibit A



Cancelled
 901
 1001
 3500
 3700
 3800
 3900
 4100
 4200
 4500
 4800
 7100A1

SE 1/4 SW 14 SEC. 12 T4S R1W WM, MARION COUNTY

4 1 W 12 CD

4 1 W 12 CD

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 checked="" type="checkbox"/> CONDITIONAL USE (AMC 16.60)
<input 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 CARL/TARA MCKNIGHT Phone 503.651.4400
 Mailing Address BOX 91 AURORA 97002
 Property Owner CARL/TARA MCKNIGHT Phone _____
 Mailing Address BOX 91 AURORA 97002
 Contact person if different than applicant _____ Phone _____
 Mailing Address _____

PROPERTY DESCRIPTION

Address 21600 MAIN ST Tax Map # _____ Tax Lot # _____
 Legal Description (attach add'l sheet if necessary) BACK LOT

Total Acres or Sq. Ft. 4.000 SQ FT Existing Land Use COMMERCIAL/VACANT
 Existing Zoning COMMERCIAL Proposed Zoning (if applicable) COMMERCIAL
 Proposed use GARDEN SPACE

ACTION REQUESTED: (use additional sheets as needed)

ADD FOOD CART TO LOT

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 _____

5/5/14
 Date
5/5/14
 Date

Office Use Only: Received By: _____	Date: _____	Fee Paid \$ _____
Receipt # _____	Case File # _____	Planning Director Review _____
		Date: _____

Last updated 6/14/2010

5/1/14

Site Plan / Landscaping for back lot @ 21680 Main Street.

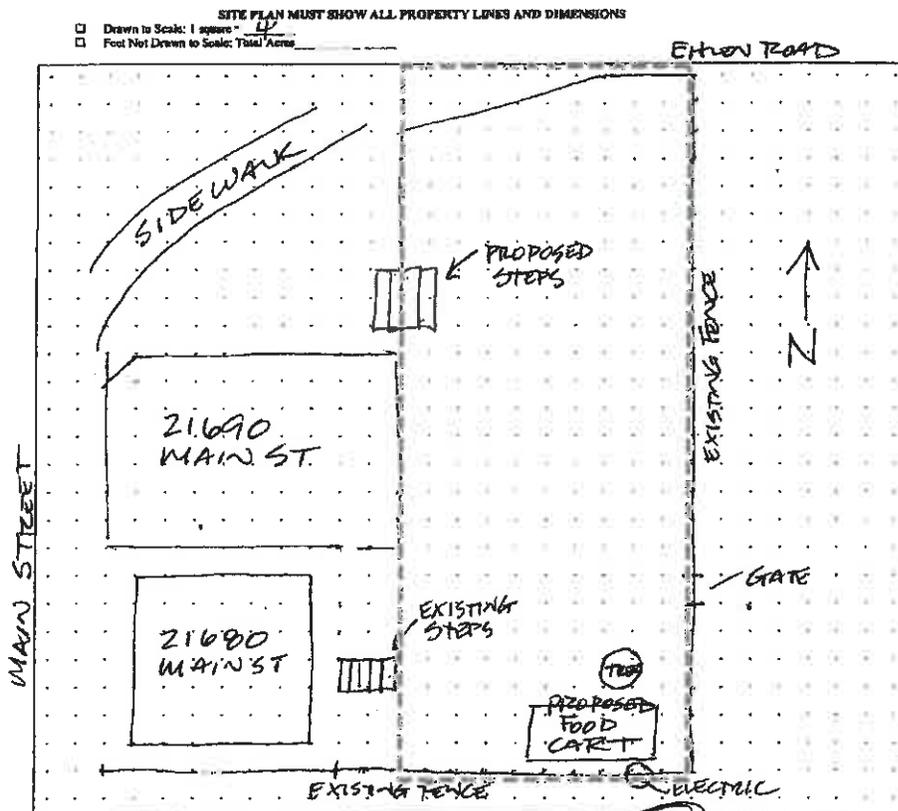
Lot is situated behind 21680 Main Street (Aurora Artisan) and 21690 Main St (Pheasant Run Winery). The lot is zoned commercial and is currently vacant.

Goal

- Create a garden space that makes a visible impact that looks great when people drive into Aurora
- Area where customers of Pheasant Run can enjoy a glass of wine.
- Outside gallery area for artwork for Aurora Artisan.
- Place for food cart in SE Corner of lot

Proposed changes-

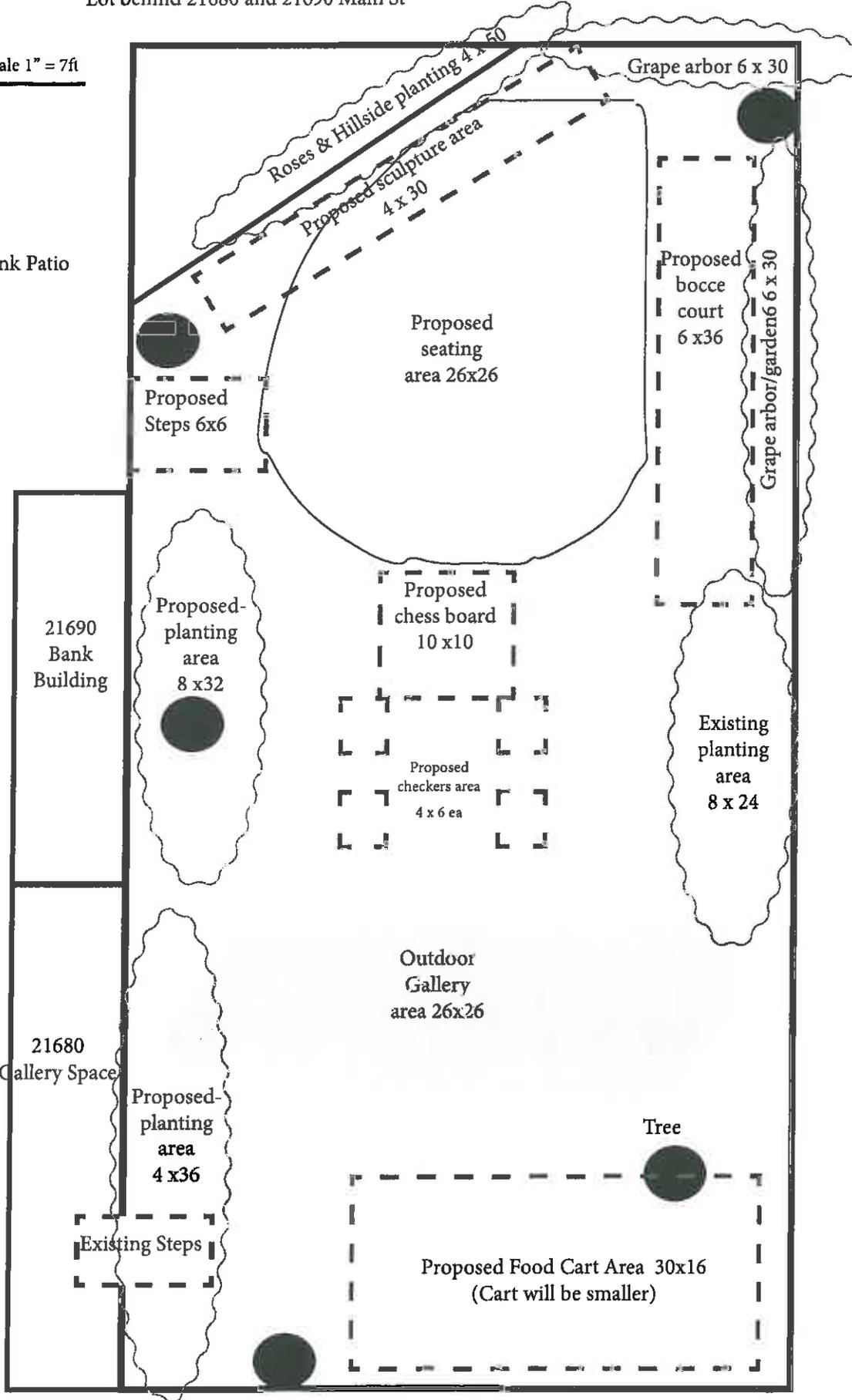
- Additional planting with roses and low growing shrubs (no trees) on North (Ehlen Rd) side.
- Additional planting with roses along existing fence South Side.
- Clean up area blackberries etc between lot and Nagl warehouse.
- Remove very visible compost pile on Ehlen Rd / next to Nagl
- Add steps from Pheasant Run patio to back lot.
- Electrical added for future uses.
- NO other changes in utilities, walls, fencing, wells, driveways, roads.
- Food placement in SE corner of lot. Not a structure- mobile unit.



Lot behind 21680 and 21690 Main St

Scale 1" = 7ft

Bank Patio



HRB Memo to Planning Commission

Re: Pheasant Run Winery Conditional Use Permit/Food cart use/Landscape

May 26, 2014

The applicant attended the HRB meeting on May 22 and was available to answer questions from the board. From this discussion the HRB had these concerns and comments for the Planning Commission to consider in granting conditions of the requested permit. Overall, the board had a positive impression of the plan as described by the applicant, however there were items not addressed either by application or code that we have outlined here.

Food Cart:

The applicant does not currently own/lease a food cart and envisioned that various vendors would provide service on call. Discussion about how a vendor's cart might be approved according to code was discussed and a suitable/practical plan needs to be worked out with the Planning Commission for the occasions when applicant desires a food presence. (In our previous discussions on food carts, the HRB was under the impression that all carts would be directly under the regular control of the participating restaurant/food establishment.) Also to be determined is how the food cart would enter and exit the property.

Fencing:

No application was presented for fencing and the applicant was unsure about what will be required by OLCC to secure the area when alcohol is consumed. The current fencing is an older wire, temporary type fence with metal stake posts which may not stand up to security or to current design standards for permanent fencing within the district. A fence application would be separate from the current application and would need HRB approval.

Landscape:

Most or all of the property on the site plan appears to be attached to the gallery building adjacent to the bank building. Depending on how many properties are involved, the landscape threshold for requiring a landscape plan to go before the Historic Review Board could be either \$2500 or \$5000. (Any fencing would not be part of the cost of landscaping.) The applicant does not have a firm figure as to what the costs will be for the design presented although it includes various surfaces such as compacted gravel, stone stairs, plantings as well as the expected soils/mulch, etc. and materials for the bocce court and chess board. It may be determined that a landscape plan application be required if the cost exceeds \$2500 in the area that is part of the gallery property, in which case the HRB would ask that an application fee be waived. The HRB found the attached plan to be approvable as is as long as the materials are specified.

Potential Need for Coverings:

No structures, covered pavilions, etc. are currently proposed. If proposed, those should be reviewed by HRB.

Tents and awnings that might be erected to cover various areas (although not awnings attached to a temporary food cart or umbrellas at tables) are a concern. The Historic Guidelines (now used as information only) previously regulated the use of tents and limited their use to two seven-day periods per year. The purpose of this was to limit the overuse of tents in a historically sensitive area and avoid a flea market appearance based on previous abuse by retailers and homeowners, where the tents never seemed to go down and became faded, unsightly and were a significant detractor from the buildings as well as encouraging the collection of various items under them. Anticipating that the winery/gallery might desire to use the garden area as a venue or sometimes cover the outdoor gallery area or a musical act, we believe the Planning Commission should work with HRB to devise suitable guidelines for tent/covering use that is practical for this type of occasional use yet still maintains control for the previous reasons. (The previous rules allowed for special events allowed by the city such as Aurora Colony Days.)

The Plan as presented:

The proposed plan does seem to be a good fit, both for the business and the historic commercial district. The HRB recognizes that the applicant has a history of providing quality work to previous projects. The applicant needs to demonstrate how they can comply with the code on details. It is also important that the rules be consistently followed within the entire historic district to avoid the issues that the code seeks to dispel.

Thank you for your consideration on these points.

Gayle Abernathy, Chairman

PRE-APPLICATION MINUTES

SUBJECT: Map 41W12CD, Lot 4400. 0.11 acres or 4,791 sq ft
DATE: May 7, 2014
ATTENDANCE: See attached.

Application: Conditional use permit application fee of \$1,000- 5/8/2014 not paid yet according to City. HRB comment required. The business license shall not be approved until all conditions of approval have met.

Application: Site Development Review (previously determined not subject to SDR in 2011 for 484 sq ft of public space requiring 4 parking spaces using street parking- see attached). New "development" on Lot 4400 requires SDR approval with PC (concurrent application)

Application: Sign permit application and fee \$60.00 for permanent sign and \$25 for certificate of appropriateness from HRB. These can be processed at a later date when the applicant is ready.

Land Use:

- Zoned Commercial with Historic Commercial Overlay zone. Eating and drinking establishments are permitted outright. Food carts are considered a conditional use requiring a CUP from the Planning Commission.
- Site Development Review (SDR) not processed for the existing eating and drinking establishment- new lot 4400 development requires.
- Lots 4400, 4500 and 4600 are owned by the applicant and food carts are permitted on adjacent/adjoining lots.

Conditional Use Permit: 16.60.040 Approval standards and conditions.

A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use based on findings of fact with respect to each of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;
2. All required public facilities have adequate capacity to serve the proposal and are improved to the standards in Chapter 16.34;
3. The requirements of the zoning district are met;
4. The use is compatible with surrounding properties or will be made compatible by imposing conditions;
5. All parking and loading areas are designed and improved in accordance with the requirements set forth in Chapter 16.42; - Title 17 exempts historic commercial from parking standards.
6. All landscaping is designed and improved in accordance with the requirements set forth in Chapter 16.38;
7. All public improvements are designed and constructed in accordance with the requirements set forth in Chapter 16.34;

8. All facilities for the handicapped are designed in accordance with the requirements set forth in the ADA requirements; You may want to provide ramps instead of stairs to Lot 4400 even if the lot itself or the existing structures are not accessible.

9. The provisions of all applicable chapters of this title are satisfied; and

10. Properties located in the historic commercial or historic residential overlay comply with the requirements set forth in Title 17 of the Aurora Municipal Code.

B. In reviewing an application for a conditional use, the commission shall consider the most appropriate use of the land and the general welfare of the people residing or working in the neighborhood. In addition to the general requirements of this title, the commission may impose any other reasonable conditions deemed necessary. Such conditions may include, but are not limited to:

1. Limiting the manner in which the use is to be conducted, including restrictions on the hours of operation;

2. Establishing additional setbacks or open areas;

3. Designating the size, number, location and nature of vehicle access points;

4. Limiting or otherwise designating the number, size, location, height and lighting of signs;

5. Requiring fences, sight-obscuring hedges or other screening and landscaping to protect adjacent properties;

6. Protecting and preserving existing soils, vegetation, wildlife habitat or other natural resources.

Landscaping, Yards and Screening (AMC 16.38 and downtown plan)

- Food carts are required to meet setback requirements. Side yard: 0 Rear yard: 0
- Landscaping: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 16.38 including 16.38.020.C.1 requires properties to be at least 15% landscaped. Refuse and recycling containers need to be screened by landscaping or fencing.

Access and Parking (AMC 16.42)

- The existing eating and drinking establishment uses parking for tables and
- Access from the alley? We will need to see an agreement from property owners listed for Lot 3600 that you can use this area.
- AMC 17.040.020.C.1. Non contributing or contributing "Additions to commercial structures are exempt from the parking requirements in Title 16".

Site Development Review

A) HRB and the Planning Commission need to make an interpretation that your open inventory display of art fits within the following:

16.22.050 Open inventory display.

A. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading;

2. Displays for resale purposes of small merchandise which shall be removed to the interior of the business after business hours;

3. Display, for resale purposes, of live trees, shrubs and other plants.

4. Outdoor seating in relation to permitted eating or drinking establishment, including food carts, subject to 16.34.060.D., and with Historic Review Board review and approval.

B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances. (Ord. 464, 2011; Ord. 415 § 7.60.050, 2002)

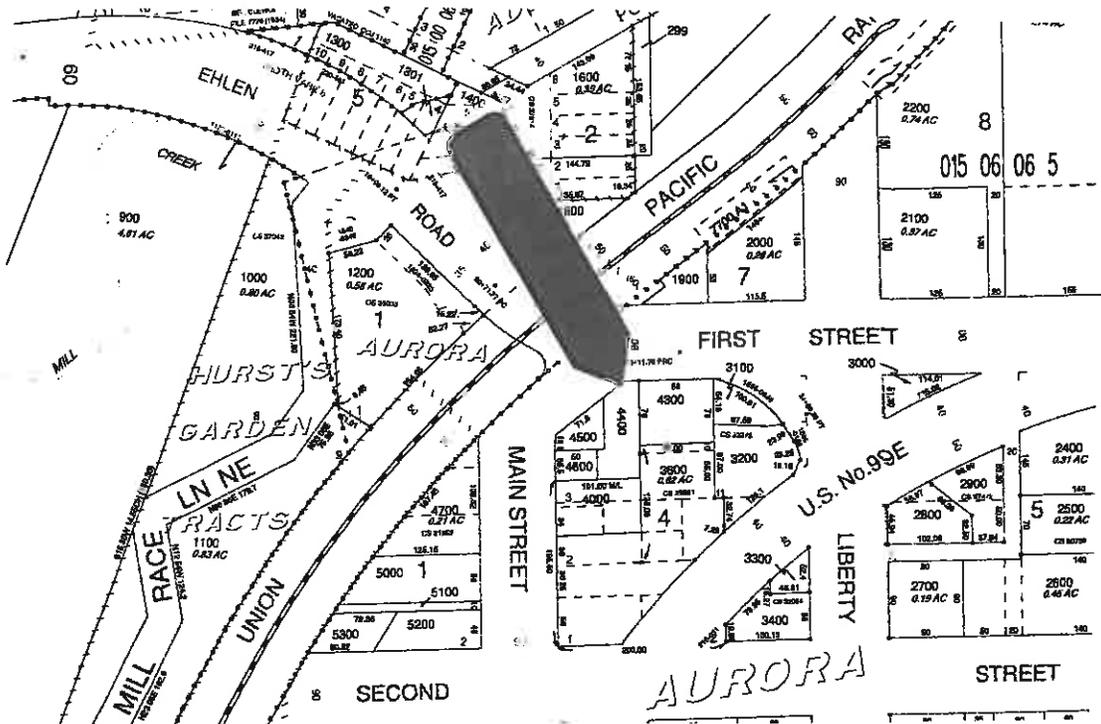
B) How will you secure the site, tables and art displays?

Misc Comments:

- Measurement of the food cart can be condition of approval to be below maximums.
- Restrict access to the site from the art studio or winery only (not from lot 3600). We need to see right to use access from neighbors. Lease agreement.
- Provide proposed hours of operation for the back area.
- Provide measurements for use of space as we discussed on the phone. For example, 30% retail, 30% dining, 30% sports courts/recreation.

Comments provided by staff at the pre-application conference are preliminary. Additional concerns may be raised during the land use review process. More comprehensive information may be required for a formal land use application.

NOTICE OF PUBLIC HEARING
AFFECTING THIS AREA



Date: June 3, 2014

Time: 7:00 P.M.

Place: Planning Commission
Aurora City Hall
21420 Main Street NE
Aurora, Oregon 97002

Nature of Application: Site Development Review 14-01/
Conditional Use Permit 14-01

Location: 21680 Main Street NE, Aurora OR
Map 41.W.12C Tax Lot 4400.

Name of Applicants: Carl and Tara McKnight

Zone: Commercial Zone (C) with Historic Commercial Overlay

Request: Conditional Use Permit approval for installation of a food cart and
Site Development Review approval for an outdoor
garden/eating/retail space.

Additional information is available at City Hall, 21420 Main Street NE, Aurora, Oregon.

The applicable criteria and standards from Aurora Municipal Code Section 16.22 Historic Commercial Overlay, 16.58 Site Development Review, and 16.60 Conditional Uses are used to review this application.

The planning commission's review will determine if tentative Site Development Review and Conditional Use permit approval will be granted for this application. The public hearing on this matter will be conducted in accordance with the rules of Chapter 16 of the Aurora Municipal Code and the rules of procedure adopted by the City Council. Oral testimony may be presented at the public hearing. At the public hearing, the planning commission will review a staff report, open the public hearing and invite both oral and written testimony.

A copy of this application, all documents, all documents and evidence are available for inspection at no cost and copies will be provided at reasonable cost. The applicant and any person who submits comments during the comment period shall receive the notice of decision.

Issues which may provide the basis for appeal shall be raised in writing not later than the close of the comment period or following the final evidentiary hearing on this case. Such issues shall be raised with and accompanied by statements or evidence sufficient to afford this body, and the parties to this hearing an adequate opportunity to respond to each issue.

Please submit written comments by no later than **June 3, 2014**.

Address written comments to: Planning Department - City of Aurora
21420 Main Street NE
Aurora, Oregon 97002

Staff Contact: Renata Wakeley, City Planner, (503) 588-6177.

AFFIDAVIT OF MAILING

I, Renata Wakeley, DEPOSE AND STATE AS FOLLOWS:

That I am the City Planner for the City of Aurora, Marion County, Oregon.

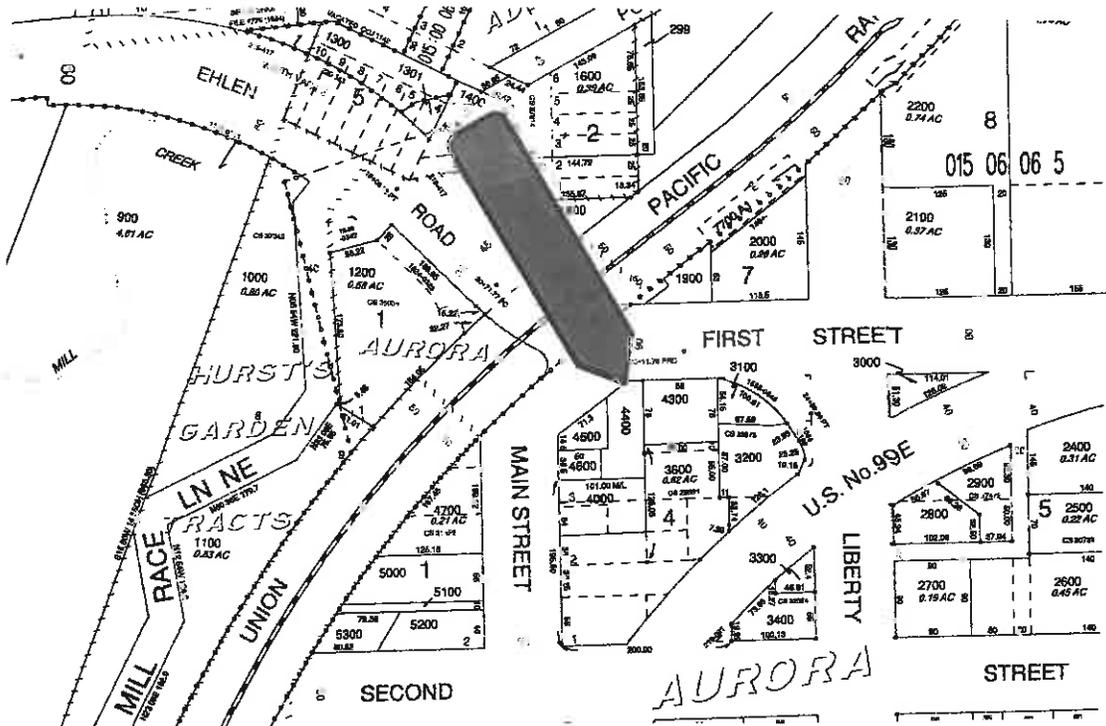
That the attached Exhibit "A" (Notice of Administrative Action) was mailed by myself to the owners of subject property, said owners listed in Exhibit "B", attached hereto and incorporated herein by reference.

That the aforementioned copies were mailed by myself on 5/27/2014, through the Salem Post Office in Salem, Oregon.



City Planner
Mid-Willamette Valley Council of Governments

**NOTICE OF PUBLIC HEARING
AFFECTING THIS AREA**



Date: June 3, 2014

Time: 7:00 P.M.

Place: Planning Commission
Aurora City Hall
21420 Main Street NE
Aurora, Oregon 97002

Nature of Application: Site Development Review 14-01/
Conditional Use Permit 14-01

Location: 21680 Main Street NE, Aurora OR
Map 41.W.12C Tax Lot 4400.

Name of Applicants: Carl and Tara McKnight

Zone: Commercial Zone (C) with Historic Commercial Overlay

Request: Conditional Use Permit approval for installation of a food cart and
Site Development Review approval for an outdoor
garden/eating/retail space.

Additional information is available at City Hall, 21420 Main Street NE, Aurora, Oregon.

RICHARD SCHULTZ TRUST
RICHARD SCHULTZ TRE
15739 SE 44TH PLACE
BELLEVUE, WA 98006

DAVID & JOYCE DEYOUNG
& RANDY SCHULTZE
PO BOX 190
AURORA, OR 97002

CARL & TARA MCKNIGHT
PO BOX 91
AURORA, OR 97002

GEORGE SCHMIDT FAM TR &
NORMA ANN SCHMIDT LT
C/O LESLIE & SANDRA LINSCHKEIT
PO BOX 128
AURORA, OR 97002

LEATHERS LIMITED PARTNERSHIP
255 DEPOT ST
FAIRVIEW, OR 97024

GISLINDE DAVENPORT
PO BOX 25
RICKREALL, OR 97371

KNIGHTS OF PYTHIAS
HERMAS LODGE #56
C/O KENNETH SWARTOUT
21020 BOONES FERRY RD NE
AURORA, OR 97002

MICHAEL & KATE BYRNES
5430 SW AMES WAY
PORTLAND, OR 97225

ARCHAEOLOGICAL CONSERVANCY
1717 GIRARD BLVD NE
ALBUQUERQUE, NM 87106

UNION PACIFIC RAILROAD CO
PROPERTY TAX
1400 DOUGLAS STOP 1640
OMAHA, NE 68179

LAWRENCE LARSON
PO BOX 546
AURORA, OR 97002



May 6, 2014

Renata Wakeley, Senior Planner
Mid-Willamette Valley Council of Governments
100 High Street SE, Suite 200, Salem, OR 97301
503 540 1618 direct

Re: SUB-09-01 and SDR-09-01

Dear Ms. Wakeley:

Pursuant to our phone conversation of today I am requesting a one year extension of the above subdivision and development approvals for our property in Aurora. I have worked diligently and at significant personal expense for the last 22 months to get approvals of all the improvement plans and bonding and signatures on the subdivision map. This required redesigning and relocation of a failed drain line (installed by the City) to a different location (as requested by a neighboring property owner), surveying, drafting, obtaining neighbors' signatures, and recording easements that were missing and never created for previous projects and serving other properties including the Post Office, the Candy Factory and the failed drain line mentioned above.

The subdivision map is now signed and in the hands of the County Surveyors Office. Their field crew needs to go out and check the monumentation. They will then issue any overage bill if they have exceeded the deposit prior to recording the map. Given the unpredictable slowness of their processing I am requesting that all the approvals including the subdivision be extended just in case we run up against a statutory deadline.

I am requesting a one year extension based on our conversation of today that the City of Aurora does not have a limitation as to granting further extensions in the future.

As you know the market collapse of 2008-2009 has resulted in a very slow recovery for this type of project. I am confident that in time (and with the minor modification revisions we spoke of, which you will have shortly) that this project remains a viable project that will be successfully built out in the future.

Sincerely,



Cliff Bixler

**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Interpretation 2014-02 [INT-41-02]
DATE: May 28, 2014

APPLICANT/OWNER: Clifford Bixler

REQUEST: Interpretation of the Aurora Municipal Code (AMC) by the Planning Commission in regards to an extension request for previous land use approvals for SUB-09-01 and SDR-09-01 and minor modification to previous Site Development Review approval.

SITE LOCATION: Northwest of intersection of Ottaway Road and Highway 99E.
Map 41.W.13B Tax Lots 1500 and 2002.

SITE SIZE: Lot 1500- 1.78 acres, or approx. 77,537 sq. ft.
Lot 2002- 0.57 acres, or approx 24,829 sq ft.

DESIGNATION: Zoning: Commercial (C) with Gateway Property Overlay

CRITERIA: Aurora Municipal Code (AMC) Chapter 16.58 Site Development Review and 16.78

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Request letter from applicant
Exhibit C: Revised Site Plans

I. REQUEST

Approval of a non-remonstrance agreement in lieu of sidewalk improvements as part of building permit review under AMC 16.34.030.A.2.

II. PROCEDURE

Pursuant to 16.78.150, approvals for Site Development Review shall be effective for a period of two years from the date of approval. AMC 16.78.150.E. allows for additional one year extensions by request to the Planning Commission and recommendation to the City Council. Notice of the decision for extension shall be mailed to adjacent owners in compliance with 16.78..

Subject to 16.58.060 and 16.58.070, any modification to previously approved plans for development which is not determined to be a major modification shall be approved, approved with conditions, or denied following the Planning Director's review based on the finding that no code provisions will be violated; and the modifications is not a major modification. Minor modifications shall be processed and noticed in accordance with AMC 16.78.

The request for extension and revised site plans were received on May 8, 2014. The application was determined complete by Staff and placed on the next available Planning Commission agenda. Pending a

recommendation from the Planning Commission and a decision by the City Council, a Notice of Decision will be mailed to adjacent property owners. The City has until **September 1, 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 16.78.120. An appeal of the Commission's decision shall be made, in writing, to the City within 15 days of the final written decision.

IV. CRITERIA AND FINDINGS

The applicable review criteria for an extension request for a previously approved SDR is found in AMC Chapter 16.78- Limited Land Use Decisions.

16.78.150 Expiration and extension of approvals

E. Following the first one year extension by the Planning Director, the applicant may submit a request to the Aurora Planning Commission so that the Planning Commission may transmit a recommendation to the Aurora City Council for additional one-year approval extensions.

FINDINGS: The applicant has received two previous extension requests. The original approval of SDR-09-01 and SUB-09-01 expired on June 5, 2011. The applicant request a two year extension to the previously approved applications on September 15, 2012 which was granted by the City Council for all land use applications in the City- extended the approval to June 22, 2013. The Planning Commission previously granted a one year extension to June 22, 2014 on October 9, 2012. Staff finds this criteria is met.

16.58.070 Minor modification(s) to approved plans or existing development.

A. Any modification which is not within the description of a major modification as provided in Section 16.58.060, may be considered a minor modification.

FINDINGS: Staff finds the revisions to previously approved site plan to remove the second story of Building 2 and 3 do not meet the criteria for a major modification and the revisions is considered a minor modification. S

B. A minor modification shall be approved, approved with conditions or denied following the Planning Director's review based on the finding that no code provisions will be violated; and the modification is not a major modification.

C. Minor modifications shall processed and noticed in accordance with Chapter 16.78.

FINDINGS: A notice of decision of determination of minor modification will be issued with a decision on the extension request. Staff finds these criteria are met.

V. CONCLUSIONS AND RECOMMENDATIONS

Based upon the findings outlined in the staff report, staff recommends Planning Commission action **VI.A.1** as outlined below for the Interpretation application (File No. INT-14-02).

VI. PLANNING COMMISSION SAMPLE MOTIONS

- A. Motion to adopt the findings in the staff report and approve Interpretation 14-02 for a one year extension:
 - 1. As presented by staff, or
 - 2. As amended by the Planning Commission (stating revisions)

OR

- B. Motion to deny Interpretation 14-02 (stating how the application does not meet the required standards),

OR

- C. Continue the decision to a time certain or indefinite (considering the 120-day limit on applications) in order to collect additional information from the applicant or staff (stating the information required in order to make a decision)

Keynotes

1. WOOD FRAMED WALL WITH LAP SIDING AND STUCCO
2. 3'-0" X 7'-0" WOOD DOOR
3. VINYL WINDOW TYPICAL
4. GUTTER, PAINTED
5. 3"x3" DOWNSPOUT, PAINTED
6. 12'-0" X 12'-0" OVERHEAD DOOR
7. ENTRY CANOPY
8. COMPOSITION ASPHALTIC TILE ROOFING
9. WOOD TRIM
10. STUCCO
11. EXTERIOR LIGHT FIXTURE
12. AREA OF TENANT SIGNAGE - UNDER SEPARATE PERMIT



Owner:
 Cliff Bixler

91 Country Estates Dr.
 Santa Cruz, CA 95060

Project:
 New Buildings
 in Aurora
 Building 3

Aurora, Oregon

Sheet Title:
 Building 3
 Elevations

Revisions:

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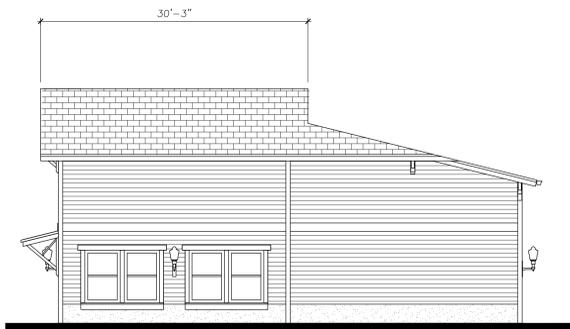
Date: 8 May 2014
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 Checked by: WEM
 Job Number: 106190
 Sheet



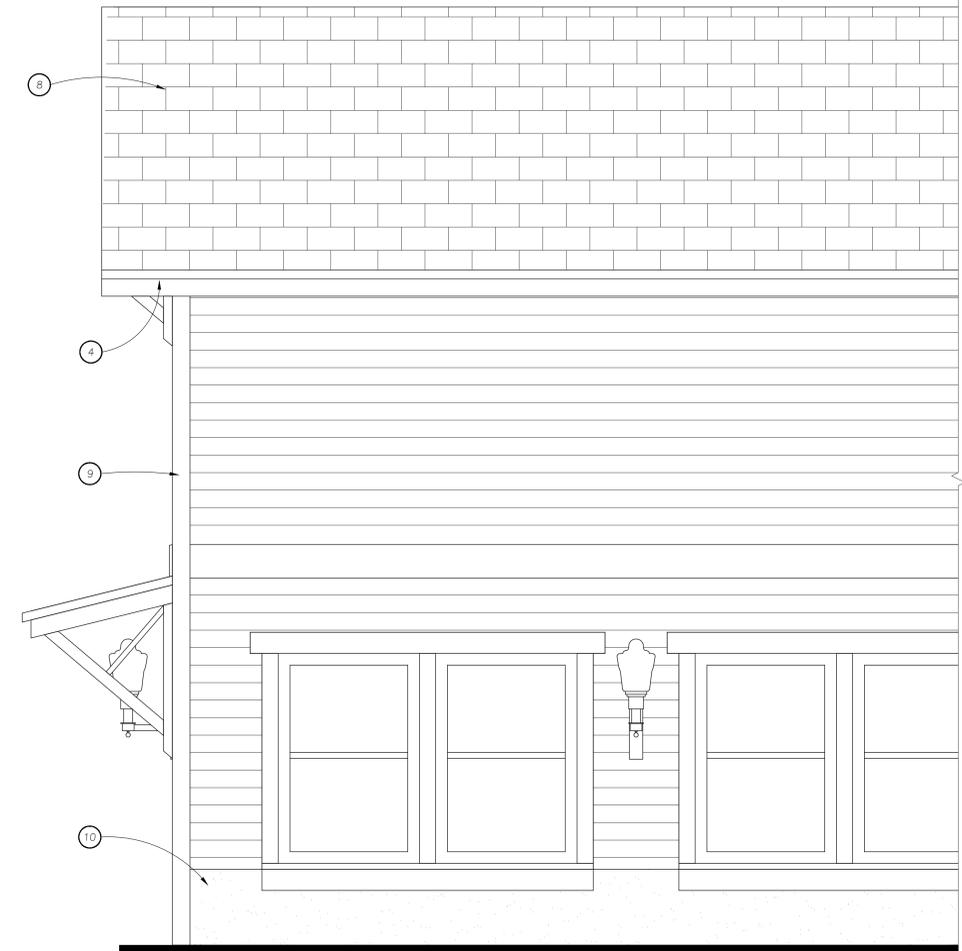
North Elevation



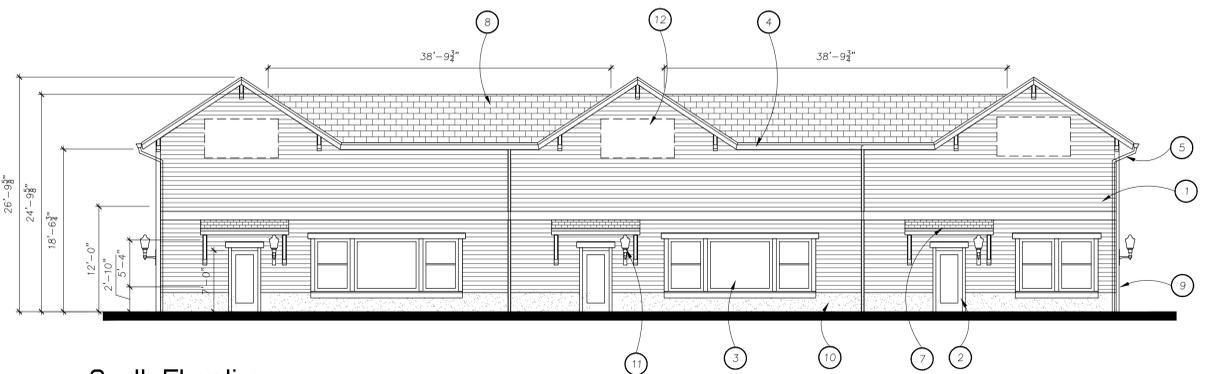
West Elevation



East Elevation



Enlarged East Elevation

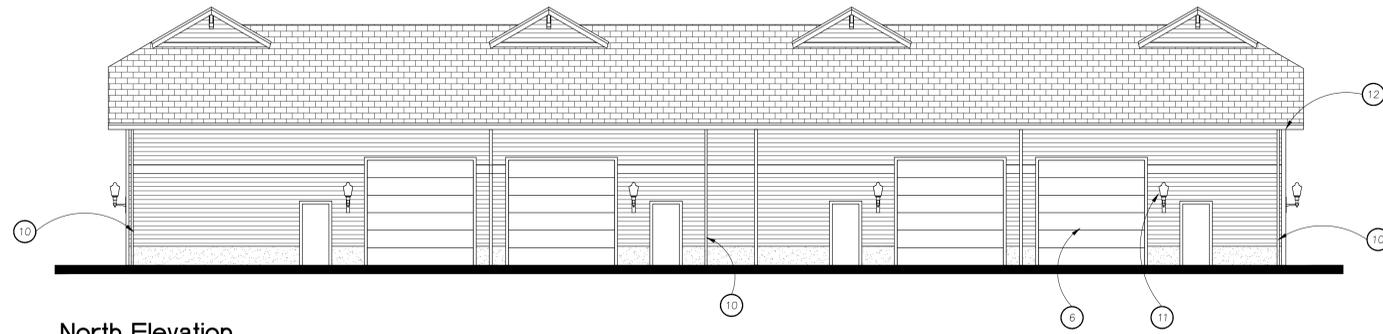


South Elevation

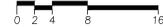


Keynotes

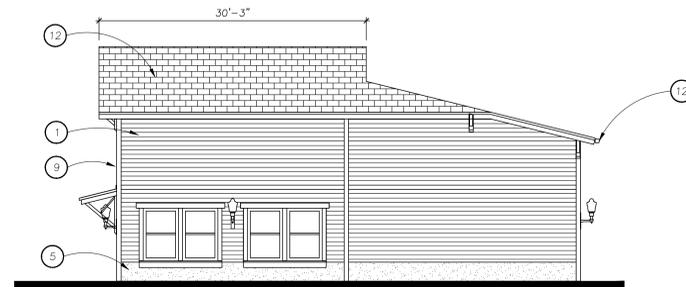
1. WOOD FRAMED WALL WITH LAP SIDING
2. 3'-0" X 7'-0" WOOD DOOR
3. VINYL WINDOW
4. AREA OF TENANT SIGNAGE - UNDER SEPARATE PERMIT
5. STUCCO
6. 12'-0" X 12'-0" OVERHEAD DOOR
7. ENTRY CANOPY
8. COMPOSITION ASPHALTIC TILE ROOFING
9. WOOD TRIM
10. 3"x3" DOWNSPOUT, PAINTED
11. EXTERIOR LIGHT FIXTURE
12. GUTTER, PAINTED



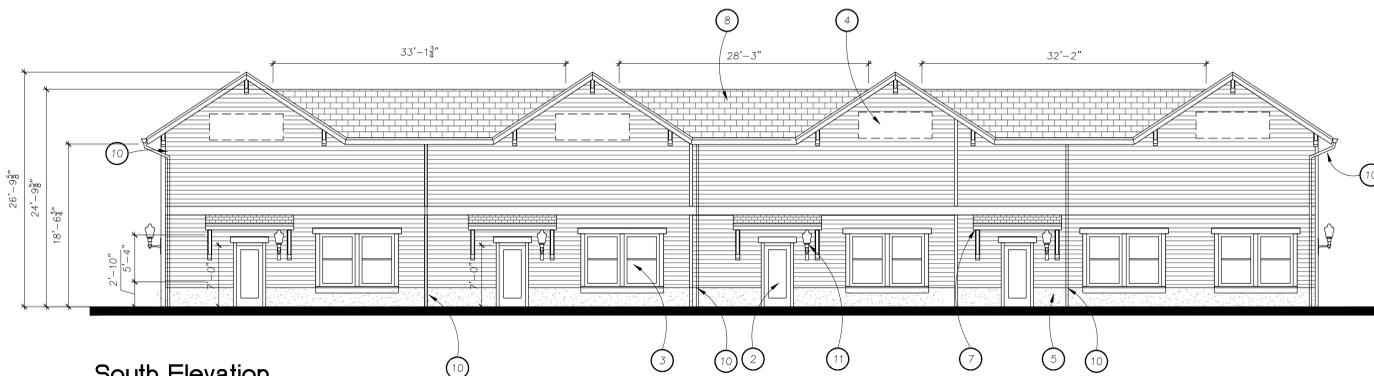
North Elevation



West Elevation



East Elevation



South Elevation



Owner:
 Cliff Bixler

91 Country Estates Dr.
 Santa Cruz, CA 95060

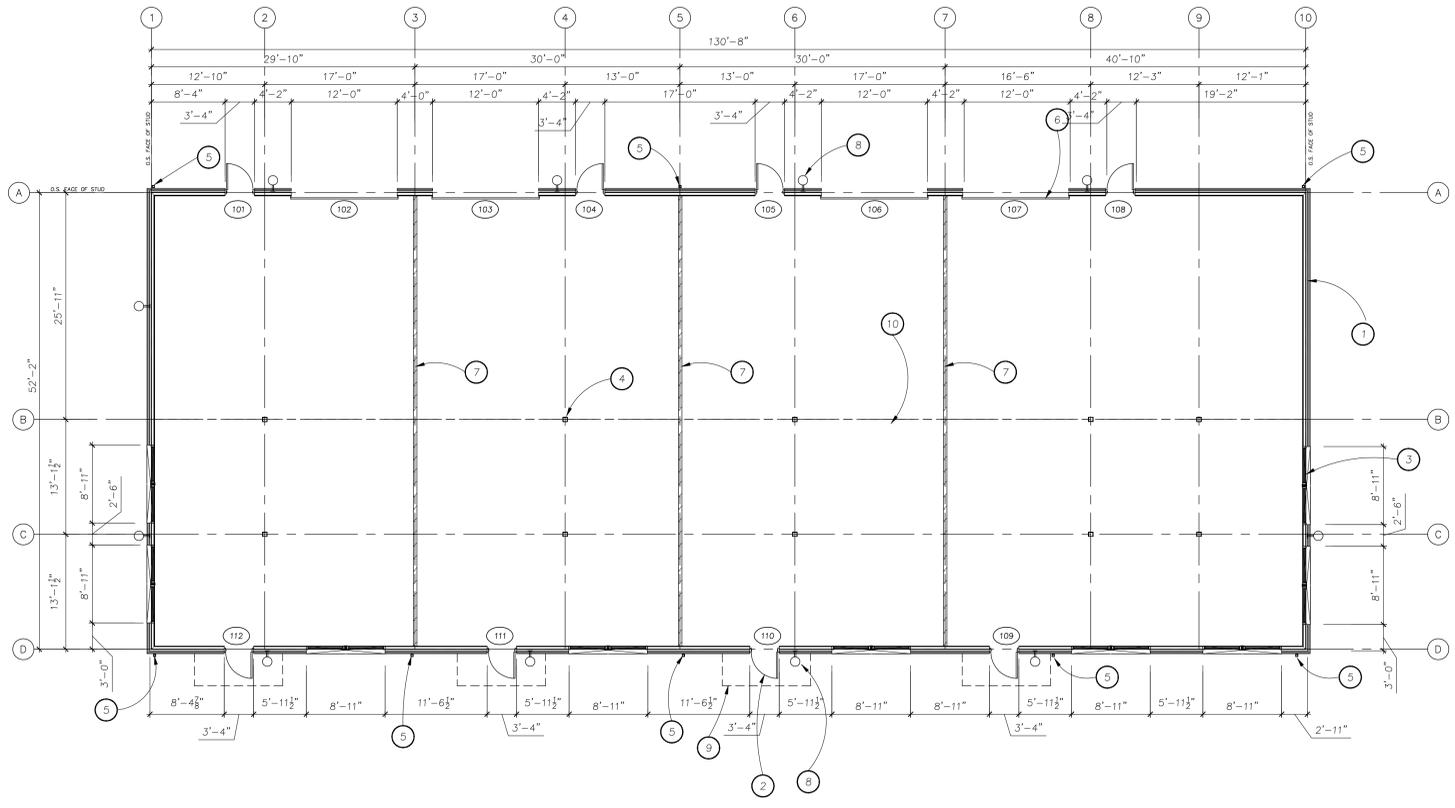
Project:
 New Buildings
 in Aurora
 Building 2

Aurora, Oregon

Sheet Title:
 Building 2
 Elevations

Revisions:

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 Date: 8 May 2014
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 Checked by: WEM
 Job Number: 106190
 Sheet



Keynotes

1. WOOD FRAMED WALL WITH LAP SIDING AND STUCCO
2. 3'-0" X 7'-0" WOOD DOOR
3. VINYL WINDOW TYPICAL
4. TS COLUMN - SEE STRUCTURAL
5. 3"x3" DOWNSPOUT, PAINTED
6. 12'-0" X 12'-0" OVERHEAD DOOR
7. DEMISING WALL
8. EXTERIOR LIGHT FIXTURE
9. ENTRY CANOPY
10. SHEAR WALL - SEE STRUCTURAL

MILDREN DESIGN GROUP, P.C.
 ARCHITECTURE • SPACE PLANNING
 7650 S.W. Beveland, Suite 120
 Tigard, Oregon 97223-5692
 Voice: 503-244-0532
 Fax: 503-244-0417

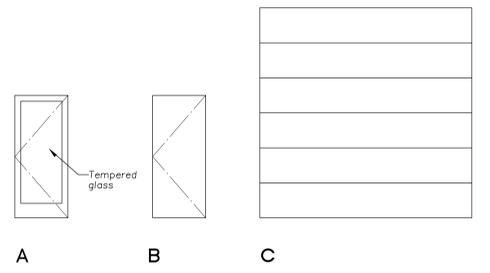


Door Schedule

MARK	NOMINAL SIZE	THICK.	FRAME MAT'L	FINISH	DOOR MAT'L	FINISH	TYPE	HARDWARE GROUP	REMARKS
101	3'-0" x 7'-0"	1 3/4"	STL	P	STL	P	A	1	
102	12'-0" x 14'-0"	--	--	--	STL	P	C		
103	12'-0" x 14'-0"	--	--	--	STL	P	C		
104	3'-0" x 7'-0"	1 3/4"	STL	P	STL	P	A	1	
105	3'-0" x 7'-0"	1 3/4"	STL	P	STL	P	A	1	
106	12'-0" x 14'-0"	--	--	--	STL	P	C		
107	12'-0" x 14'-0"	--	--	--	STL	P	C		
108	3'-0" x 7'-0"	1 3/4"	HM	P	HM	P	A	2	
109	3'-0" x 7'-0"	1 3/4"	HM	P	HM	P	B	2	
110	3'-0" x 7'-0"	1 3/4"	HM	P	HM	P	B	2	
111	3'-0" x 7'-0"	1 3/4"	HM	P	HM	P	B	2	
112	3'-0" x 7'-0"	1 3/4"	HM	P	HM	P	B	2	

- LEGEND**
 FF FACTORY FINISH
 HM HOLLOW METAL
 MTL METAL
 P PAINT
 SC SOLID CORE
 STL STEEL

Door Types



Owner:
Cliff Bixler

91 Country Estates Dr.
 Santa Cruz, CA 95060

Project:
**New Buildings
 in Aurora
 Building 2**

Aurora, Oregon

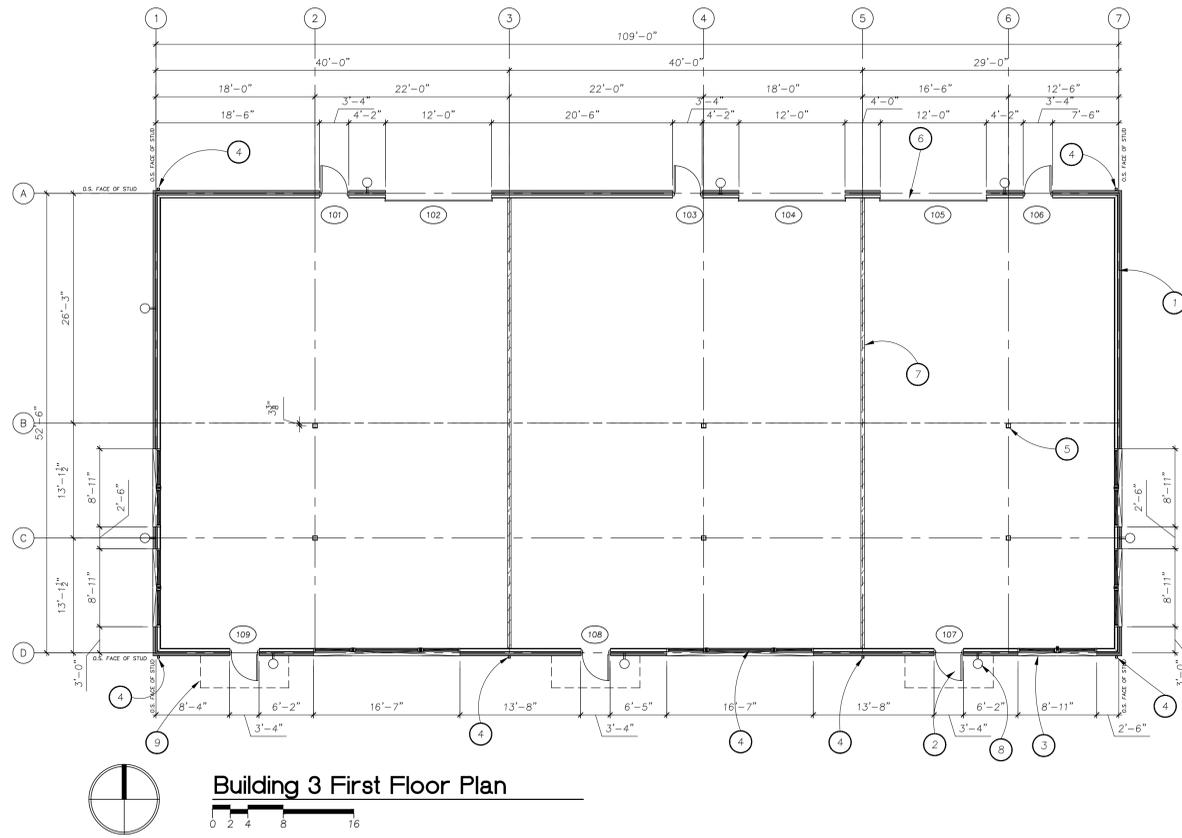
Sheet Title:
**Building 2
 Floor
 Plan**

Revisions:

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Keynotes

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2. 3'-0" X 7'-0" WOOD DOOR
3. VINYL WINDOW TYPICAL
4. 3"x3" DOWNSPOUT
5. TS. COLUMN - SEE STRUCTURAL
6. 12'-0" X 12'-0" OVERHEAD DOOR
7. DEMISING WALL
8. EXTERIOR LIGHT FIXTURE
9. ENTRY CANOPY

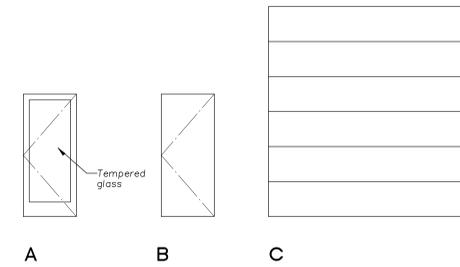


Door Schedule

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	WIDTH	HEIGHT	THICK.	MAT'L	FINISH	MAT'L	FINISH	TYPE		
101	3'-0"	7'-0"	1 3/4"	STL	P	STL	P	A	1	
102	12'-0"	14'-0"	--	--	--	STL	P	C		
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104	12'-0"	14'-0"	--	--	--	STL	P	C		
105	12'-0"	14'-0"	--	--	--	STL	P	C		
106	3'-0"	7'-0"	1 3/4"	STL	P	STL	P	A	1	
107	3'-0"	7'-0"	1 3/4"	STL	P	STL	P	B	2	
108	3'-0"	7'-0"	1 3/4"	STL	P	STL	P	B	2	
109	3'-0"	7'-0"	1 3/4"	STL	P	STL	P	B	2	

- LEGEND**
- FF FACTORY FINISH
 - HM HOLLOW METAL
 - MTL METAL
 - P PAINT
 - SC SOLID CORE
 - STL STEEL

Door Styles



Owner:
 Cliff Bixler

91 Country Estates Dr.
 Santa Cruz, CA 95060

Project:
 New Buildings
 in Aurora
 Building 3

Aurora, Oregon

Sheet Title:
 Building 3
 Floor
 Plan

Revisions:

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 Checked by: WEM
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 Sheet

NOTICE OF DECISION

Applicant/Owner: ELIZABETH L. HEININGE File No: _____
Proposal/Request: Residence with 4 bedrooms available for a bed
and breakfast. Application for Conditional Use Permit.

PROPERTY DESCRIPTION:

Map No: 41W12C1 Tax Lot No: Parcel 2 Site Size: .63 ac
Section: 12 Township: 4S Range: 1W
Addition/Subdivision: _____ Lot: _____ Block: _____
Address: 15109 NE Second Street, Aurora, OR 97002
Location: _____

On May 4, 1993, at the meeting of the Planning Commission,
the following decision was made on the above-referenced Proposed Development
Action:

_____ Approved / Approved with Conditions _____ Denied

This decision has been finalized in written form and placed on file in the
City records at Aurora City Hall this 6 day of May 1993
and is available for public inspection. The date of filing is the date of the
decision. Any appeal(s) must be filed with the City Recorder within fifteen
days of the date of decision.

- Written decision, findings attached
- _____ Proposal within an overlay zone
- _____ Certificate of Appropriateness attached
- _____ Statement from Federal Aviation Administration attached
- _____ Proposal within flood hazard zone
- _____ Special permit attached

This action, if approved, will expire on November 4, 1993^{5 PM} unless
development commences prior to expiration date.

Applicable Conditions attached

For further information, please contact Aurora City Hall at 678-1283.

FINDINGS

On May 4, 1993, at the meeting of the Planning Commission,
the application for Bed and Breakfast.
submitted by ELIZABETH L. HEININGE of Aurora, Oregon
was considered.

The application was approved (denied) (modified) for the following
reason(s):

Complies with the provisions of the development code ordinance

Conditions imposed:

- 1) Designate easement for adjoining lot.
- 2) Waive remonsterance to an LID.
- 3) Provide approval from County Sanitarian.
- 4) Designated parking be brought back for approval (3-5 spaces needed).

Additional comments:

Dated this 6th day of May, 1993

Fred W. Netter
Chairman



Old Aurora Colony Ox Barn, Aurora, Oregon Clark Moor Will 1966

City of Aurora

FOUNDED 1856

"National Historic Site"

21420 MAIN STREET
PHONE 678-1283

FAX 678-2758

P.O. BOX 100
AURORA, ORE. 97002

February 14, 1997

The Inn at Aurora
15109 Second Street NE
Aurora, OR 97002

Please be advised that the Conditional Use permit granted to the Inn at Aurora at the May 4, 1993 Aurora Planning Commission runs with the property, subject address 15109 Second Street NE in Aurora.

This means the permit is transferable to future owners, said permit limited by the conditions of approval in the Planning Commission "*Notice of Decision*" attached.

Should there be additional questions, please do not hesitate to call me at City Hall.

Sincerely,

Melody Thompson
City Recorder/Treasurer

enc.

CITY OF AURORA

FOR OFFICE USE ONLY

Application for Land Use Action

Case File #	_____
Fee Paid \$	35.00
Receipt #	1557
Disposition	_____
Date	_____

APPLICATION TYPE:

- | | | |
|---|--|--|
| <input type="checkbox"/> Variance | <input type="checkbox"/> Annexation | <input type="checkbox"/> Mobile Home Park |
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Mobile Home Subdivision |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Major Partition | <input type="checkbox"/> Lot Line Adjustment |
| <input type="checkbox"/> Non-Conform. Use Chg. | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Zone Change | <input type="checkbox"/> Exterior chg. Hst. | <input type="checkbox"/> Other _____ |
| | <input checked="" type="checkbox"/> Cert. of Appr. | |

For Property located at 15109 E. 2nd St. Zone R-1

Lot Size .63 Ac. Tax Lot # Block 2 T 4 S R 1 W Sec 12

DESCRIPTION OF REQUEST:

Request is for a new residence with 4 bedrooms
-AVAILABLE FOR A BED AND BREAKFAST.

Applicant Elizabeth L. Heininger Phone No. 244-8117 Bos.
25450 NE Filers Road 678-1300 Home

City, state Aurora OR Zip Code 97002

Applicant's Signature Elizabeth L. Heininger

Property Owner (if different) Richard and Patricia Peterson

Address 9090 Hansen Lane

City, state Payette, Idaho Zip Code 83661

Architect, Engineer, Surveyor, Builder, Installer or Designer

Name Elizabeth L. Heininger, Designer Phone No. Same as Above

Address _____

City, state _____ Zip Code _____

Name Elizabeth L. Heininger, Contractor Phone No. Same as Above

Address _____

City, state _____ Zip Code _____

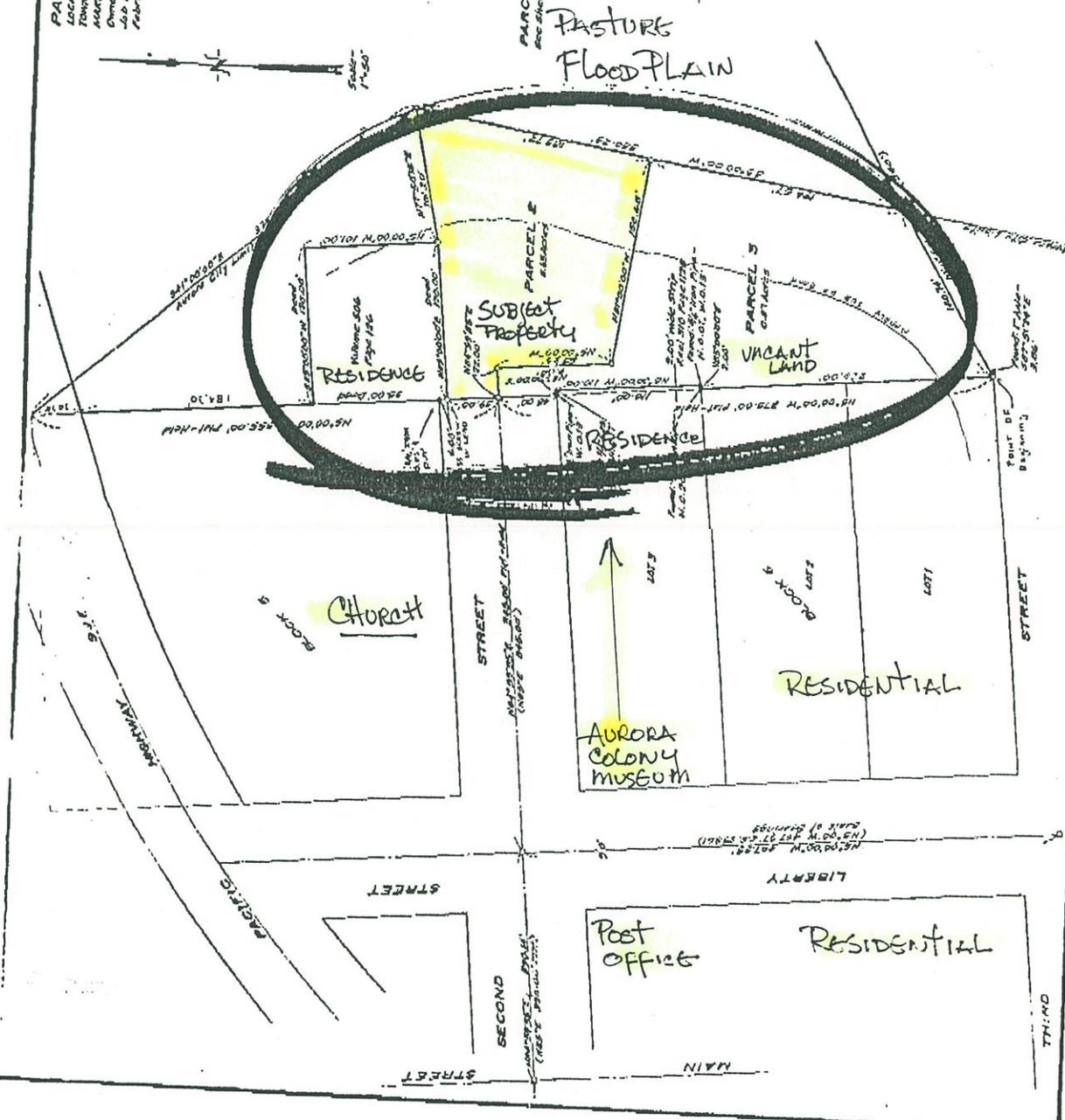
PUBLIC SERVICE AVAILABILITY: Water Public Located at Street

Septic Tank Permit Number #38088 Road Access from 2nd St.

PARTITION PLAT #1
 LOCATED IN THE SOUTH EAST CORNER OF
 TOWNSHIP 4 SOUTH, RANGE 1 WEST
 CLATSOP COUNTY, OREGON
 Owner: Elizabeth Henning
 Sub. No. 2289
 February 1, 1958

PACIFIC SURVEY:
 P.L. 3007 AND STREET
 CANTON, OREGON 3701;
 OREGON 13001 SEE 89
 AMERICAN LAND DEED

LEGEND:
 o indicates 48" x 80" in
 Pacific map alignment
 * indicates monument
 () indicates side of 1/2
 feet 0/1, Page 459,
 etc. indicates of cutback
 □ indicates a Member Co.
 in Monument Plat



Application for (4 ROOM)
 BED AND BREAKFAST
 CONDITIONAL USE
 Elizabeth Henning
 2545 NE EILERS RD
 AURORA OR. 97002

REVISED SITE PLAN FOR PROPOSED DEVELOPMENT

OWNER: RICHARD AND PATRICIA PETERSON #TBA

15109 SECOND ST. NE ZONE: R-1

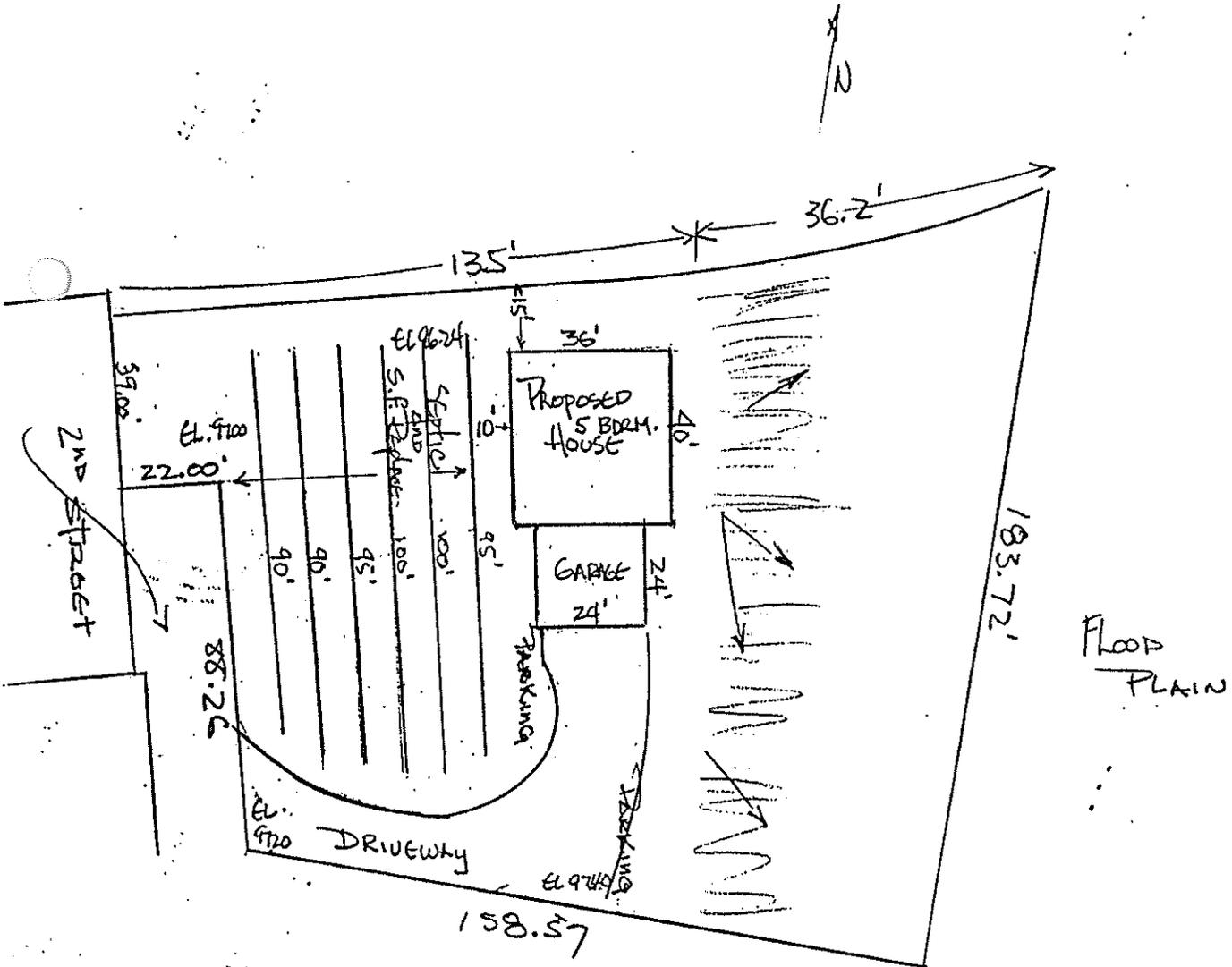
AURORA, OR

Sec 12 T 4 S R 1 W

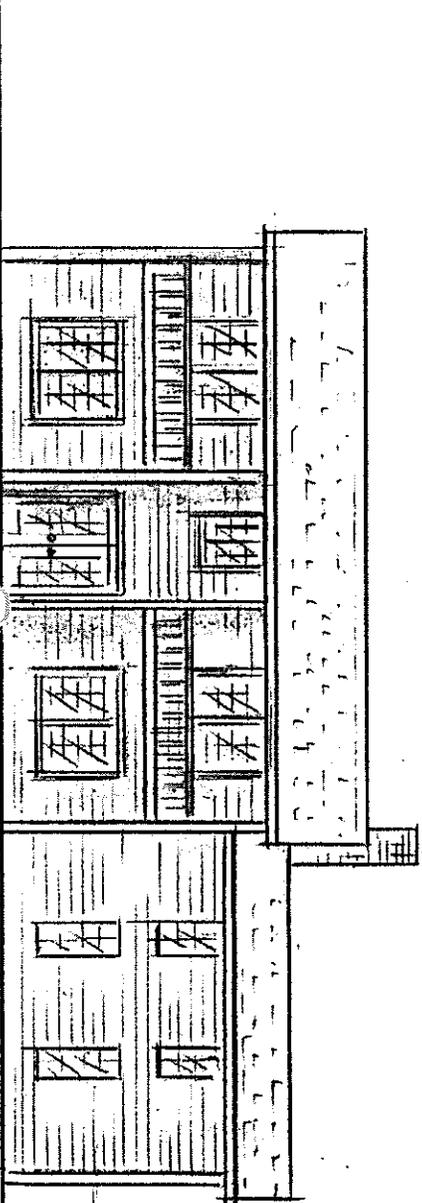
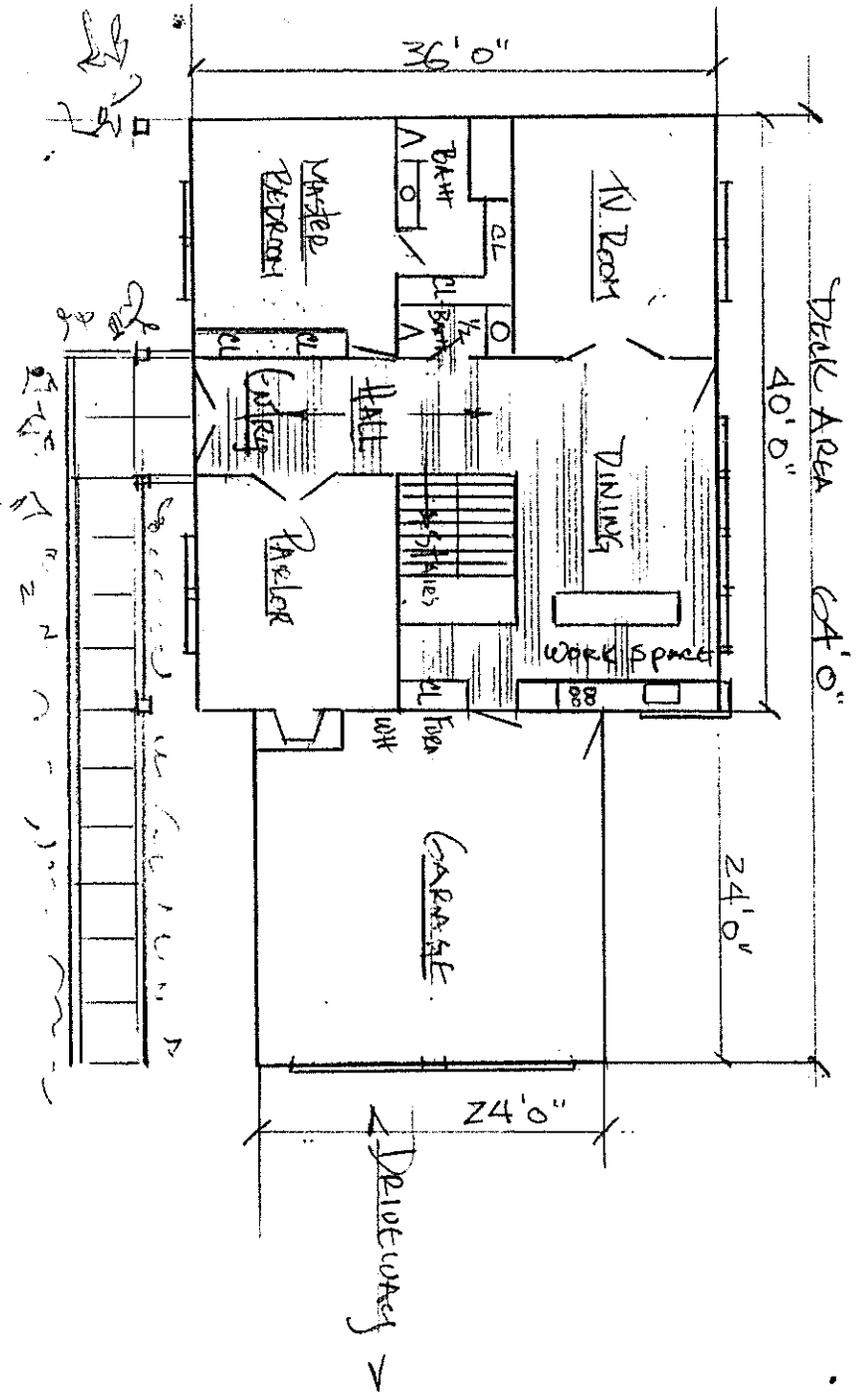
Applicant: ELIZABETH ARLINGE
25450 NE GILBERT RD
AURORA OR 97002

NO ACRES. 63

Scale 1" = 40'
SHADED AREA 30° to 5° SLOPE
→ (DOWN HILL)



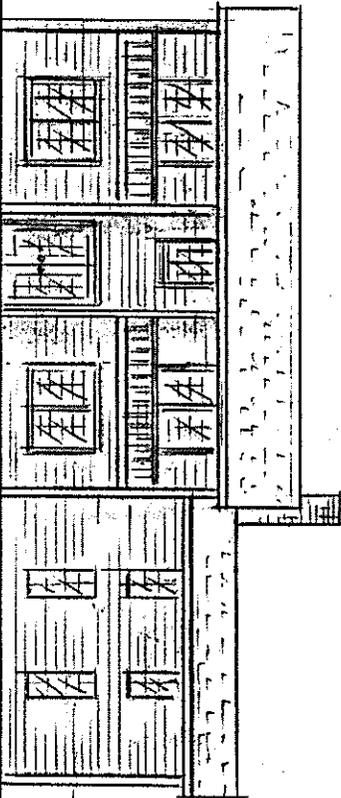
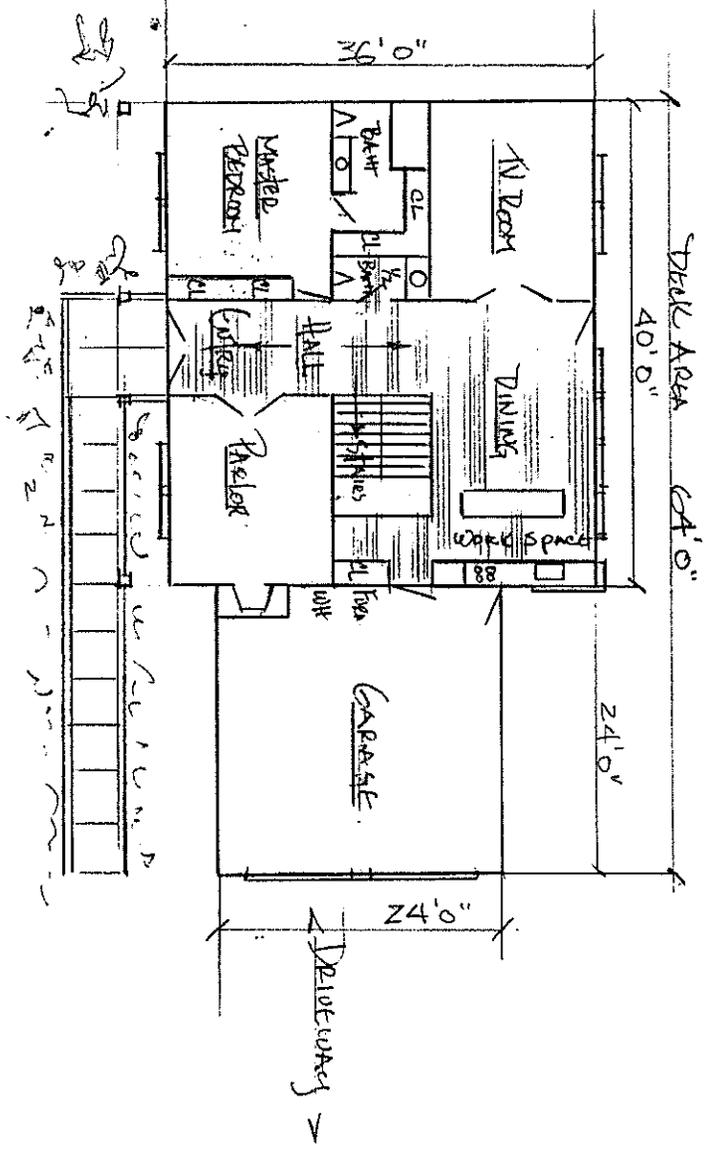
MAIN LEVEL 1440 sq



WOOD PANEL SIDING
LIGHT COLONY COLOR

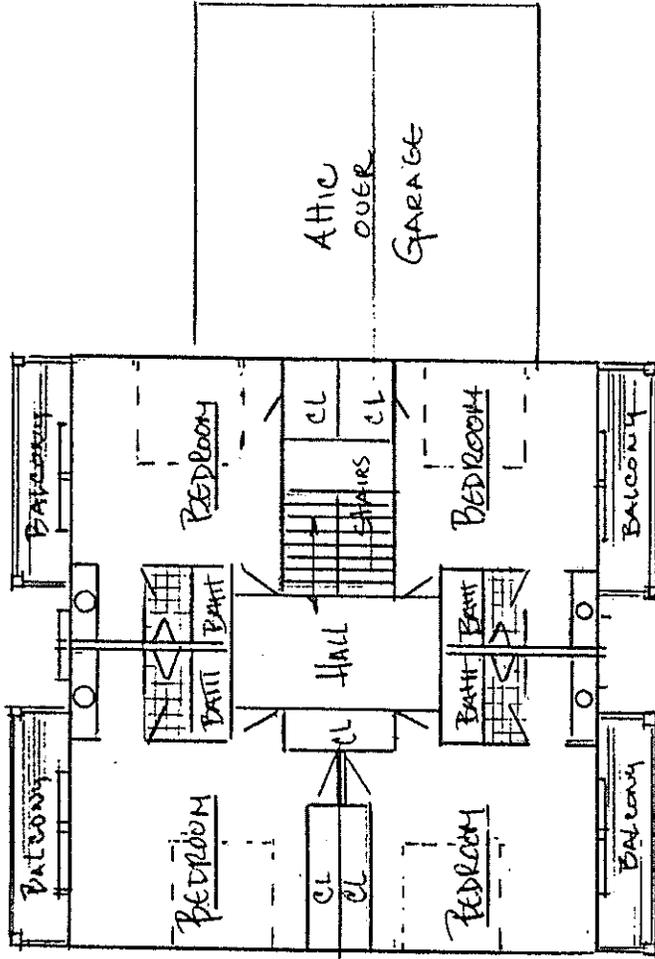
COMP. ROOF - DARK
SLATE GRAY

MAIN LEVEL 1440 sq



COMP ROOF - DARK SLATE GRAY
 WOOD BEVEL SIDING
 LIGHT GRAY COLOR

Upper Level 1440 sq



Proposed Bed and Breakfast - Study Sketch
Aurora, Oregon

April 1993 1/4" = 4'

 Metro | *Memo*

Date: May 2, 2014
To: JPACT members and Interested Parties
From: Ted Leybold and Clinton (CJ) Doxsee
Subject: Summary of Metropolitan Planning Area (MPA) update

Please find the attached items in preparation for updating the Metropolitan Planning Area (MPA) boundary.

- Draft Resolution No. 14-4502
- Staff report on MPA boundary update

Metro staff convened a work group of ODOT, TriMet and local agency staff to review the approach to updating the boundary area designation. The work group met two times to provide input on the boundary designation and has recommended the approach outlined in resolution and staff report.

Metro staff presented the approach to updating the boundary area designation to TPAC on April 25th, 2014. The committee approved an action to recommend the matter to JPACT for further consideration.

A presentation on each of these elements and the recommendation process to date will be provided at the meeting. This is in preparation for Council action in May on updating the MPA boundary for meeting federal metropolitan planning requirements.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF UPDATING) RESOLUTION NO. 14-4502
THE METROPOLITAN)
TRANSPORTATION PLANNING AREA)
BOUNDARY TO REFLECT THE YEAR
2010 U.S. CENSUS BUREAU
URBANIZED AREA DESIGNATION

WHEREAS, the Federal Highway Act of 1962, as amended, and the Urban Mass Transportation Act of 1964, as amended, provides for an urban transportation planning process; and

WHEREAS, Metro is the Metropolitan Planning Organization (MPO) for the Portland, Oregon urbanized area, the Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council has the specific responsibility to direct and administer the continuing urban transportation planning process; and

WHEREAS, Metro Council adopted the Metropolitan Planning Area Boundary by Resolution No. 03-3380A and as approved by Governor Kulongoski on January 20, 2004

WHEREAS, the boundaries of the Portland, Oregon urbanized area have been recently redefined by the U.S. Census Bureau as part of the year 2010 Census; and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) and related Federal, State and local laws and programs requires MPOs to define a Metropolitan Planning Area (MPA) within which the MPO will focus its required transportation planning and programming activities; and

WHEREAS, Federal transportation planning guidance directs MPOs to include, within their respective Metropolitan Planning Area, all lands as “urbanized” by the U.S. Census Bureau and all other adjacent or nearby lands as forecasted by the MPO to become urbanized within the next 20 years; and

WHEREAS, it is recognized that some of the transportation facilities are located in areas designated as rural by state and local planning regulations but are designated as urban by the U.S. Census Bureau for federal transportation planning purposes; and

WHEREAS, Metro and Clackamas, Multnomah, and Washington Counties jointly adopted urban and rural reserves that sets the framework for where the region will and will not urbanize for the next 40-50 years; and

WHEREAS, the “Proposed Planning Area Boundary” of Exhibit A, dated March 26th, 2014, includes all the U.S. Census Bureau year 2010 defined urbanized area, includes areas that are within the Metro jurisdictional boundary, includes areas that are within the Metro Urban Growth Boundary, includes Metro Urban Reserves, includes areas with significant transportation facilities, and includes those adjacent or nearby areas that are likely to become urbanized in the immediate future (i.e., the next 20 years); and

WHEREAS, the development of the Metropolitan Planning Area took place as the result of meetings of Metro staff, the Transportation Policy Alternatives Committee, and the Joint Policy Advisory Committee on Transportation; now, therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to amend the year 2004 Metro Metropolitan Planning Area Boundary to reflect the year 2010 U.S. Census Bureau urbanized area and other areas shown in Exhibit A to this resolution.

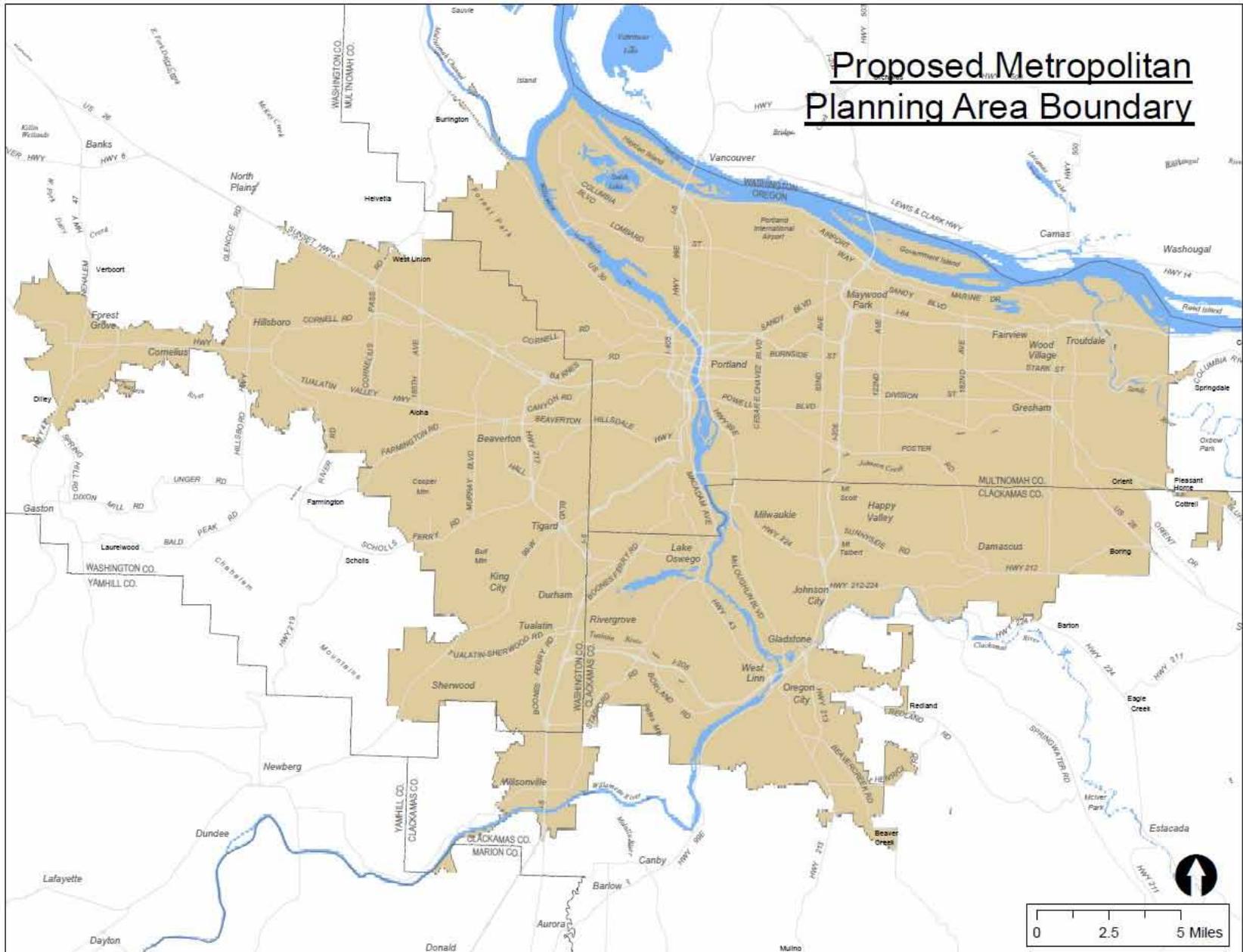
BE IT FURTHER RESOLVED that the Metro staff is instructed to transmit this adoption to the appropriate State and Federal agencies.

ADOPTED by the Metro Council this _____ day of _____, 2014.

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4502, FOR THE PURPOSE OF UPDATING THE METROPOLITAN PLANNING AREA (MPA) BOUNDARY TO REFLECT THE YEAR 2010 U.S. CENSUS BUREAU URBANIZED AREA DESIGNATION.

Date: April 16th, 2014

Prepared by: Clinton (CJ) Doxsee & Ted Leybold

BACKGROUND

The MPA boundary is a federal requirement for the metropolitan planning process and is established by individual Metropolitan Planning Organizations (MPOs) according to federal metropolitan planning regulations. Metro is the MPO for the Portland, Oregon urbanized area and has the responsibility to direct and administer the continuing metropolitan planning process (23 USC 134(b) AND 49 USC 5303(c)).

Each MPA boundary is required to include:

- At a minimum, an area encompassing the existing urbanized area (UZA) and the contiguous area expected to become urbanized within a 20-year forecast period;
- May further be expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget.

The Census Bureau designates a new list of UZAs every 10 years following the conclusion of each census. A UZA represents a densely developed area encompassing residential, commercial, and other non-residential urban land uses. The MPA boundaries are reviewed and updated as necessary after each Census by the MPO in cooperation with State and public transportation operators and submitted to the FHWA and the FTA.

The 2010 Census issued the list of 2010 urban areas in a *Federal Register* Notice on March 27th, 2012. Boundaries of current MPOs should be updated no later than the next scheduled Metropolitan Transportation Plan (MTP) update after October 1st, 2012, or within four years of the designation of the 2010 UZA boundary, whichever comes first.

To address this guidance on updating the Metro area MPA boundary, an MPA boundary is proposed to utilize existing planning boundaries and a limited number of boundary extensions to include significant transportation facilities. The purpose is to include programs and facilities specific to the Portland metropolitan area to form a comprehensive area for administering the federal metropolitan planning process. Specifically, the proposal includes:

1. The U.S. Census Bureau year 2010 defined urbanized area, based on the UZA boundary detailed in the March 27, 2012 Federal Register Notice;
2. Areas within the Metro Jurisdictional Boundary as of May 1, 2014. Metro has state and home-rule charter responsibilities to manage growth for everything within the Metro boundary and should be coordinating this growth management responsibility with the federal MPO planning responsibility for those areas;

3. Areas within the Metro Urban Growth Boundary (UGB) as of May 1, 2014. According to State law, Metro is responsible for managing the Portland metropolitan region's UGB. This boundary controls urban expansion onto farms and forest lands and includes a 20-year supply of land for future residential development;
4. Metro Urban Reserves as of May 1, 2014. Urban Reserves are lands that are designated through cooperative agreement of Clackamas, Multnomah and Washington Counties and Metro, and recent state legislation, as best suited to accommodate future urban development. They are identified for potential inclusion within the Urban Growth Boundary through 2060 and as such should be coordinated with the federal MPO planning process;
5. Areas with significant transportation facilities (i.e. interchanges and intersections) that are adjacent to and serve significant transportation function to the urban area. Some significant interchanges and intersections are only partially included in the UZA boundary. Including facilities only partially included in the urban areas or when the function of those facilities exist primarily to serve or provide access to the metropolitan area will simplify and allow a more holistic transportation planning process. Areas with detailed explanation include the following:
 - Jackson School Road
 - Along Highway 26 and Jackson School Road, MPA Boundary includes full interchange footprint to the north of Jackson School Road. Extent of boundary is to the edge of the interchange right-of-way.
 - Intersection of I-5 and Highway 551
 - At the intersection of I-5 and Highway 551 (Portland-Hubbard Hwy) MPA Boundary includes interchange of I-5 and Highway 551.
 - Intersection of Highway 26 and Highway 212
 - MPA Boundary includes Highway 26 and Highway 212 interchange.
 - Sauvie Island and NW St. Helens Road
 - MPA Boundary includes full extent of right of way at the Sauvie Island Bridge Interchange.
 - At the intersection of NW St. Helens Road and NW Cornelius Pass Road. Extent of boundary is to the edge of the intersection right-of-way.

ANALYSIS/INFORMATION

1. **Known Opposition** Marion County staff and Board of Commissioners have expressed concern about Metro performing planning functions within its jurisdictional boundary. The boundary proposal has clarified that the MPA boundary designation within Marion County applies only to the federal transportation planning function and not any other planning functions conducted for state or local purposes. This MPA designation within Marion County is limited in scope as described below in “Anticipated Effects” and is federally required due to a portion of Marion County being within the Census Bureau designated Portland metropolitan urbanized area (UZA).
2. **Legal Antecedents** Metro Council Resolution No. 03-3380A For the Purpose of Designation of the 2004 Regional Transportation Plan as the Federal Metropolitan Transportation Plan to Meet Federal Planning Requirements.
3. **Anticipated Effects**

Adjustment to the MPA boundary will impact the following MPO Programs

Regional Transportation Plan (RTP): For the current 2014 RTP update, additional projects in the newly designated planning areas need to be identified for inclusion. Projects in the RTP project list that have been submitted that are now outside the proposed MPA boundary need to be identified as well.

Capital Improvement Program (MTIP): Projects located within the MPA boundary are eligible for urban-STP, CMAQ and TAP funding distributed through the MPO. Projects outside the boundary are eligible only if it can be demonstrated that they have a significant impact on the transportation network within the MPO boundary. Any regionally significant project or projects receiving ODOT administered funding (Enhance or Fix-It) or federal transit funding must be included in the MTIP if they are located within the MPA boundary. The impact of being within the MPA boundary has little to no impact on projects receiving those funds – it is primarily a project and air quality modeling coordination effort.

Adjustments to the UZA and resulting MPA boundaries will impact the following FHWA Programs

Highway Functional Classification: The highway functional classification system distinguishes both by type and roadway facility and whether the facility is located in an urban or rural area. A specific type of roadway facility may have different design criteria depending on whether it is in a rural or urban area, but highway design criteria are not applied strictly according to an urban versus rural boundary designation. Once adjustments to UZA boundaries are adopted, highways that are impacted by the new boundaries must be functionally reclassified.

Highway Performance Monitoring System (HPMS) Reporting: FHWA’s HPMS requests States to report annual highway statistics by highway functional classification, including urban versus rural areas. Several tables in FHWA’s annual Highway Statistics Report also summarize information by urban versus rural classification.

- Adjusted UZA boundaries adopted by the State and MPOs should be used for Highway Performance Monitoring System (HPMS) reporting at the earliest time possible (within 2 to 3 years maximum) after the adoption decision.
- Any changes to the rural/urban roadway location and functional class that result from adjustments to UZA boundaries should be reported in HPMS Data Items 1 (Functional System Code) and 2 (Rural/Urban Designation) respectively.

- The size of the urban area is determined based on the latest decennial Census (or special inter-decennial census) designation, not on the population within the Adjusted UZA. Refer to the HPMS Field Manual, page 4-16 for guidance on reporting Urbanized Area codes for HPMS Data Items 1 and 2.

Distribution of Surface Transportation Program (STP) Funds: This provision only affects where funds may be spent within a State, not how much money the State receives. STP funds are sub-allocated within each State between UZAs with a population over 200,000 and the rest of the State, in proportion to their relative share of the total State population. Each UZA with a population over 200,000 receives a share of the funds sub-allocated for such areas, based on the area's share of the total population in all areas with over 200,000 residents in the State. 23 USC 133(d)(3)(B) guarantees that a minimum of 110% of the funds apportioned to the State in FY 1991 for the Federal-aid secondary system must be spent in rural areas. A rural area is defined as any area of the State that is outside of the Adjusted UZA boundaries.

STP Apportionment Formula: 23 USC 104(b)(3) includes, as part of the apportionment formula for STP funding, lane-miles and VMT on Federal-Aid highways within the state. Federal-Aid highways include all highway functional classifications except local roads and rural minor collectors. Expanding the boundary of urban areas within the state may change some rural minor collectors to urban collectors, making them eligible as Federal-Aid highways. However, the impact on apportionment of federal aid funding is insignificant.

Control of Outdoor Advertising: The Outdoor Advertising Control Program (23 USC 131) uses the UZA definition in 23 USC 101(a)(36) to specify the boundary between locations where signage can be placed beyond 660 feet and be intended to be read from the highway. States will continue to use the Census Incorporated Place data to map and control signage as it relates to places of 5,000 or more in population, in the manner defined by 23 CFR 750.153(t) and 750.703(m).

Attachment 1, "Boundary Descriptions" provides descriptions and functions of MPA and related boundaries. Attachments 2 and 3 provide maps of considered boundaries and significant transportation facilities. Attachment 4, "Proposed Metropolitan Area Boundary" illustrates the Metropolitan Planning Area. Attachments 5 through 8 further illustrates the relationship between the proposed MPA boundary and related boundaries. Attachment 9 provides documented responses to work group discussion questions. Upon adoption of the Resolution No. 14-4502, Metro staff will transmit this adoption to the appropriate State and Federal agencies for final approval

4. **Budget Impacts** Resolution 14-4502 does not have budget impacts for Metro.

RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 14-4502

Boundary Descriptions

Urbanized Area Boundary

The urbanized area is one component of the urban-rural classification defined by the Census Bureau. For the 2010 Census, an urban area is considered to have a densely settled core of census tracts/blocks that meet minimum population density requirements. Urbanized areas can also include non-residential urban land uses and areas with low population density that link outlying densely populated areas. Rural areas are considered all population, housing, and territory not included within an urban area.

Federal transportation legislation allows for the outward adjustment of Census Bureau defined urban boundaries (of population 5,000 and above) as the basis for development of adjusted urban area boundaries for transportation planning purposes, through the cooperative efforts of State and local officials. By Federal rule, these adjusted urban area boundaries must encompass the entire census-designated urban area (of population 5,000 and above) and are subject to approval by the Secretary of Transportation (23 USC 101(a) (36) - (37) and 49 USC 5302(a) (16) - (17)).

For the purposes of the boundary adjustment process, the term "adjusted urban area boundaries" refers to the FHWA boundary adjustment process in all areas of 5,000 population and above.

During the time between the release of the Census Bureau boundaries and the formal approval of the new adjusted boundaries, the previously developed and approved adjusted urban area boundaries remain in effect. For FHWA and State DOT planning purposes, if a State DOT chooses not or is unable to adjust the urban area boundaries, the most recent unadjusted census boundaries will take effect. This could cause a roadway previously considered to be urban to now be considered rural, which may affect federal aid funding eligibility.

To avoid this situation, States are encouraged to work with their FHWA Division Office and their local planning partners to go through the process of developing the adjusted urban area boundaries within the recommended timeframe. See:

http://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/section06.cfm

Function

- Establishes the area for a wide variety of uses, including the baseline area for defining the boundaries of Metropolitan Planning Areas.

Metropolitan Planning Area

The MPA boundary is a federal requirement for the metropolitan planning process and is established by individual Metropolitan Planning Organizations (MPOs) and the Governor according to federal metropolitan planning regulations. The Metropolitan Planning Area Boundary must encompass at least the existing urbanized area and the contiguous areas expected to become urban within a 20-year forecast period. Other factors may also be considered to bring adjacent territory into the MPA boundary, and may be expanded to encompass the entire metropolitan statistical area or combined statistical area as defined by the federal Office of Management and Budget.

Function

- Establishes the area in which the Metropolitan Planning Organization (MPO) conducts federally mandated transportation planning work, including: a long-range plan (RTP), the 4 year capital improvement program (MTIP), a unified planning work program (UPWP), a congestion management process (CMP), and conformity to the State Implementation Plan for air quality for transportation related emissions.

Metropolitan Planning Area (cont.)

Notes: Metro has an agreement with the Southwest Washington Regional Transportation Council (SWRTC) to coordinate metropolitan planning activities. Metro leads administration of the MPO process for the portion of the Portland-Vancouver metropolitan area within the State of Oregon. SWRTC leads the MPO process for the portion of the Portland-Vancouver metropolitan area within the State of Washington.

Metro's Jurisdictional Boundary

The Metro boundary, encompassing urban portions of Multnomah, Washington, and Clackamas Counties, defines where the agency performs functions as defined by its home rule Charter, approved by the region's voters in 1992 and 2000. The charter charges Metro with providing planning, policy-making and services to preserve and enhance the region's quality of life. The land inside the Metro boundary has elected representation on the Metro Council and is subject to Metro's regulatory and taxing authority. ([Metro](#))

Function

- Planning to meet state comprehensive planning requirements (including a transportation element)
- Services to preserve/enhance region's quality of life (waste management, zoo, cemeteries, etc.)

Urban Growth Boundary

Under Oregon law, each city or metropolitan area in the state is required to have urban growth boundary (UGB) that separates urban land from rural land. Metro is responsible for managing the Portland metropolitan region's urban growth boundary.

The urban growth boundary is a land use boundary dividing the urban area within the boundary from rural areas outside. The rural areas are protected from urban-type land uses such as commercial or industrial activities or subdivisions on lots smaller than two acres.

State law charges Metro with the authority to manage the urban growth boundary. Metro is responsible for maintaining sufficient inventory of available buildable land inside the urban growth boundary, which may necessitate expansions of the boundary. Updates to the UGB occur every five years through an assessment of population capacity and approved by Metro Council.

Notes: For land outside the urban growth boundary but inside the Metro Jurisdictional boundary, transportation planning work can identify rural planning facility designations and projects consistent with rural goals. Metro does not have land use authority outside the Metro boundary. For land inside the MPA boundary but outside the Metro boundary, JPACT/Metro can adopt facility designation or projects for federal planning purposes but those projects/designations are not recognized by Oregon planning law and therefore a County would not be required to reflect those projects or designations in their comprehensive plans.

Function

- Define urban and rural land for state comprehensive planning purposes, including the transportation element of the comprehensive plan.

Urban Reserves

A subset of boundaries related to the Urban Growth Boundary collaboratively identified as priority areas for future expansion of the urban growth boundary. Urban Reserves are areas outside of the UGB that were designated through intergovernmental agreements between Metro and Clackamas, Multnomah, and Washington counties.

Oregon Legislature's SB 1011 provides Metro the ability to identify and designate areas outside the current UGB. The purpose of designating urban reserves is to maintain an identified supply of land that can accommodate expansion of the UGB through 2060. Urban reserves were formed in 2010 through intergovernmental agreements between Metro and local counties.

Function

- Land identified for future expansion of the urban growth boundary.

Air Quality Management Area (AQMA) Boundary

This boundary establishes the area in which the US Department of Transportation must approve that regional transportation plans and programming within that area conform to state and federal air quality rules established by the Oregon Environmental Quality Commission and the federal Environmental Protection Agency. Metro, as the MPO, is the lead agency in developing the emissions analysis that demonstrates that regional transportation plans and programming do conform to air quality rules, coordinates with the regulatory agencies and submits the conformity determination to USDOT for approval. The boundary for the Metro area was established in the Second Portland Area Carbon Monoxide (CO) Maintenance Plan. This Plan defined the Metro jurisdictional boundary as the geographic extent of concern for which emissions budgets were created.

Previously, the Portland metropolitan area was non-compliant and then a maintenance area for ozone precursor pollutants. The metropolitan area is now in compliance for these pollutants and is no longer required to, but voluntarily reports on, the transportation emissions of these pollutants. The boundary of geographic extent of concern for these pollutants was larger than the CO maintenance plan boundary, and included portions of rural Washington County and Columbia County.

Function

- Protects health by ensuring transportation emissions do not exceed harmful levels.

Metropolitan Statistical Area / Combined Statistical Area Boundary

Geographies defined by the Office of Management and Budget (OMB) for use in tabulating statistical data about metropolitan areas. Metropolitan statistical areas (MSAs) consist of the core counties surrounding an Urbanized Area, plus adjacent counties with strong commuting patterns to and from the core counties. A combined statistical area combines an MSA and one or more adjacent additional statistical areas defined by OMB.

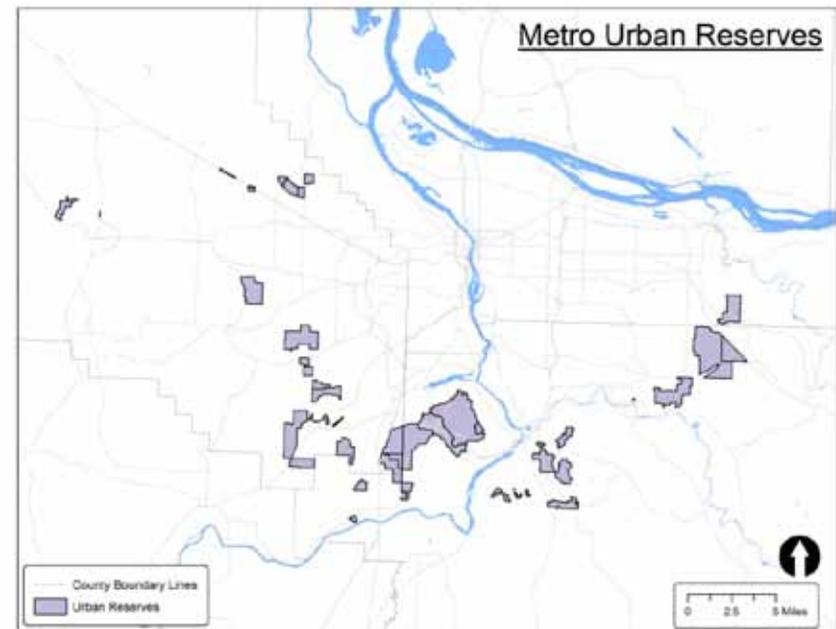
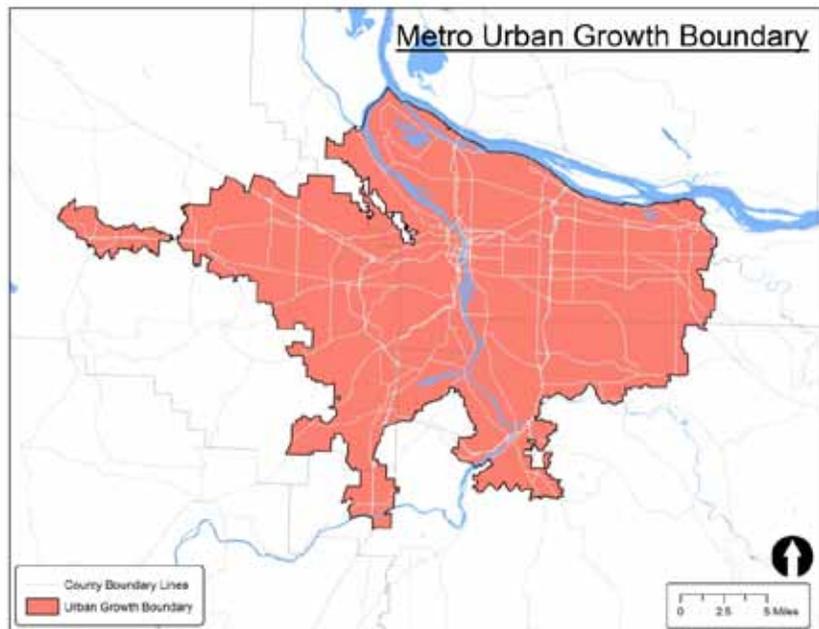
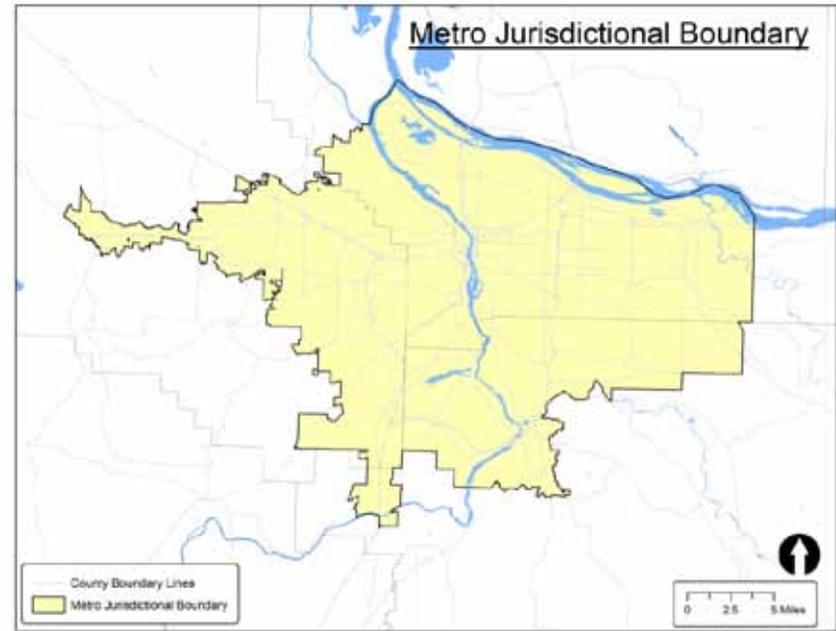
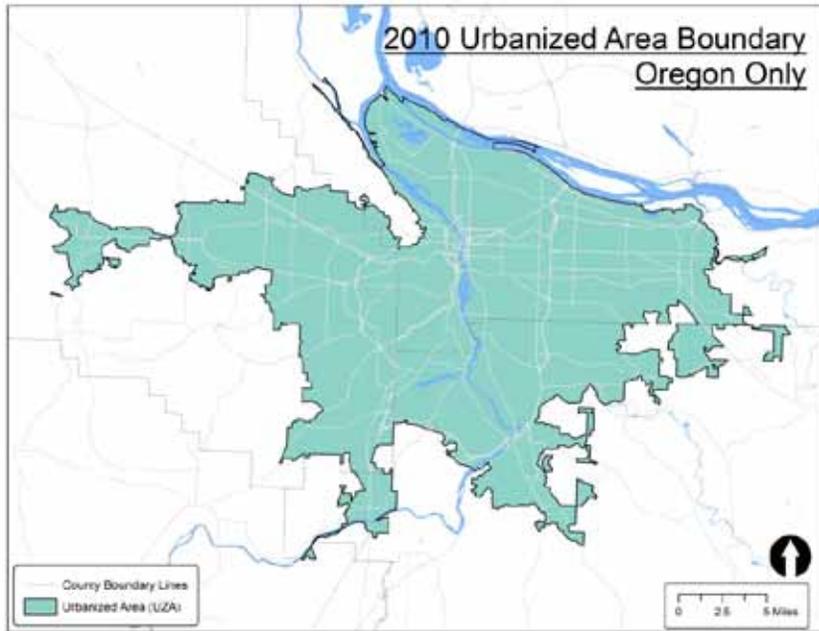
Function

- Provides geographical area definition for federal reporting, primarily on economic related data, for metropolitan areas.

For more information on the relationship between designated boundaries and the federally required transportation planning process, see:

http://www.fhwa.dot.gov/planning/census_issues/urbanized_areas_and_mpo_tma/faq/page01.cfm

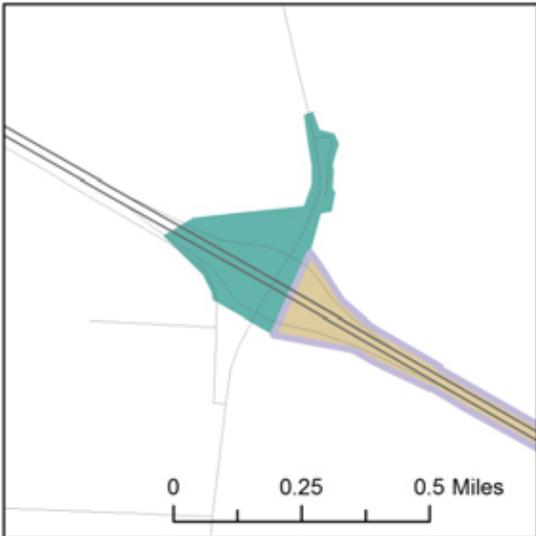
ATTACHMENT 2



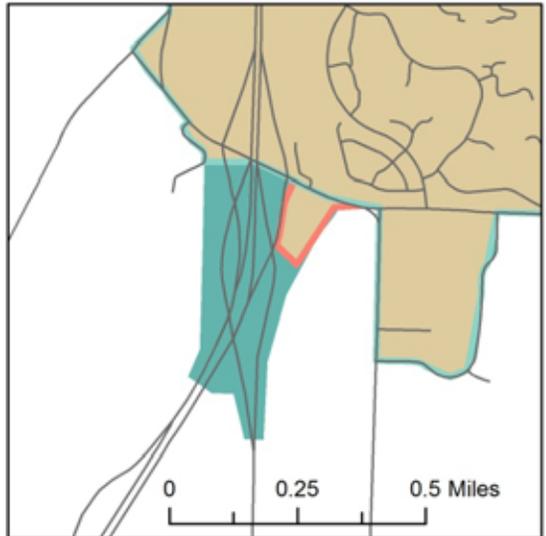
Significant Transportation Facility
Proposed MPA within Existing Boundary

Significant Transportation Facilities

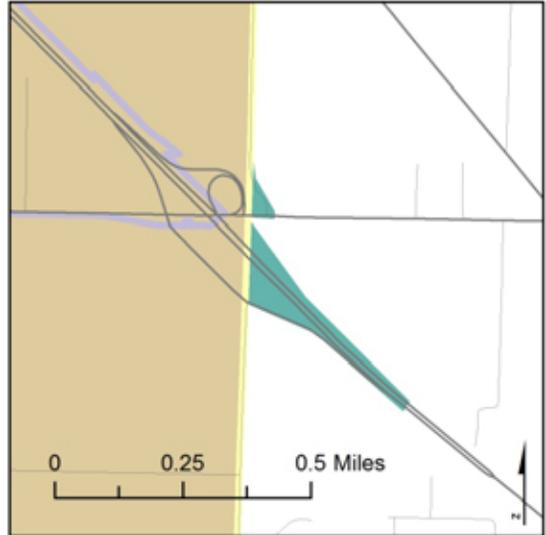
1. Jackson School Road



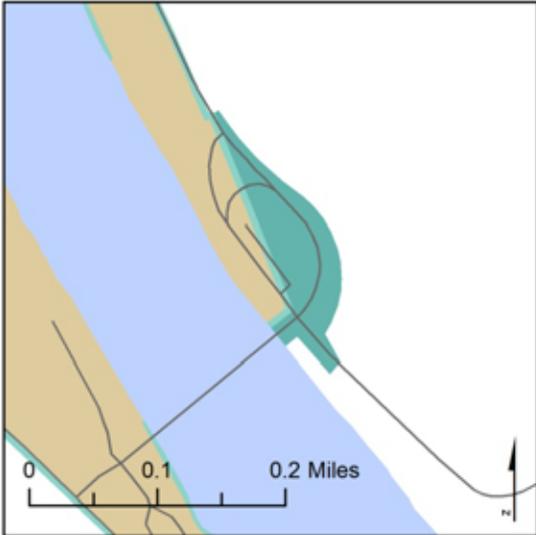
2. I-5 & Highway 551



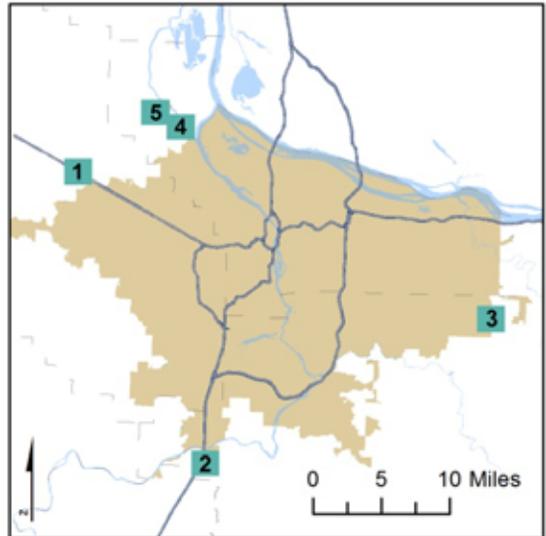
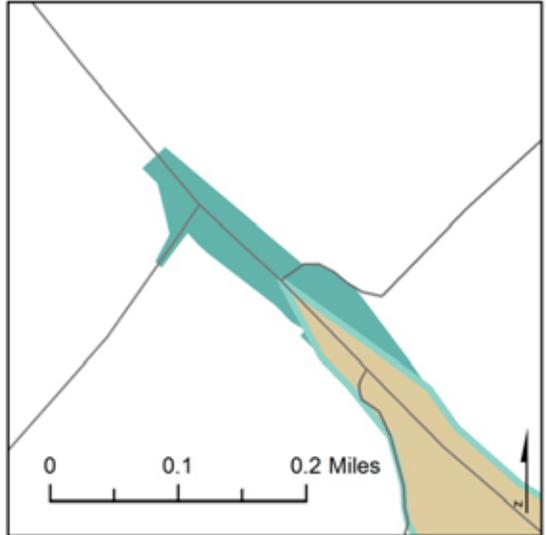
3. Highway 26 & Highway 212

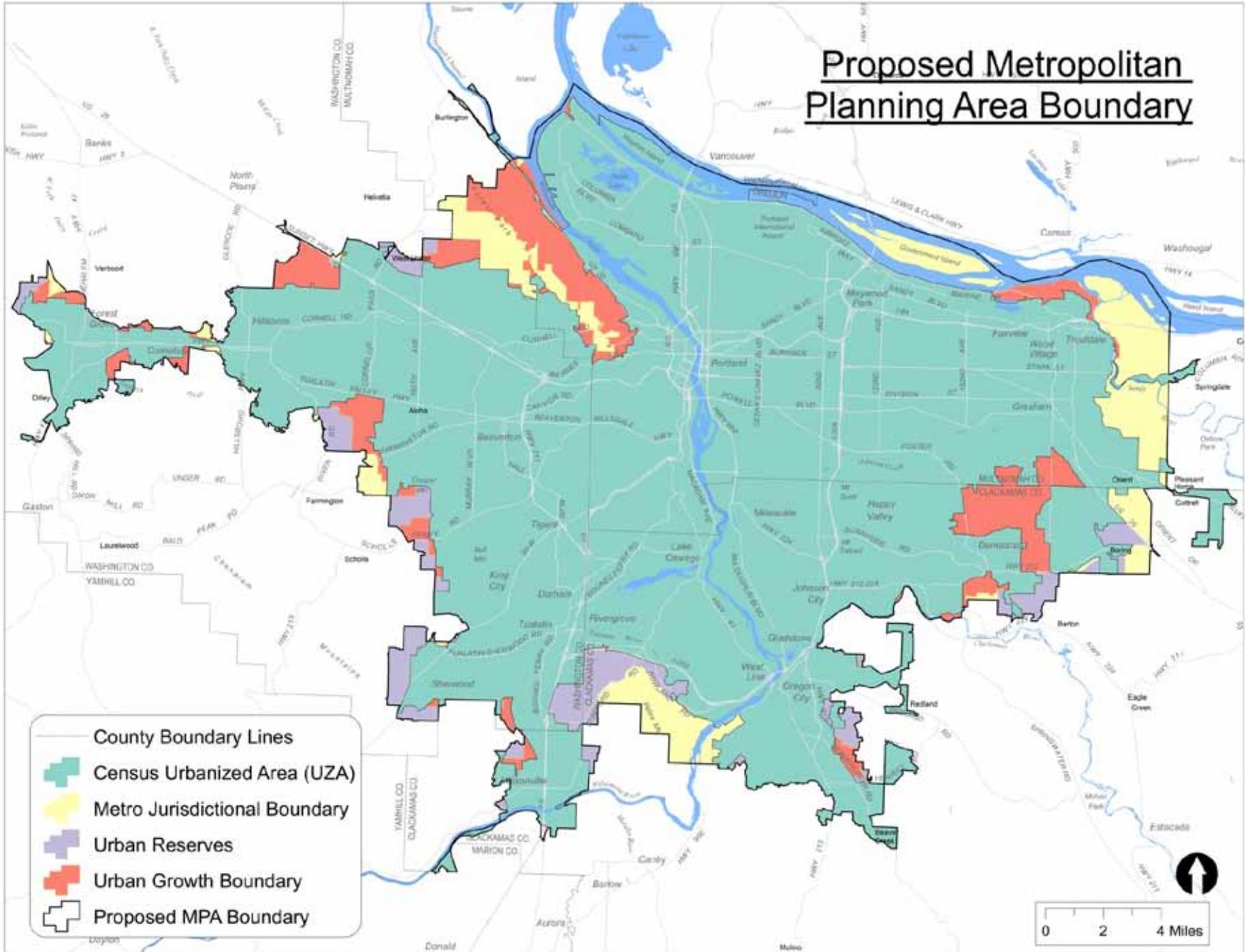


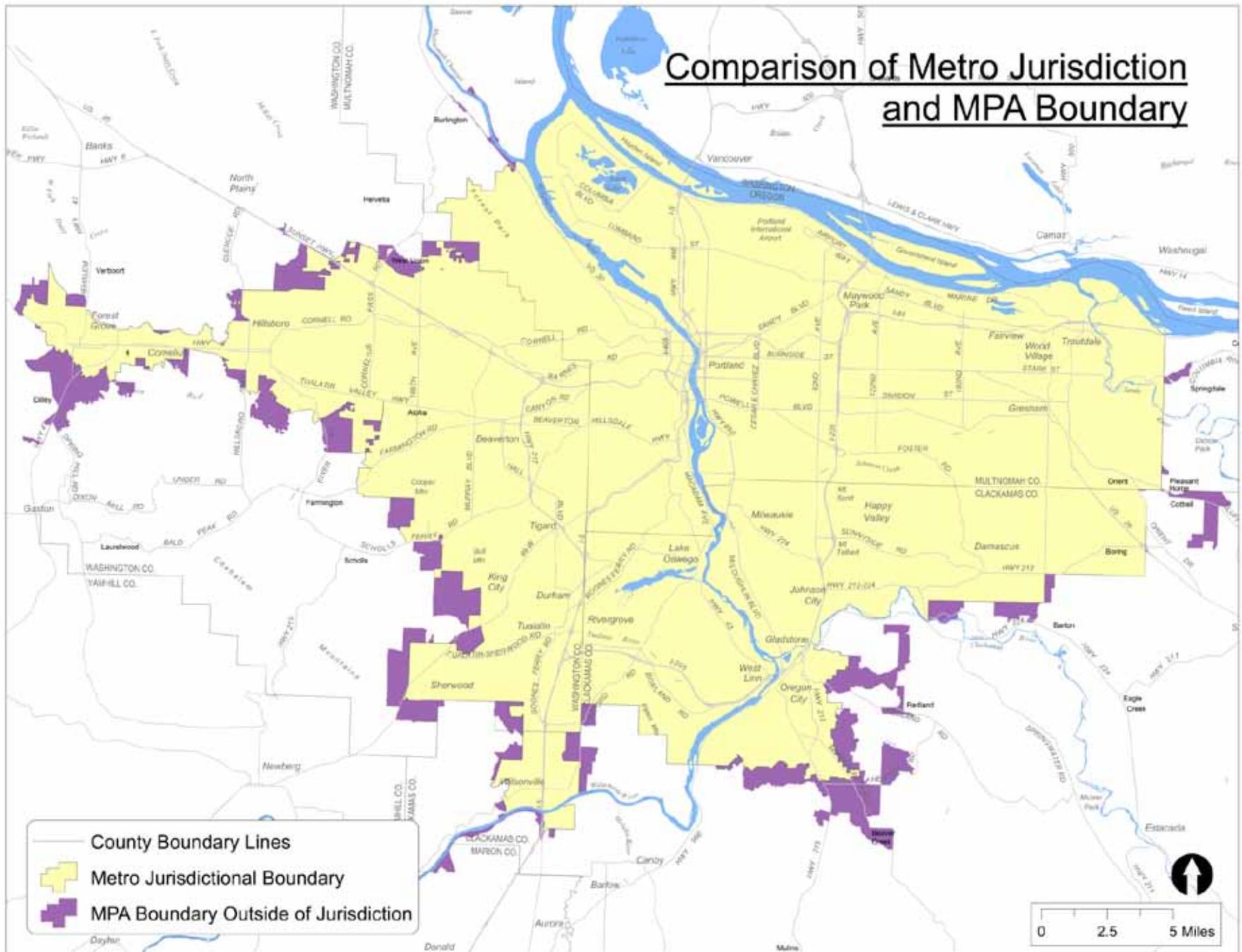
4. Sauvie Island Bridge Interchange

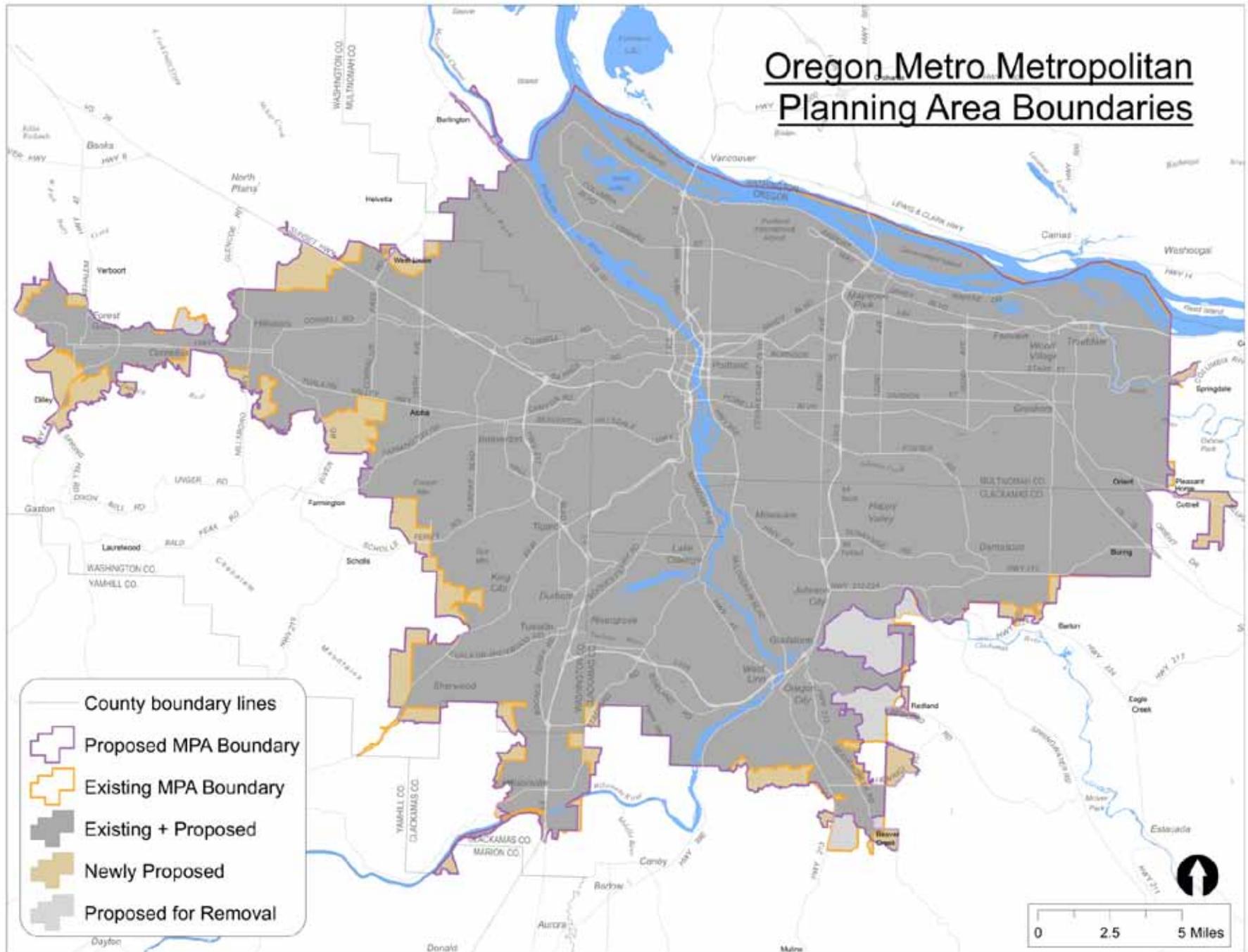


5. Highway 30 & Cornelius Pass

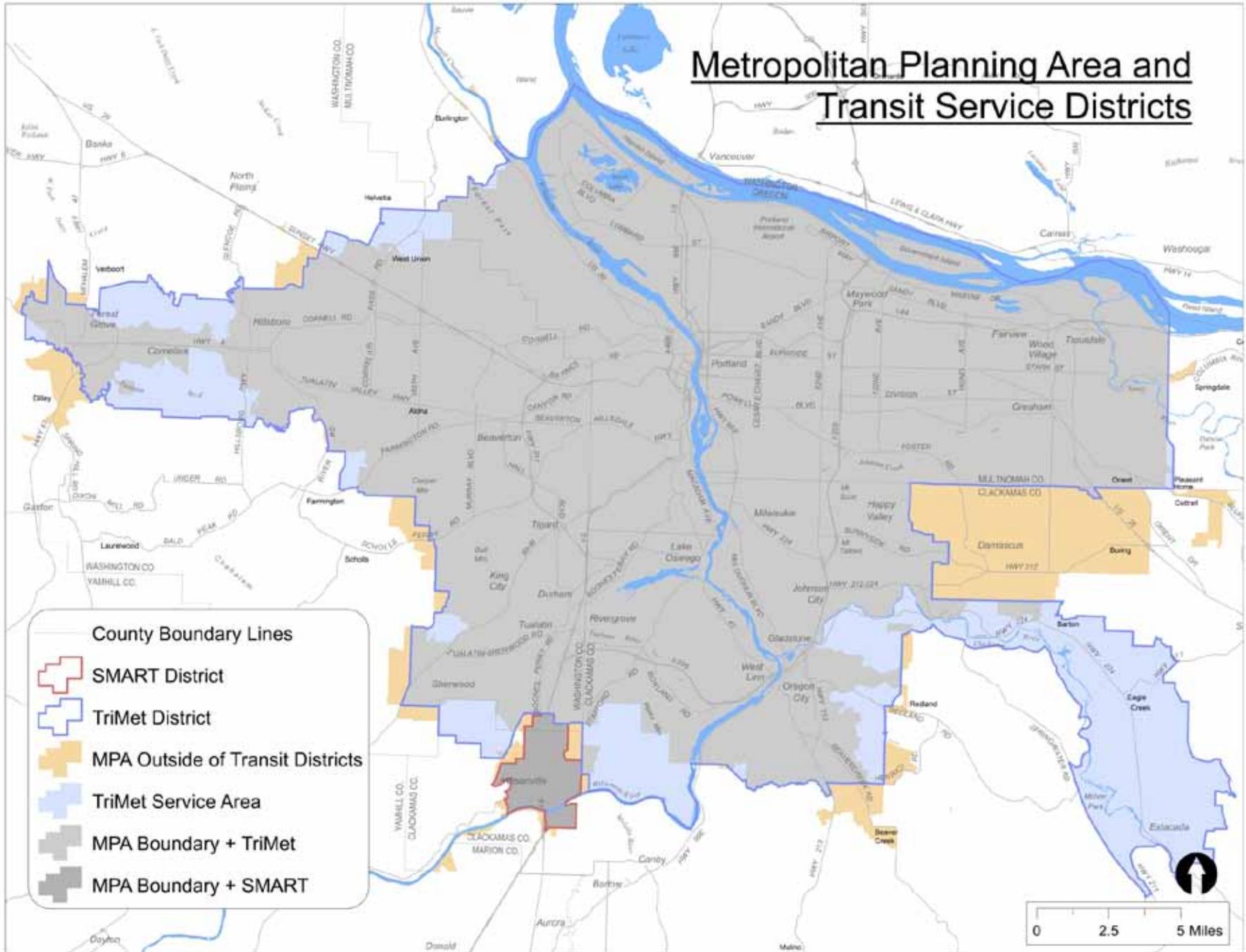


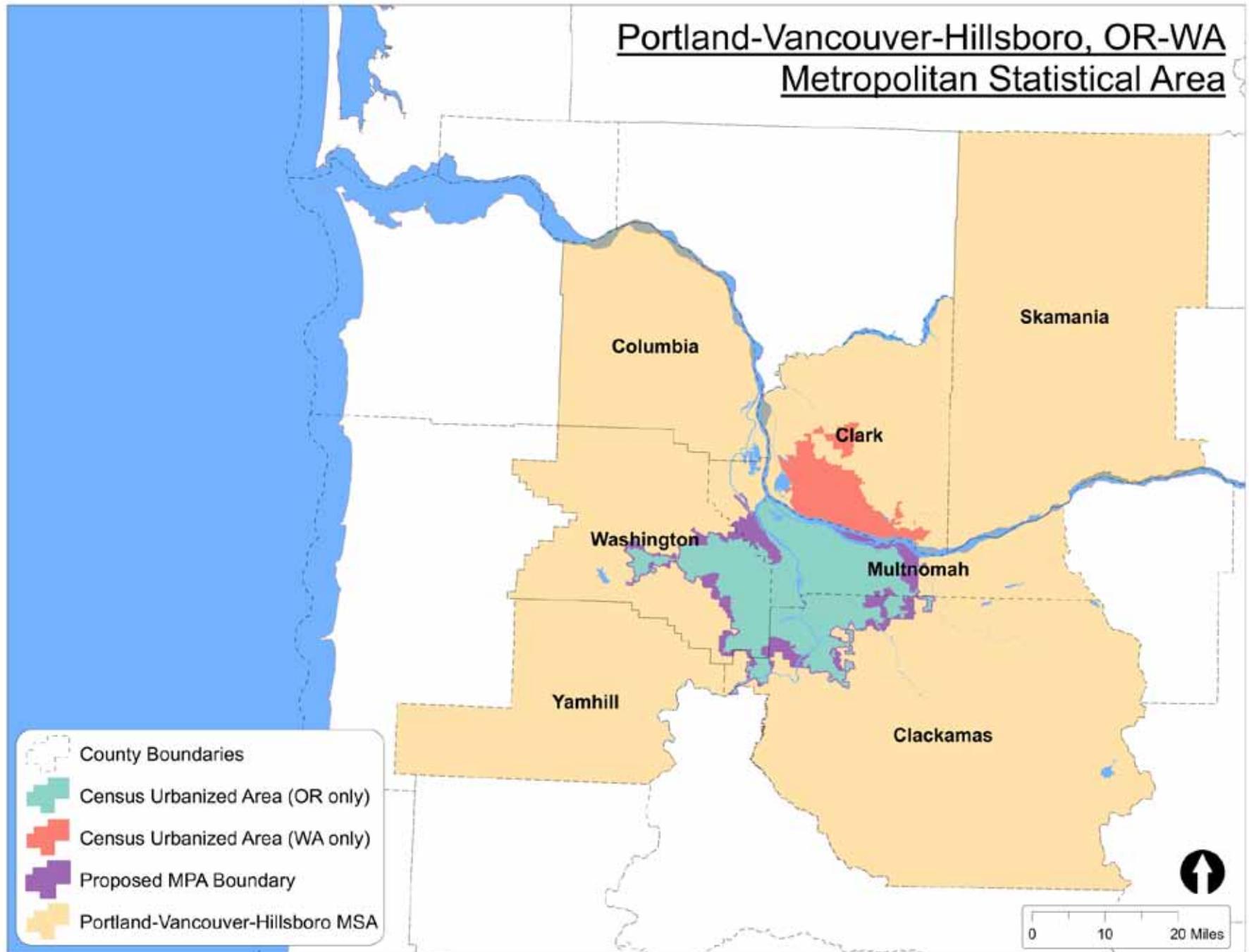






Metropolitan Planning Area and Transit Service Districts





MPA Work Group Questions & Answers

The change to the MPA boundary as proposed will only have minor impacts to the federal MPO planning processes conducted by Metro. Federal MPO planning processes conducted by Metro include the RTP, MTIP, UPWP, CMP. It's important to note that certain MPO processes such as the RTP also serve state MPO planning processes. The proposed boundary will also have minor impacts in rural reserve areas.

Is there an appeal process for federally designated urbanized areas (UZAs)?

No, there is not an appeal process for federally designated urbanized areas (UZAs). All federal literature clearly specifies that the UZA must be included in the MPA boundary. We have confirmation from the Census Bureau that there is no appeal process for reducing the size of the UZA boundary – only the ability to propose adjusting outward.

What are the impacts to how Metro conducts the Regional Transportation Plan (RTP)?

The MPA boundary as proposed will have a minor impact to the RTP. For the current 2014 RTP update, additional projects in the newly designated planning areas need to be identified if the local jurisdiction wants them to be included. Projects in the RTP project list that have been submitted that are now outside the proposed MPA boundary need to be identified as well. Please notify Metro if there is a need and financial constraint issue if such projects are still to be listed under the financially constrained RTP list.

What are the impacts to how Metro conducts the 4 capital improvement program (MTIP)?

The MPA boundary as proposed will have a minor impact to the MTIP. Projects located within the MPA boundary are eligible for urban-STP, CMAQ and TAP funding distributed through the MPO. Projects outside the boundary are eligible only if it can be demonstrated that they have a significant impact on the transportation network within the MPO boundary. Any regionally significant project or projects receiving ODOT administered funding (Enhance or Fix-It) or federal transit funding must be included in the MTIP if they are located within the MPA boundary. The impact of being within the MPA boundary has little to no impact on projects receiving those funds – it is primarily a project and air quality modeling coordination effort.

What are the impacts to how Metro conducts the unified work program (UPWP)?

The MPA boundary as proposed will have a minor impact to the UPWP. The description of planning activities that are funded will change based on how they apply to areas within the MPA boundary. Any needed updates to the UPWP planning descriptions will take place with the development of the 2015-2016 UPWP

What are the impacts to how Metro conducts the congestion management process (CMP)?

The MPA boundary as proposed is anticipated to have no impact to the CMP. The CMP analysis includes forecasts of trip from the regional TAZ model system. This includes forecasts and even some (but not necessarily all) anticipated projects outside the current MPA boundary. So much of the area proposed to now be included in the MPA boundary is already accounted for in the analysis that leads to the strategies portion of the CMP. During the next update of the CMP analysis, adjustments to model inputs (such as project impacts on facility capacity) will be re-evaluated and any new information about projects within the MPA boundary will be updated at that time.

What are the impacts to how Metro conforms to the State Implementation Plan for air quality and transportation related emissions?

The MPA boundary as proposed is anticipated to have no impact to the State Implementation for air quality and transportation related emissions. Projects should already be accounted for with the regional travel model's TAZs. Any project within newly added MPA boundary will be subject to the RTP and MTIP being regionally conformed prior to eligibility for federal funds. Given recent air quality models results, we do not anticipate any issues conforming the RTP or MTIP in the future.

What are the impacts to highway functional classification?

ODOT will be leading the update process for federal functional classification designations (Title 23, Section 103, USC). The regional transportation planning work to functionally classify facilities for state land use planning purposes only has authority within the Metro boundary, not the MPA boundary. Therefore, you would not need to update the functional classification of any facility outside the Metro Boundary to maintain consistency with the RTP for state planning purposes.

What is the impact on rural reserves and rural land that are now included within MPA boundary?

The impact on transportation facilities in rural areas of being included in the MPA boundary is expected to be minimal. Even though the federal functional classification of a transportation facility may change due to the MPA boundary, it does not change state requirements and limitations. Transportation facilities in rural areas as defined by the state - areas outside of the Metro jurisdictional boundary - but included within the federally recognized Metro area MPA boundary will still be required to meet the State Transportation Planning Rules, in particular 660-012-0065 and 660-012-0070. TPR rule 660-012-0065 defines what type of transportation facilities are permitted on rural lands, which are primarily limited to safety enhancements. TPR rule 660-012-0070 defines the process and limitations set in place for exceptions rural land transportation improvements. However, the authority to implement these state planning functions resides with the governing local agency in coordination with the state, and is not impacted by the federal MPA area designation or the federal functional classification.



Marion County
OREGON

Board of Commissioners



(503) 588-5212
(503) 588-5237 - FAX

April 21, 2014

**BOARD OF
COMMISSIONERS**

Samuel Brentano
Patricia Milne
Janet Carlson

Tom Hughes
Metro Council President
600 NE Grand Ave
Portland OR 97232

Craig Dirksen
Metro Council, Chair
600 NE Grand Ave
Portland OR 97232

**CHIEF
ADMINISTRATIVE
OFFICER**

John Lattimer

Dear Mr. Hughes and Mr. Dirksen:

We are writing to respond to the inclusion of the Marion County Butteville area into the Metro Metropolitan Planning Area (MPA). We understand that this inclusion is federally mandated by the Census and that it occurred after the 2000 Census, though it has only recently come to our attention. Attached is a map of the proposed MPA boundary in the Butteville area.

The Board of Commissioners has already expressed our objections to other areas of Marion County being included in MPAs. This letter inquiring about the inclusion of Butteville in an MPA does not change the county's stance with regard to our position on this topic. We strongly disagree with the inclusion of the Butteville area inside the Metro MPA. We believe the Census Bureau's methodology is flawed and should not be forced on local governments.

The method used by the census to determine MPA boundaries is problematic in a state such as Oregon with a strong system of using urban growth boundaries to plan for and manage growth in urban areas. The census method uses roadways to connect urban areas of the state which are not intended to be connected. The Butteville area and the Portland Metro region are not related to each other's population growth and planning and transportation issues differ significantly between the areas.

The Board recognizes that the Metro Metropolitan Planning Organization (MPO) and the MPA are state and federal designations that exist for the purpose of determining how to spend federal transportation funds on local projects. Neither the Metro MPO nor the Metro MPA is the same as Metro, a jurisdiction that exists to provide planning and public services in the Portland area. However, it must be noted that the Board does not support any consideration that the addition of the

Butteville area to the Metro Metropolitan Planning Area is a step toward Butteville being included in the jurisdiction of Metro.

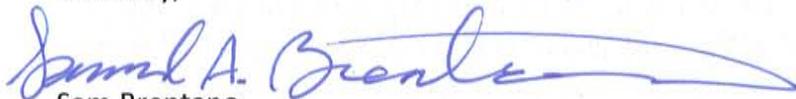
The Board also intends, to the greatest extent possible, to keep the Butteville area from being subject to requirements that are not mandated by federal law. For instance, because of the Butteville area's distance from, and lack of a system connection to significant transportation routes in the MPA, the Board particularly notes that the Butteville area should not be included in the MPO's plans regarding mobility, congestion management and air quality.

The Marion County Board of Commissioners asks the following questions of Metro and the Metro MPO with regard to the Butteville area:

- By what authority does the Metro MPO include the Butteville area in the MPA boundary?
- What role do Metro and the Metro MPO intend to take in planning for the Butteville area, particularly related to transportation planning?
- How do Metro and the Metro MPO foresee Marion County's involvement in the MPO's actions as it relates to the Butteville area?
- Regardless of whether they receive federal funds, will road projects be impacted by Metro MPO rules or requirements by virtue of the road projects being inside the urbanized area boundary?
- Will Marion County be allowed to request federal funds allocated to the MPO for eligible projects on county roads?
- The inclusion of a small, rural community that is non-contiguous to the MPO boundary is clearly not in the best interests of either of our jurisdictions. How can we work together to prevent this type of situation from occurring in future decennial Census updates? For example, could this be done through involvement with the Federal Register comment process, and if so, how do we participate jointly in that process in future decennial Census updates?

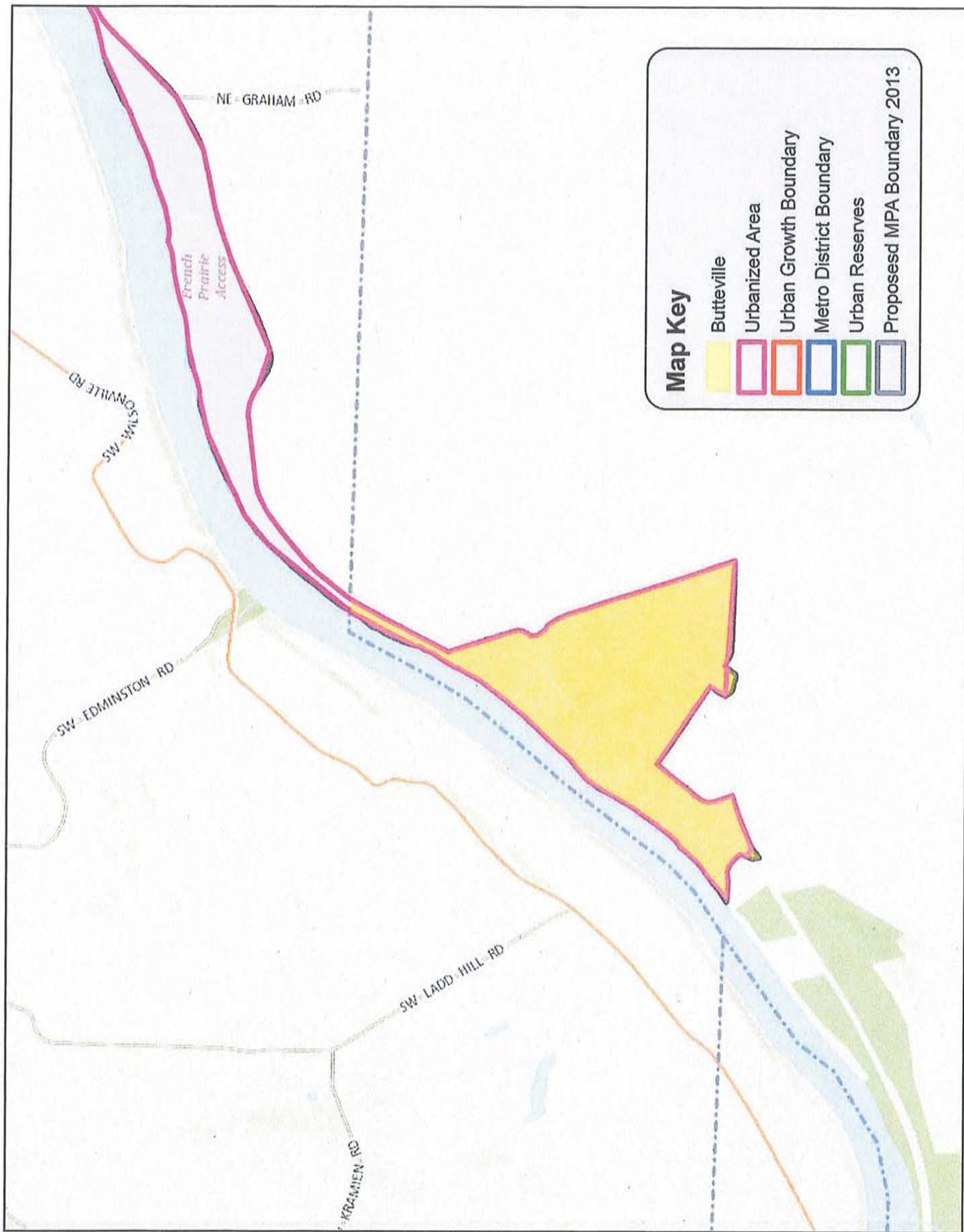
We look forward to hearing from you regarding these questions.

Sincerely,



Sam Brentano
Chair

cc: The Honorable Ron Wyden
The Honorable Jeff Merkley
The Honorable Representative Suzanne Bonamici
The Honorable Representative Earl Blumenauer
The Honorable Representative Peter DeFazio
The Honorable Representative Kurt Schrader
Elissa Gertler, Metro Director of Planning and Development



Map Key

- Butteville
- Urbanized Area
- Urban Growth Boundary
- Metro District Boundary
- Urban Reserves
- Proposed MPA Boundary 2013



May 1, 2014

The Honorable Sam Brentano
Marion County Board of Commissioners
PO Box 14500
Salem, OR 97309

Dear Chair Brentano:

Thank you for your letter regarding the designation of the federal Metropolitan Planning Area boundary for the Oregon portion of the Portland-Vancouver greater metropolitan area. As the designated Metropolitan Planning Organization to carry out federal transportation planning for this area, we appreciate your interest in this matter.

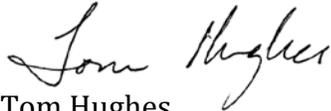
As your letter noted, the federal Census Bureau uses a methodology to designate urbanized area boundaries that serve as the minimum area to be included in the metropolitan planning area. The Butteville area within Marion County has been federally designated as a part of the Portland-Vancouver urbanized area. Our staff inquired about the possibility of excluding portions of the designated urbanized area from the proposed metropolitan planning area boundary but federal direction was clear that this was not a possibility.

We agree with your statement that the method and process for defining urbanized areas and designating metropolitan planning area boundaries for federal transportation purposes is problematic for Oregon where strong growth management planning programs exist. We would appreciate working with you in the future to advocate for changes to federal rules that we all agree would better reflect Oregon's needs and unique planning program.

Furthermore, we want to reiterate that this boundary update only affects the federal metropolitan transportation planning functions that Metro performs as a Metropolitan Planning Organization. It does not affect Metro's jurisdictional boundary or the state comprehensive planning functions we perform within our jurisdictional boundary.

We have attached answers, prepared by staff, to the specific questions included in your letter. Please let us know if you have any further questions or concerns.

Sincerely,



Tom Hughes
Metro Council President



Craig Dirksen
Chair, Joint Policy Advisory Committee on
Transportation

Cc: Commissioner Janet Carlson
John Lattimer, COO Marion County
Elissa Gertler, Metro Director of Planning and Development

Response to questions posed by the Marion County Board of Commissioners regarding the Metro MPO and the Butteville area

By what authority does the Metro MPO include the Butteville area in the MPA boundary?

The Code of Federal Regulations (23 CFR Part 450 and 49 CFR Part 613) defines the Metropolitan Transportation Planning Final Rule. This code defines the purpose and scope of metropolitan transportation planning process and the process to designate Metropolitan Planning Organizations and metropolitan planning area boundaries.

What role does Metro and the Metro MPO intend to take in planning for the Butteville area, particularly related to transportation planning?

The Butteville area will be included in any federally required transportation planning activity for urban areas. Previously, the Oregon Department of Transportation performed all federally required transportation planning functions for the Butteville area as a rural area. (Rural areas have different federal transportation planning requirements from urban areas).

Federally required transportation planning activities for urban areas include development of a long-range transportation plan, a metropolitan transportation improvement program, a unified planning work program, and a congestion management process. The long-range plan and improvement program are required to be conformed to emission budgets for air quality.

How do Metro and the Metro MPO foresee Marion County's involvement in the MPO's actions as it relates to the Butteville area?

Metro and the Joint Policy Advisory Committee on Transportation (JPACT) would welcome discussions of how you would be interested in participating in MPO activities related to the Butteville area.

Conversations with Marion County staff indicated that an initial level of appropriate coordination would be to have staff included on the mailings of the Transportation Policy Alternatives Committee and the Joint Policy Advisory Committee on Transportation. These bodies help develop and provide recommendations to the Metro Council on MPO activities.

Marion County staff could monitor MPO activities and notify Metro and the Marion County Commission if there are areas of interest or concern regarding Butteville. Metro staff would also contact Marion County staff directly when coordination on federal transportation planning activities warranted direct activity by the County.

Regardless of whether they receive federal funds, will road projects be impacted by Metro MPO rules or requirements by virtue of the road projects being inside the urbanized area boundary?

The impact we have identified regards the federal highway functional classification system (Note: this is distinct from the functional classification system and associated requirements required by state comprehensive planning). Highways within an urbanized area will be functionally reclassified in the federal functional system during the next classification update process. Having a roadway classified in the federal functional classification system is one of the determinants for eligibility for federal transportation funding.

Will Marion County be allowed to request federal funds allocated to the MPO for eligible projects on county roads?

Yes, Marion County may request federal transportation funds for eligible transportation projects within the metropolitan planning area boundary. Under the involvement described above, County staff will receive notice of the allocation process as it is developed and conducted.

How can we work together to prevent this type of situation from occurring in future decennial Census updates?

Metro would appreciate working with you on opportunities to comment on federal rules regarding the designation of Metropolitan Planning Area boundaries. These opportunities often arise through Federal Register comment processes on new transportation authorization legislation. We can also explore opportunities to comment on the methodology the Census Bureau utilizes to designate urbanized areas. We will ask Metro staff to coordinate with Marion County staff to seek out these opportunities.