

AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, May 06, 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 –April 01, 2014
- II. City Council Minutes – March, 2014
- III. Historic Review Board Minutes –

Correspondence

I.

4. **Visitor**

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

5. **Public Hearing Continuance**

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

6. **New Business**

- A. **Discussion and or Action on Non-Remonstrance Agreement [INT-41-01] with Applicant Erika Zurita Property Address 20855 Walnut Street.**

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

7. Old Business

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

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

C. Discussion and or Action on Email from Cliff Bixler regarding Property in Aurora.

7. Commission Action/Discussion

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

8. Adjourn,

Minutes
Aurora Planning Commission Meeting
Tuesday, April 01, 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: Tom Potter, Aurora
Craig McNamara, Aurora
Chris Fisher, Aurora
Gary Lovell, Aurora
Dennis Hess, Aurora
Annie Kirk, Aurora
Aron Faegre, Aurora
Lori Sahlin, Aurora
Guy Sperb, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:02 p.m.

2. City Recorder Did Roll Call

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

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –March 04, 2014, there were a few items pointed out by Commissioners regarding the approved Council minutes as follows
 - Pg 3 correction to 5,000 gallons a day
 - Pg 10 regarding drive through being prohibited
 - Clarification on statement made regarding motorized vehicles.
 - No action was taken.
- II. City Council Minutes – February, 2014
- III. Historic Review Board Minutes –

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

Correspondence

I. NA

4. Visitor

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

No one spoke.

5. Public Hearing, Opens at 7:07 pm

A. Discussion and or Action on Variance Application File 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: Variance 2014-01 [VAR-14-01]
DATE: March 25, 2014

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

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

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

20843 Filbert Street

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

DESIGNATION: Zoning: Moderate Density Residential (R2)

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

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

I. REQUEST

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

property previously received building permit approval, conditional upon the applicant installing a carport or garage on the property (See Exhibit C).

II. PROCEDURE

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

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

III. APPEAL

Appeals are governed by AMC 16.76.260. An appeal of the Planning Commission's decision shall be made, in writing, to the City Council within 15 days of the Planning Commission's final written decision.

IV. CRITERIA AND FINDINGS

The applicable review criteria for Variance applications are found in AMC Chapter 16.64 Variances.

16.64 *Variances*

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

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

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

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

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

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

While the land is not peculiar to others in the same zone, the applicant has stated it is difficult to construct an adjoining carport to the structure due to the rooflines and a non-adjoining carport due to crawl space/foundational

issues with the manufactured home and still meet the southern setback minimum requirement of five (5) feet. Currently, the applicant has a sixteen (16) foot southern side yard, leaving eleven (11) feet for installation of a carport. The property already contains one accessory structure larger than 200 sq ft at the western property line (rear yard) which the applicant wishes to maintain. As only one accessory structure larger than 200 feet is permitted under the zone, the carport would be required to be 200 sq feet or less. AMC 16.13.040.C.1. requires that accessory buildings less than 200 sq ft be less than ten (10) feet in height and AMC 16.13.040.C.2. requires that a five (5) foot separation exist between a principal structure and an accessory structure.

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

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

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

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

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

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

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

V. CONCLUSIONS AND RECOMMENDATIONS

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

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

VI. PLANNING COMMISSION ACTION

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

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

OR

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

OR

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

- Discussion begins with Chair Schaefer summarizing the staff report regarding
 - Existing shed, off street parking, square footage requirements along with setback requirements. The discussion between Commissioners is that this lot is so narrow that at this point they are not sure it would look good and would be hard to enforce with the difficulty surrounding this lot. At this point the Commission feels as though it would be a disservice to the applicant to enforce this requirement on this lot.
 - Testimony by applicant,
 - Brian Saul Ramirez son of the applicant and accompanied by his mother, states that his father had a family emergency and could not be present here tonight and that he would do his best to represent his father. Unsure of what to contribute Chair Schaefer begins asking a few questions of Brian to help get some clarification regarding the application as follows,
 - Do you live at the residence? Brian yes I do. Do you feel as though having the carport would be in the way and make it hard to maneuver your trailer around. Brian and his mother state that if the carport is detached then yes it would be however if it were attached they felt it would be a little bit easier.
 - Chair Schaeffer asks Brian if the carport were moved back further did he think that would work and Brian stated yes but seemed unsure.
 - City Planner Wakeley states that there is a window well or access that jets out that would be problematic for that reason and she explains it to the son and mother and feels as though with her conversations with the father that it would be problematic.
 - Schaefer how far do you think it comes out? Wakeley 3ft.
 - After a brief discussion Chair Schaefer proposes postponing the hearing until next month when the father can be present to make sure that both the city and the applicant are on the same page regarding this issue.

A few Comments from the audience,

Lori Sahlin I would rather see items or possessions than a carport that is not functional for the applicant.

Guy Spurb, during my years as a code inspector I don't believe the manufacturing code would allow an attached carport.

City Planner Wakeley, states that your inspector was on site and it is structural independent.

Tom Potter clarifies with statements made that if it is structural independent then it would be detached and essentially they would have 6 feet to work with?

Gary Lovell, I am troubled on the process here you allowed a home on the property but then once placed the city said he would need to have a carport and no more impervious surface. Wakeley, Once we received the signed statement yes I did approve and once the applicant put the house on then it became clear that it would be difficult.

Annie Kirk, clarifies with the Commission a few items

- In this neighborhood there are homes grandfathered in and not required to have a carport
- Asks why this requirement was brought in and Chair Schafer states that it was an attempt to keep peoples possessions more organized and shielded from view.
- I really think this applicant should be granted the variance because of the surrounding area and neighborhood.

Gary Lovell, in the past this Commission has been very liberal in allowing all types of variances we all voted on this code I think you should take a good look at it. We have codes in place and they should be honored.

Schaefer, calls for any rebuttal hearing none closes the hearing at 7:48 pm.

Discussion begins amongst the Commissioners,

Weidman, I think City Planner Wakeley did good work and I trust her opinion based on the code. I do believe in what Gary is saying as well but I think there are times that we should be compassionate.

Graham, is unclear on the overall space on the building and how it would impede the applicant. Schaefer states that it would be difficult to back up there trailer that they have on the lot for his business. Wakeley it would blocking the front door.

Gibson, there is certainly a very tight space and would be hard to maneuver on the lot.

Mercedes I am inclined to grant the application based on the City Planners report however I think we should look into this particular neighborhood relative to the code requirements.

Fawcett, has no more comments at this time.

Schaefer so the question is do we, grant, deny, or approve with conditions. I will take a motion or entertain more comments.

Gibson I say table the hearing until we hear from the father regarding this application. Chair Schafer we do have time were not up against a 120 day deadline.

Graham continuance.

A motion is made by Commissioner Fawcett to approve the application as presented and is seconded by Commissioner Weidman. Ayes Fawcett, Weidman and Mercedes-Feely, Nays, Schaefer, Graham and Gibson. Motion is a tie and therefore is not considered.

A motion is made by Commissioner Gibson to postpone the hearing until such time that the applicant can be in attendance and until the May 6th meeting and is seconded by Commissioner Graham. Ayes, Schaefer, Gibson, Fawcett and Graham. Nays Weidman and Feely.

Regarding tonight's discussion I would ask that you rethink what we just voted in to our code requirements and make sure this is the path we want.

6. New Business

7. Old Business

A. Presentation and Discussion by Representative from Aurora Airport Water District. Chair Schaefer welcomes tonight's speakers Aaron Faegre and Bruce Bennett this will be very informal and I ask that you to start to help us understand what is being proposed,

Bruce Bennett, the director with the Airport Water Control District basically the zoning for County in the beginning during development stages they had waived the requirements needed for fire suppression since then they changed that requirement because there were too many waivers at which time the Airport Water Control District was formed, so when the blitz beer company folded we took their tanks and filled them with water and buried them the capacity was 240 thousand gallons in these tanks and lines run up and down the land and this is how we have fire suppression. Currently there is not a lot of land left and there is not a good water system and a few of the wells have arsenic. So the District wanted to start a conversation with Aurora to determine if you would be interested in or would it be beneficial for both of us for Aurora to sell us around 5,000 gallons a day for our needs. The airport is unique most airports are owned by cities, county or state agencies. Ours is owned by both the state and private property owners. The runway is state owned and much of the property is privately owned.

Aron Faegre, I have owned property at the airport for many years and have helped form the district, I would add that in the beginning there were no code requirements for sprinklers however now there are requirements. Smaller airports like this the Oregon Revised Statutes allows owners to be exempt from taxes and because we are privately owned we are not exempt and so we contribute to the community per our taxes dollars which are a sizeable amount.

- Two strongest reasons to connect is because it is not potable at this point and I believe you have a system that could remove arsenic
- As the airport grows it would allow us more water to take care of those needs.
- Schaefer asks if the district has water rights and could they obtain more if needed. (airport not sure they would need to look into this)

Weidman, do you have reports on the arsenic levels. We gave it to the Mayor and it is on the website.

Schaefer it's all on the website.

Weidman, I believe I heard the amendment to the county comp plan to circumvent the emergency.

Wakeley current county standards don't allow extension of water lines so the amendment was to remove that block and go ahead and allow it so if Aurora wanted to move forward with this endeavor they could.

Bruce I think what Brandon was saying this because it was a safety issue regarding the arsenic levels so that essentially it was an emergency and could likely be proved and approved through the county.

Aaron, I was asked to do some research and I did and those reports are on your website and it did show that some were contaminated and others were not. There also could be a seasonal difference as well that exists so there is a certain amount of uncertainty. Schaefer Brandon's report is on the website as well.

Graham, the water you need is for fire and potable water correct Airport rep yes we would need both. The wells that are good would that go back into our system my guess would be no because the city wouldn't want it since there is potential risk of contaminating your system.

Fawcett, you mentioned 5,000 a day is there a peak usage time frame because we experience problems in August. I produced that number but what I discovered was that many owners didn't have meters on their property so I had to do what I could to do on an approximate number.

Aaron, there is not a lot because it would be light industrial use. I would say 5,000 is low I would say between 5 to 10 thousand gallons may be more realistic. There really isn't a lot of usage.

Graham is the helicopter businesses connected to the district? No not at this time they have their own wells. However they did give money so possibly they would want to later on if there was a problem. I think it would be very beneficial to all.

Schaefer, I think looking forward we need to get a more realistic number especially if Columbia and the other helicopter business want to hook up as well. I realize it wouldn't come close to residential uses but the more data we have the better.

Weidman, that's great information what about in September when Aurora is low on water. The airports reps state if you don't have this water to give then I don't think it would work. We heard that with a small upgrade to your system then you would be more than capable of supplying our need.

Graham, it's my understanding that the Mayor thinks that we can do another well and that this could be quite lucrative to all in a partnership.

Wakeley, if there was an annexation then we do acquire water rights to grow. So do you think that if we were to move forward on this would the airport want to give up their water rights? Wakeley have you had a discussion to have a limit and if you go over then we cut you off. I really don't think that they would be open to that especially if they gave up their water rights because they want to make sure Aurora would have enough supply to handle the extra demands.

Nick Kaiser, we have thrown around a lot of numbers and not sure if they are accurate. The city has done a lot of work and the city has a completed water master plan and study of accurate numbers and flow along with water rights.

In 2009 a water rate study certified by state and adopted by council was done with accurate information We need to have information before we could even allow this to start both at the airport and the City.

Lovell, who will pay for all this?

Schaefer we are having conversations now and this will be on our agenda now and for a while no decisions will be made before the city has all the information needed to make an accurate decision.

Airport agrees with Nick we didn't want to spend money before it was even a thought for the city. I think we need to look into our water rights and see where we are at on this. Maybe begin conversation with the state regarding water rights.

Tom Potter, I have the water analysis report from the water district, here he reads some statistics off. (currently on web-site).

I am sure individual owners could do better filtration we can operate without Aurora water we just simply are looking at a joint venture here that benefits both parties.

Annie Kirk, help me understand what that mutual benefit in your mind would be people on the airport would pay for the water and if you need to drill a new well to help accommodate the demand then they would help pay for that drilling attempt. Also there are a lot of water rights at the airport and if they would be willing to give up some of those. Because we use such a small amount of water a new well could really benefit Aurora and there usage needs.

HTC they have a well and they have less than 20 employees. They do not use a lot of water and they also created their own pond for fire suppression just like Columbia.

Nick, I assume you will look at data and compare the depth of the well it is important to know for surrounding area wells and who is pumping out of what aquifer we don't want to compete for same water.

Graham does anyone know if the airport is on the same aquifer no one had an answer.

Weidman, to clarify airport can operate as is.

Spurb, point clarification, I realize numbers are vague would this be in addition to what you draw now or replace. The reason I am asking is because there is a cross connection issue based on ORS for

contaminating the city water supply. Yes we realize it would be all or nothing and it was a scientific approach and based on my calculations and data that is how I came up with the number.

Mercedes, do the hangers have overnight accommodations showers and so forth. Yes some of them do and they are looking to expand that but not for residential use.

Schaefer we are worried about potential growth or expansion of usage. The law has changed regarding residential usage and FFA is very strict and I don't for see this type of usage here and that is why the legislature changed the law. Because it is a private owned everyone would contribute. No plans to become residential and the zoning wouldn't allow it at this point. There are a few caretaker residents.

Annie Kirk,

Clarification you are an hourly contract services correct (referring to the City Planner) and I would like to go back where we would not be spending the city money on this are we not doing so by having these lengthy meetings?. *Schaefer* I will state that we won't spend any extra time other than the regular meetings. Because of the public hearing and a few other reasons this meeting has gone longer. She has not been directed to do any work on this. *Annie* I just want to point out that I am not in any way insinuating that you are but lengthy meetings will.

Tom Potter, well 5 is it down? correct do you know the status of that and Chair Schaefer states that is a question for the council.

Chair Schaefer hearing no more comments thanks the guests for coming.

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

Schaefer, last month's meeting we discussed if HB 1531 would pass and I want to report it has passed the city has two options regulate time, place, manner or a moratorium for one year. So the question for us tonight do we want to recommend either one of these options to the Aurora City Council, last month we did have a consensus of the Planning Commission to regulate the zone.

After a brief discussion it is the consensus of the Aurora Planning Commission to allow retail/dispensary of Medical Marijuana in the Commercial zone. It is therefore the recommendation to Aurora City Council to regulate the zone. It is also discussed to keep it on the West verses East side of Hwy 99E.

Discussion goes on to clarify a few points regarding the earlier discussion regarding a grow facility in the industrial zone.

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

No minimum lot size in commercial zone.

Fisher, would this include residencies in commercial zone? Schaefer no this would not affect them if you're already in the commercial zone than it would not provide a buffer for you.

Another question, what about residences on commercial properties you don't get protection from our code.

It's a good point on distance rather than abutting. I hear you that as a residence in the commercial zone you could potentially grow more there than what the commercial warehouse is.

That is why we are saying have it on the West side only away from the residential zone. You could also add language regarding additional 1000 feet from the residential zone and a phrase from section D.

Definition of Commercial zone per city but it would allow 100 percent manufacturing?

Industrial really doesn't allow retail they try to keep it out because of the noise and products being produced.

D. Discussion and or Action on Endangered Species Act and Changing Floodplain Regulations.

Update on this and flood plain, Christine Shirley was here about a year ago and since the Obama administration there really hasn't been any change so the state has done the same.

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.
- Brief update on Smetco application regarding the statement in writing that no employees will be added to the site it is only for storage.
- The Bixler project is almost ready for the Mylar's to be signed and recorded.

8. Adjourn

Chairman Schaefer adjourned the meeting at 10.00 pm

Chairman, Schaefer

ATTEST:

Kelly Richardson, City Recorder

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

STAFF PRESENT: Kelly Richardson, City Recorder
Pete Marcellais, Marion County Deputy
Mary Lambert, Finance

STAFF ABSENT: Darrel Lockard, Public Works Superintendent
Dennis Koho, City Attorney

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 7:00 p.m.

2. City Recorder does roll call

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

3. Consent Agenda

- I. City Council Meeting Minutes – January 14, 2014, corrections/clarifications stated were that Councilor Sahlin addresses his concern with LA-14-01 regarding food carts that it may have been targeted towards a minority of individuals however because it had gone through the entire process and everyone had been notified along with the fact that we have not received any appeals he was not going to make a big deal over it.
- Pg 11 in third paragraph flesh mounted was used improperly and changed
 - Also wanted better clarification that the intent was to prohibit gray water or black water hook ups.

- II. Planning Commission Meeting Minutes – January, 2014
- III. Historic Review Board Minutes –December, 2013

Correspondence

- I. **Email from Citizen Annie Kirk**, regarding a possible task force to better the communication with the Aurora Airport.

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

Tom Potter asks question regarding the map of the infrastructure for our water and sewer lines. **Mayor Graupp** clarifies that it is current and has been updated. At Planning Commission meeting **Chair Schaefer** stated that there was known arsenic levels in the area out towards the airport. **Mayor Graupp** we know this because well 1 was decommissioned because of arsenic levels. Is there any concerns for drilling a well 6 **Mayor Graupp** that is a proposal and I don't believe it is a viable proposal however and there is nothing pending or happening towards a well 6 at this time.

Annie Kirk, I would like to draw your attention to my email regarding a task force to better our relationship with the airport.
Asks if her email regarding the sink hole in front of her house was in the packet **Mayor Graupp** no because we had received it too late and Public Works will look at it again when he is back from sick leave.

Councilor Vlcek, clarifies location on line

Reilly, I hope you can shed some light on where the agenda has been posted. City Recorder explains 3 locations of where agenda was posted. **Mayor Graupp** informs him that we will look into this.
Where was it posted that there would be a quorum of the council at the recent Planning Commission meeting. **Mayor Graupp** explains that because it was a guest speaker and it was a onetime deal we felt we could all attend and hear the quest speaker. I will point out that when the discussion portion began regarding this issue two of the four in attendance left the room.

Phil Hankins Albersway, to inform the city of a safety hazard with a city owned street light last May a street light was moved it is working and it has been moved and where it used to be located there is a receptacle left in its place that needs to be removed it is very dangerous. **Mayor Graupp** I will speak with Darrel, Public Works about this.

No one else spoke....

5. **Mayor's Report,**

A. **Mayor Graupp** explains that he lives at the end of the pipe as well on the North side of town. I myself added the same type of filtration unit to my house as you can see it is horribly brown I even went the added expense of two filters and still very brown. I left them in for 5 months rather than 3 months so next time I will take them out at three months around June 10th. Darrel, Public Works is working on an iron oxide situation with the sand filter to see if we can't get it cleared up.

I just wanted to inform Council that we were doing this and taking it seriously this is out of my own wallet to collect this data from the filters.

B. **We are having some discussions regarding Marijuana legislature,** I have asked the Planning Commission to think about the medical marijuana situation and what steps the city should be starting if any. Chair Schaefer, we have spoken about this for a few months now in the meetings we have not come to a consensus. So far it's been a split decision regarding which zone would be a better fit. Planning Commission would like to hear from council to see what your thoughts are.

Council discusses a few options at which point they decide that at some point a joint work session would be a great benefit. At this point there are a lot of unanswered questions regarding exactly which way the legislature will go. Council reassures the audience that we are not at this point spending extra tax dollars on this with our contracted staff until we know more.

6. **Discussion with Parks Committee, Councilor Sahlin** we are working on a proposal with public works and our Marion County Deputy to see if a work crew would work for some of the maintenance issues in the park. Councilor Vlcek pointed out that there are a few trees that look very dangerous in the park and would like them looked at prior to the Easter egg hunt.

Mayor Graupp informs the group that between him and the OSU extension office they are still working on issues regarding the tree stand in the park.

Councilor Sahlin states that the ball field needs sprayed and asks if we are still currently under contract with TTT because he has noticed some items that look as though they are not being done. I propose that we contact them then and see if we can get the field sprayed in lieu of them.

7. **Discussion with Traffic Safety Commission**, I noticed that the stop sign at Yukon and Seal Rock is still down. It appears that the sign has disappeared now.

Councilor Sahlin asks how public works prioritizes their tasks currently they don't have a schedule in place.

8. **Reports**

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

- Reads his report Councilor Sahlin asks clarification on the robbery it was at the store stated deputy Marcellais.
- Goes over his proposal with the contract regarding the over time money that has been proposed in the budget. Attach you will find A-1 \$6400 dollars last year was budgeted for overtime and I used \$80.00 dollars.
- What I would like to do is use it for other contracted deputies possibly for colony days and or side walk enforcement.
- . The revenue if any generated would stay with the city therefore paying for the added enforcement and safety issues.
- Let's set up a time with Councilor Vlcek as the liaison of the dept and Mayor Graupp to go over the new proposal language.
- Currently none of the fire hydrants are painted and I am working on a solution.

No more questions at this time.

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

1. Revenue & Expense Report

Finance Officer Lambert asks council if they have any questions regarding her report and they had none. At which time Mayor Graupp started updating the council on the budget. Budget meetings are set to begin April 30th along with May 7th and 14th.

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

Mayor Graupp in Darrel's absence informs the council they are working on a maintenance schedule for the pumps as we recently had one break down. We are also working on a wireless solution to detect water leaks. We are also working on well 5 it should be done by the next meeting hopefully.

Councilor Vlcek thought it would be a good idea to possibly get used filters from other water sources to compare to the ones the Mayor brought in to see a difference or not.

No more questions,

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

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

Mayor Graupp there is nothing to report in Dennis's absence. Councilor Vlcek asks about starting the foreclosure process on the Eddy property.

9. Ordinances and Resolutions

A. Discussion and or Action on Ordinance 474 An Ordinance to amend the Aurora Municipal Code. Second & Final Reading

A motion to approve Ordinance 474 to amend the Aurora Municipal code was made by Councilor Sahlin and seconded by Councilor Sallee. Motion Passes 5-0 no more discussion.

B. Discussion and or Action on Resolution Number 681 Transfer and Re-Appropriation of Funds.

A motion to approve Resolution Number 681 regarding the Transfer and Re-Appropriations of Funds was made by Councilor Sahlin and is seconded by Councilor Brotherton passed unanimously. 5-0

Councilors Brotherton and Sallee ask a few clarification questions regarding the transfer of the funds.

Scott Reilly, points out to the group that this change cannot exceed 10% and he is assured that it is not.

C. Discussion and or Action on Proclamation Determining March as Red Cross Month.

A Motion to approve, Proclamation Determining March Red Cross Month is made by Councilor Vlcek and is seconded by Councilor Sallee. Motion Passes Unanimously.

Councilor Sahlin points out that it seems futile to declare this if we are not going to participate in the drive.

D. Discussion and or Action on Resolution Number 682 to Consider the Formation of a Marion County Extension Office. Mayor Graupp

informs the group that he asked for this to be placed on the agenda before Marion County was ready for it to be so it was tabled for now.

10. New Business

A. Discussion and or Action on Recommendation from Planning Commission to Re-Appoint Bud Fawcett.

Motion to approve the recommendation of Planning Commission to re-appoint Bud Fawcett for another 4 year term was made by Councilor Sahlin and second by Councilor Sallee. Motion passes.

B. Discussion and or Action on Utility Billing Mailing Policy and Newsletter Policy. Mayor Graupp explains to the council why he had asked this to be placed on the agenda and basically he stated that he had a concern regarding what is appropriate to be placed in the water billings. Wanted some input from council regarding this issue after a brief discussion it was the consensus of the council to not allow any more inserts in the water bills until further notice except for the city newsletter.

C. Nomination of Budget Officer for the Upcoming Budget Year. History has been that it was the Finance Officer however Mayor Graupp volunteers to be it.

A Motion to nominate a budget chair to be Mayor Graupp was made by Councilor Sahlin and is seconded by Councilor Brotherton. Motion Passes.

D. Discussion with Joseph Schaefer Planning Commission Chair Regarding Recent Marijuana Legislation. This has been discussed during the Mayor's Report.

11. Old Business

A. A. Discussion and or Action on approval of ACVA Draft Letter to Citizens Regarding Weed Control. Look park internal proposal. Tabled.

B. Discussion and or Action on ACVA Grant Fund Request for Island Maintenance. Tabled

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12. Adjourn

Mayor Graupp adjourns the March 11, 2014 meeting at 8:51 pm.

City Recorder Richardson is instructed to email Darrel Lockard Public Works Superintendent informing him of his presence needed at the next parks committee meeting. She is also directed to get a key made for Councilor Sahlin so he can open for the parks meetings.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, City Recorder

**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Variance 2014-01 [VAR-14-01]
DATE: April 29, 2014 (for May 6, 2014 hearing)

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

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

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

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

DESIGNATION: Zoning: Moderate Density Residential (R2)

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

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

I. BACKGROUND

On April 8, 2014 the Planning Commission opened the hearing to review application VAR 2014-01. The Planning Commission received public testimony on the matter, including testimony from the applicant's representatives. The Planning Commission voted 4-0-2 (abstain) to continue the hearing so staff and the applicant could provide additional information on the potential to fit a carport of 200 sq ft or less. Staff met with the applicant in order to provide site photos (Exhibit D) and measurement information:

*Primary structure to southern property line: 16 feet
Crawlspace: Measures 7 inches tall, 3.5 feet from primary structure and 4 feet wide
Front porch (concrete): Measures 7 inches tall, 2.5 feet from primary structure and 3.6 feet wide
Side yard setback requirements under RM zone: 5 feet
Maximum height for accessory structures 200 sq ft or less: 10 feet (AMC 16.13.040.C.1)
Minimum separation of accessory structures from primary structure: 5 feet (AMC 16.13.040.C.2)*

*Oregon Structural Specialty Code (OSSC): If independently supported, OSSC does not require minimum separation from primary structure.
OSSC: Minimum of 3 feet from property line*

Fire Dept: 4/29 RW phoned Rod Yoder, left msg

II. REQUEST

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

III. PROCEDURE

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

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

IV. APPEAL

Appeals are governed by AMC 16.76.260. An appeal of the Planning Commission's decision shall be made, in writing, to the City Council within 15 days of the Planning Commission's final written decision.

V. CRITERIA AND FINDINGS

The applicable review criteria for Variance applications are found in AMC Chapter 16.64 Variances.

16.64 Variances

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

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

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

While the variance from installing a carport would be in conflict with the zone, staff finds it would not be detrimental to the zoning code or other properties in the same zoning district or vicinity as, based upon

staff visits to the area, many of the surrounding properties can be considered permitted non-conforming as they also do not have carports or garages. Staff finds this condition can be met.

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

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

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

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

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

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

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

FINDINGS: The footprint of the accessory structure to serve as a carport/garage would need to continue to meet setback requirements, in which case a six (6) ft wide structure would be permitted, or the applicant would need to apply for a variance from the setback requirements in order to install a useable carport or garage. The applicant has instead requested a variance from the requirement to install a carport

or garage. Staff finds permitting the requested variance or waiver would not adversely affect surrounding uses, traffic, drainage, or land forms. Staff finds this criteria is met.

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

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

VI. CONCLUSIONS AND RECOMMENDATIONS

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

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

VII. PLANNING COMMISSION ACTION

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

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

OR

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

OR

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



City of Aurora Building /Planning Application

(Check appropriate box)

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



APPLICANT GENERAL INFORMATION

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

PROPERTY DESCRIPTION

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

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

ACTION REQUESTED: (use additional sheets as needed)

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

ATTACHMENTS:

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

ADDITIONAL INFORMATION

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

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

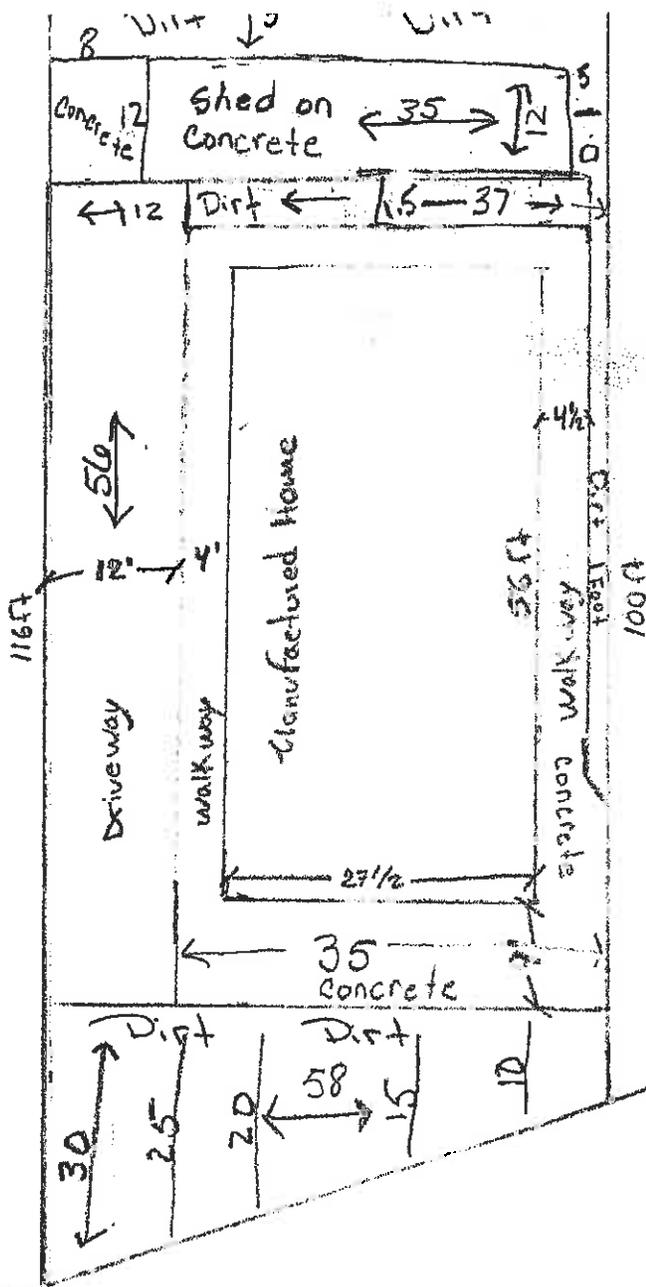
I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application. I understand that the original fee paid is only a deposit and I agree to pay all additional actual costs of processing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

Signature of Applicant _____
 Signature of Property Owner _____

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

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

Exhibit B



500 ps
 inches Deep
 concrete on
 driveway and
 walkway.

Filbert St

Scale
 1" = 1/16"

Saul Ramirez Rosas
20842 Filbert st ne
Aurora, OR 97002

11-25-13

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

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



Thank you

Saul Ramirez Rosas







**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)



LEGEND

LINE TYPES

- TAX LOT BOUNDARY
- OLD PROPERTY LINE
- ROAD RIGHT-OF-WAY
- VACATED RIGHT-OF-WAY
- RAILROAD RIGHT-OF-WAY
- STREAM LAKE ETC. RIGHT BOUNDARY
- SUBDIVISION BOUNDARY
- PARTITION PLAT BKT.
- TAX CODE BOUNDARY
- SHADERS

SYMBOL TYPES

- ELL.
- CONTROL POINTS
- SURVEY ADJUSTMENTS
- CLD. CORNERS
- SECTION
- 1/4 SEC
- 1/8 SEC
- 1/16 COR
- 1/32 COR
- 1/64 COR
- 1/128 COR

NUMBERS

TAX CODE NO.
000 00 00 0

ACRES - ALL AVERAGES 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, WHEN THE DIMENSION GOES TO THE TICK MARK, GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS.

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

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



SCALE 1" = 100'
11:12:00

4 1W 13CA

4 1W 13CA

20
Oil

SEE MAP 04 1W13

SEE MAP 04 1W13C

SEE MAP 04 1W13C

SEE MAP 04 1W13CB

NE 1/4 SW 1/4 SEC. 13 T4S R1W WM, MARION COUNTY

ROAD

U.S. HIGHWAY NO. 93E

SEE MAP 04 1W13C

015 06 06 5

1/16 COR

1/16 COR

SEE MAP 04 1W13BD

MAIN

FILBERT ST

ST

FILBERT ST

SEE MAP 04 1W13CB

AVE

AVE

SEE MAP 04 1W13C

1/16 COR

SEE MAP 04 1W13BD

MAIN

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ST

FILBERT ST

SEE MAP 04 1W13CB

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1/16 COR

SEE MAP 04 1W13BD

MAIN

City of Aurora Building / Planning Application

(Check appropriate box)

- | | |
|---|---|
| <input type="checkbox"/> SITE DEVELOPMENT REVIEW (AMC 16.58)
<input type="checkbox"/> FLOOD PLAN DEV. PERMIT (AMC 16.18)
<input type="checkbox"/> HISTORIC OVERLAY DISTRICT (AMC 16.20-16.22)
<input type="checkbox"/> Certificate of Appropriateness
<input type="checkbox"/> Demolition Permit
<input type="checkbox"/> Sign Review
<input type="checkbox"/> MANUFACTURED HOME PARK (AMC 16.36)
<input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT (AMC 16.80)
<input type="checkbox"/> Text <input type="checkbox"/> Map
<input type="checkbox"/> ZONING ORDINANCE AMENDMENT (AMC 16.80)
<input type="checkbox"/> Text <input type="checkbox"/> Map | <input type="checkbox"/> CONDITIONAL USE (AMC 16.60)
<input 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 checked="" type="checkbox"/> OTHER <u>DDI - Remodification Agreement</u> |
|---|---|

APPLICANT GENERAL INFORMATION

Applicant Enka Zurita Phone 503 890-3396
 Mailing Address 20555 Walnut St NE
 Property Owner Some Phone Some
 Mailing Address Some
 Contact person if different than applicant Some Phone Some
 Mailing Address Some

PROPERTY DESCRIPTION

Address 20555 Walnut St NE Tax Map # 041W13CA Tax Lot # 04700
 Legal Description (attach add'l sheet if necessary) NEW COLONY PARK ADD LOT 12 B1K1
 Total Acres or Sq. Ft. 5,000 sq Existing Land Use V/S New Construction
 Existing Zoning R-1 Proposed Zoning (if applicable) MIA
 Proposed use New 2 story house
 ACTION REQUESTED: (use additional sheets as needed)

NON-REMONSTRATING Agreement

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.

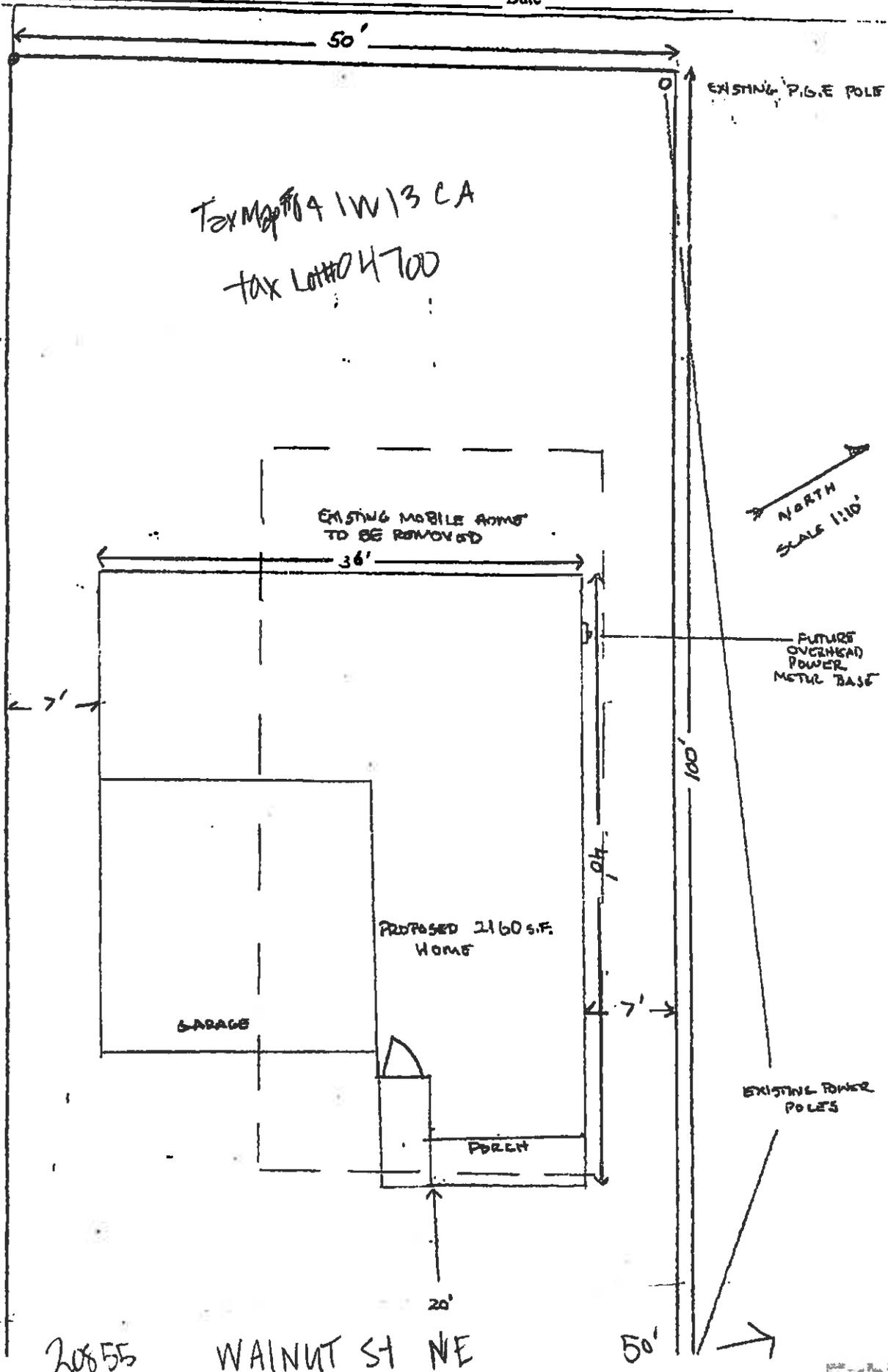
I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application. I understand that the original fee paid is only a deposit and I agree to pay all additional actual costs of processing 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] Date 4/10/14
 Signature of Property Owner [Signature] Date 4/10/14

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

change(s) to this plan must be pre approved by the governmental agencies with jurisdiction, the mortgage lender, the contractor and documented.

X _____ Date _____
X _____ Date _____



April 10, 2014

TO: City of Aurora

From: Erika Zurita

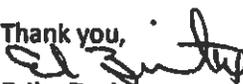
Attention: Renata Wakeley Senior Planner and Kelly Richardson,CMC

Regarding: 20855 Walnut St NE Aurora Oregon 97002

I am writing to get approval on the NON-REMOSTRANCE for property at 20855 Walnut ST NE . I have attached the form needed to get this approval granted. I am asking for delay on the construction of improvements at the property I mention to a time in the future when the city may think its necessary. As of now all of my neighborhood is in an old development that we would all need to get this taken care of if the city thinks we should all have to.

This is all new to me so feel free to let me know if I am missing anything or if you feel I need to get more information to you about the property.

I appreciate the time you have taken to take a look at my application of NON-REMOSTRANCE

Thank you,

Erika Zurita

Cell 503-890-3396

Work 503-266-2266



Looking south on Walnut



Looking north on Walnut



Tax lot 4700 of Map 41W13CA (14943 Walnut Street)



Walnut/Orchard Street subdivision south of subject property



Looking north of subdivision on unimproved Walnut Street

May 7, 2014

Dan Fricke, Senior Transportation Planner
Oregon Department of Transportation, Region 2
455 Airport Road SE, Building B
Salem, OR 97301-5395

RE: Draft OR 99E Woodburn to Aurora Corridor Segment Plan

Dear Mr. Fricke:

The purpose of this letter is to respond to your request that the City of Aurora provide ODOT with a letter confirming that the draft OR 99E Woodburn to Aurora Corridor Segment Plan is consistent with the *Aurora Comprehensive Plan* and *Aurora Transportation System Plan*.

City staff and the Aurora Planning Commission were involved with review of the draft plan and have reviewed the March 2014 edition. This letter confirms that the implementation measures described in Section 6 are consistent with the City's current adopted and acknowledged comprehensive plan, transportation system plan, and implementing regulations.

We appreciate the effort that ODOT has put forth to analyze the future performance of this corridor and to identify needed improvements. (The City will continue to work with ODOT to improve these facilities and safety of this important facility.

Sincerely,

Joseph Schaefer, Planning Commission Chair

From: oseph Schaefer
Sent: uesday, April 29, 2014 10:03 AM
To: akeley, Renata; recorder
Subject: E: Aurora development

Thanks for the heads up. Because he asked for a hearing, I suggest you give him the deadline for getting materials to you to meet the May and June hearings.

I would appreciate sticking to the regular PC meeting schedule, and if you would please check with me (and I would need to check with the others) before suggesting a potential special meeting date.

Kelly please pencil this in for the May agenda under new business. Even if there isn't a hearing we can at least let the commissioners know it is coming.

Let me know if there are questions -

From: Wakeley, Renata [renatac@mwvcog.org]
Sent: Tuesday, April 29, 2014 9:44 AM
To: cliffordbixler50; recorder
Cc: gene@mgdpc.com; Curt Trolan; Tony Ryan
Subject: RE: Aurora development

Hi Cliff,

I understand the commercial and industrial climate and difficulty in moving forward as I am seeing this on many properties in various communities. The site is a good one and we are happy you have continued to move forward on this work.

As far as your previous Site Development Review approval, I have attached this portion of the code- specifically 16.58.060 in determining whether a major modification to your previous approval from the Planning Commission applies and whether you need to go back to the Planning Commission for approval.

Until I have the revised plans, I cannot make this determination. Please submit the revised plans when you are able and we can discuss whether this is a major modification and whether you need to go back to the Planning Commission. The Planning Commission normally meets on the 1st Tuesday of the month. If you need their approval and you are on a tight timeline, we may be able to work with you to reschedule their regular meeting in order to better accommodate your schedule but we need to make sure we can get a quorum as well.

Regards,

Renata Wakeley, Senior Planner
Mid-Willamette Valley Council of Governments
100 High Street SE, Suite 200, Salem, OR 97301
503 540 1618 direct
503 588 6177 reception
503 588 6094 fax

From: cliffordbixler50 [mailto:clifford.bixler50@gmail.com]
Sent: Monday, April 28, 2014 9:32 AM
To: Kelly Richardson; Wakeley, Renata
Cc: gene@mgdpc.com; Curt Trolan; Tony Ryan
Subject: Aurora development

Greetings.

We are on the verge of finally recording the subdivision map, after 23 months of constant work and expense. We have had to design new drainlines to replace those faulty lines constructed by the city in the past, pay for and produce legal work including creating easements that the city should have already had in place, and all the many other associated requirements in the subdivision agreement. The process has been agonizingly ponderous and expensive. I do want to thank Kelley for her help on the City's end.

At this point I am requesting a hearing to renew and extend the development approvals along with some architectural revisions to two of the buildings fronting the highway. I am going to have those drawings shortly reducing the height to a 16 ft wall and eliminating the second stories.

The whole process has also been accompanied by a catastrophic melt down in industrial property. These design revisions will be necessary not only to keep the development approvals active but to make the project economically viable. The second stories need to be eliminated to reduce costs and obtain construction financing.

Please let me know the earliest available date for a hearing if one is required.

Thank you.

Cliff Bixler

Sent via the Samsung GALAXY S®4, an AT&T 4G LTE smartphone CONFIDENTIALITY NOTICE: This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive information for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, please advise the sender immediately by reply email and delete this message. Thank you