

**AGENDA**  
**Aurora Planning Commission Meeting**  
Tuesday, November 03, 2015, at 7:00 P.M.  
City Council Chambers, Aurora City Hall  
21420 Main Street NE, Aurora, OR 97002

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**1. CALL TO ORDER OF THE AURORA PLANNING COMMISSION MEETING**

**2. CITY RECORDER DOES ROLL CALL**

**3. CONSENT AGENDA**

- a) Planning Commission – October, 2015
- b) City Council Minutes – September, 2015
- c) Historic Review Board Meeting Minutes – September , 2015

**4. CORRESPONDENCE - NA**

**5. VISITORS**

Anyone wishing to address the Aurora 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 Aurora Planning Commission could look into the matter and provide some response in the future.

**6. PUBLIC HEARING**

- a) Discussion and or Action on Height Variance Application (VA-15-03) Christ Lutheran Church
- b) Discussion and or Action on Legislative Amendment on AMC 16 Code Sections (LA-2015-02)

**7. NEW BUSINESS**

a)

**8. OLD BUSINESS**

- a) Discussion and or Action on Orchard View Subdivision.

**9. Commission Action/Discussion**

- a) City Planning Activity (In Your Packets) Status of Development Projects within the City.

**10. ADJOURN**

**Minutes**  
**Aurora Planning Commission Meeting**  
Tuesday, October 6, 2015, at 7:00 P.M.  
City Council Chambers, Aurora City Hall  
21420 Main Street NE, Aurora, OR 97002

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

**STAFF ABSENT:**

**VISITORS PRESENT:** Kathy Kaatz, Aurora  
Bill Graupp, Aurora

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**1. CALL TO ORDER OF THE CITY COUNCIL MEETING**

Meeting was called to order by Chairman Schaefer at 7:00 pm

**2. CITY RECORDER DOES ROLL CALL**

Chair Schaefer - Present  
Commissioner McNamara- Present  
Commissioner Fawcett - Present  
Commissioner Gibson - Present  
Commissioner Rhoden-Feely - Present  
Commissioner Weidman - Present  
Commissioner Ensign - Present

**3. CONSENT AGENDA**

- a) Planning Commission Minutes – September, 2015
- b) City Council Meeting Minutes – August, 2015
- c) Historic Review Board Minutes – August, 2015

Motion to approve the consent agenda as presented was made by Commissioner Gibson and is seconded by Commissioner Rhoden-Feely. Motion approved by all.

**4. CORRESPONDENCE –**

- a) NA

**5. VISITORS**

Anyone wishing to address the Aurora 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 Aurora Planning Commission could look into the matter and provide some response in the future.

NO one spoke at this time.

## NEW BUSINESS

- a) Discussion and or Action on Orchard View Storm Water Tract. Chair Schaefer gives the background information to the Commission. This is a storm tract of land in the Orchard View subdivision which consists of 39 lots on the South end of Orchard Street. This tract of land is supposed to be maintained by the homeowners according to the CCR's. The property apparently is still owned by the contractor because things were not filed properly. Currently a neighboring property uses and maintains a portion of the tract and has contacted the city regarding the lack of maintenance and would like to discuss some various options with the city. The property owners of lot 8 the Kaatz's would like to purchase the land since they have been maintaining it since 2011 and add it to their lot as part of their yard. General discussion back and forth between members one thing Chair Schaefer points out is the city has an access easement that needs to be maintained whatever the decision for maintenance of the storm runoff pond and ultimately the Council will decide. Wakeley (City Planner) states that it would be a buildable piece of land however that doesn't appear to be the use proposed here.

Mayor Graupp is in attendance and informs the group that the storm water pond is not large enough to allow additional structures to be built and would like to see the CCR's formed and the tract be maintained by the homeowners as was the original intention.

**Action; City Recorder Richardson is asked to invite all of the lot owners to the November meeting to discuss possible options.**

- b) Discussion and or Action on UGB Stream lining Rules, no action just wanted to discuss this with everyone. City Planner Wakeley whom works for Council of Governments is concerned that the numbers they are using are to low the projection is off according to the league. The State says 5 employees an acre and currently we are just looking into the projections to make sure there accurate. The upshot to this is the lower the number the better for the smaller communities it would be saying we need more land. Recently Legislature passed a law regarding simpler rules. The COG felt if the rules were followed there would be less appeals filed. If Aurora grows this would likely be the policy to follow so please look it over.
- c) Discussion and or Action on Proposed Text for Code Update, There is a lengthy discussion regarding the various code changes which will be presented at the November meeting regarding recreational marijuana, shipping containers in the commercial zone and recreational vehicles. Various options were considered and City Planner Wakeley will work on the text for our next meeting.

## 6. OLD BUSINESS

- a) Discussion and or Action on Airport Growth, Commissioner Ensign wanted this on the agenda as a new member he wanted to learn some of the history regarding the airport. He is very excited as a new member and is interested in increasing our UGB . Chair Scheafer explains that it is not for lack of interest however it is a very costly endeavor. There was a buildable land study done in 2009 as part of the comp plan update and based on those

numbers there was no justification for it. These types of studies are done about every 10 years or so. Other avenues could be a industry specific EOA however again very costly. no decision were made just discussion.

**7. COMMISSION/DISCUSSION**

- a) City Planning Activity (in your packets) Status of Development Projects within the City. City Planner Wakeley reads her report as attached. Most of the discussion happened earlier in the meeting.

**8. ADJOURN**

Chair Schaefer adjourned the October 6, 2015 Aurora Planning Commission Meeting at 8:31 P.M.

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Chair Schaefer

ATTEST:

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Kelly Richardson, CMC  
City Recorder

**Minutes**  
**Aurora City Council Meeting**  
Tuesday, September 08, 2015, at 7:00 P.M.  
City Council Chambers, Aurora City Hall  
21420 Main Street NE, Aurora, OR 97002

**STAFF PRESENT** Mary Lambert, Finance Officer  
Dennis Koho, City Attorney

**STAFF ABSENT** Kelly Richardson, City Recorder  
Darrel Lockard, Public Works Superintendent  
Deputy Sheriff Dale Huitt

**VISITORS PRESENT:**

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**1. CALL TO ORDER OF THE CITY COUNCIL MEETING**

Meeting was called to order by Mayor Bill Graupp at 7:01 pm

**2. CITY RECORDER DOES ROLL CALL**

Mayor Graupp- Present  
Councilor Sahlin - Present  
Councilor Sallee-Present  
Councilor Southard-Present  
Councilor Vlcek - Present

**3. CONSENT AGENDA**

- a) City Council Meeting Minutes – August, 2015, Councilor Sallee points out in the minutes the Marion County Deputy Report, pg 2 of 10 states she had requested the speed trailer to be on Liberty Street. Pg 3 comments on action items, Councilor Vlcek asked about the SCA Special City Allotment Grant we had not applied for and is wondering if we have missed our opportunity. Mayor Graupp replies that the issue was addressed at last month’s meeting. Councilor Southard asked for a date on when the leak at the park would be fixed. Mayor Graupp states this is unknown and we can talk about it during the public works report. Councilor Vlcek still wants an explanation as to why we did not apply for the SCA grant as this was something very important and emphasized at the budget committee meeting, Pg 4 Councilor Sallee asked about the Emergency Response plan she had asked for it to be a regular agenda item. I would like to see it under Old Business each month. Sallee doesn’t understand the City Planner staff report dates and Mayor Graupp clarifies.
- b) Planning Commission – August, 2015
- c) Historic Review Board Meeting – July, 2015

**ACTION ITEM;** Put the EOP on the agenda each month, Council wants explanation why we did not make application for the SCA grant.

Motion to approve the consent agenda as amended was made by Councilor Vlcek and is seconded by Councilor Southard. Motion approved by all.

**4. CORRESPONDENCE –**

- a) Wave Broad Band Fee Increase
- b) New Contact Information for Rail Road, Councilor Vlcek wanted to confirm the phone number because it didn't look correct.

**5. VISITORS**

Anyone wishing to address the Aurora 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 Aurora City Council could look into the matter and provide some response in the future.

Anna Rankin – Pudding River Watershed Council Coordinator, I know that you have been talking about the money left on the books at the council. I can try to get a small grant to add to it so I would like to talk to you about developing an Aurora Mill Plain Corridor Restoration 25% grant match. Would council like to pursue this opportunity? Councilor Vlcek asks if this would be valid as to our last conversation regarding the evasive species and maintenance. Anna states It looks like your ultimate goal is a dog park and a cleaned up creek area. Graupp - this is really just a thought at this point. Second thought was what is the city plan regarding your storm water management? The money can be spent internally for management. Graupp asks how often we need to meet with Pudding River Council and states he is a large proponent of conference calls. Graupp would like to put Anna on the agenda for October for the next steps.

**6. REPORTS**

- a) Mayor Bill Graupp
  - Mayor informs the group of the discussions at the Planning Commission meetings referring to RV parking; so far the discussion is leaning toward no more than one RV per site, must be moveable/operable at all times and cannot have ramps or stairs/structures of any kind built around the RV. They are trying to address this as there have been some complaints that RVs are being used as storage units and/or living area. Do we want them to continue with these discussions? It is the consensus of the Council to move forward. Second item is storage containers as structures/shed storage. Sahlin states the intent was that structures under 200 square feet are not regulated. The Planning Commission wants to disallow in the commercial district. Council discussion is review the code and they don't feel that we should be the good taste cops especially if it is less than 200 square feet. Lastly, regarding the marijuana regulations, The Planning Commission's intent is to have recreational fall under the same regulations as our recent code update regarding medical marijuana rather than reinvent the wheel. Councilor Vlcek, what about grow operations? Mayor Graupp states that we didn't allow it in the Historic District and only in specific areas in commercial zone. Consensus is to move forward as presented.

Council discussed, NA

**ACTION ITEM: NA**

b) Marion County Deputy

- Deputy report - none on file.

Council discussed. Mayor Graupp informs the group that in discussions with the Sheriff's Office they are currently looking into speeding issues and accidents on Airport and Arndt Rd. Marion County Planners, ODOT, ODA and Clackamas County are included. Councilor Sahlin stated all they need to do is a protected left hand turn lane, case closed. Mayor Graupp responded that ODOT won't allow that. Just letting you know of the discussions. Also we're going to see a lot more traffic on Airport Rd from the airport now that vehicles will not be allowed on the runway.

Mayor Graupp asks consensus of council on painting the curbs along 99E in the no parking areas. Councilor Vlcek asks who is going to pay for it. He doesn't think we should pay for it but asks which side are you referring to? Mayor Graupp responds it is the East side abutting the bakery and the medical offices. This was a request from Marion County Sheriff's office to make it safer along 99E. Consensus of the council is for them to spend some time hanging tickets and let the matter take care of itself.

**ACTION ITEM: NA**

c) Finance Officer

- Finance Officer Report included in packet – Lambert asks if there are any questions. She added that Kris and Bob had requested a current Expense to Budget report each month with their council packets and states it will be much more current, as the Treasurer's Report is always a month behind. Do members want that report included as part of my report? Consensus is no. Report will be run for councilors Sallee and Southard only.

Lambert stated Mistie Hesse as the consultant CPA who will be working very closely with her to close out the year and prepare for the audit. Mistie was recommended by Sabino Arredondo, a CPA Lambert knows from the Canby accounting firm Wilcox and Arredondo.

**ACTION ITEM: Action to be.....**

d) Public Works

- Public Works Report included in packet - Mayor Graupp states he has not spoken to Lockard in a few days. I do know that they recently had a few water meters go bad and they were working on those. I believe they were cut on our side from landscaping activities. There were 5 trees taken out in the park. Reports on DEQ are finished. We are working on calling the 3 applicants for the Utility Worker position. Councilor Sallee asks if anyone else from Council is doing interviews. Mayor Graupp states this is just the initial round and Darrel and he will conduct those at this time. Councilor Vlcek asks a

question regarding the flow meter calibration report - this is due before December and has been completed and it looks like we were 4 months behind. Mayor Graupp confirms. Sallee –state she had forwarded a project description list to Mayor Graupp. He replies they have changed the format and it's a work in progress. Sallee said she would also like to see a master list of mandatory reports as well as a copy of the flow report. Mayor Graupp responds he thinks they can email it to her but he doesn't think it needs to be a part of the Council packets. Sallee states she made a request of this information. Mayor Graupp responds that he had instructed Lockard not to spend time on it because it is extra work and until we are back to full staff he is not going to have him spend time on this. Councilor Vlcek states he requested it as well and the Mayor reiterated his answer.

Councilor Sallee asked if Darrel will be at the next meeting because she has the following questions for him

1. The first few items on the report seem repetitive;
2. I have repeatedly asked for a master projects list;
3. I would like a mandatory testing report with due dates;
4. Has the deadline for the DEQ report been extended and if so why;
5. Has the flow meter calibration been done?
6. Water consumption - this is what I have been requesting in a report to see the flow demands;
7. Status of the roads- this looks like it's been on here for several months now;
8. The park trees - this seems to be a repetitive issue I thought we had already looked into this. I do see 4 more will be removed in September.

Sallee also stated that stop lines has been on the report since March and seems like an easy fix. Southard stated he thinks the best solution would be a permanent stop line affixed so that we don't have to continue using staff time.

Council discussed that they are frustrated with the lack of response to their requests regarding public works and would like to see where Lockard's time is being spent. We all have a task list of items that need to be done. How can you operate the department without one? Sahlin states he just doesn't see where items are completed and we really don't know if reports are being filed. We have stated that we want Darrel to be a worker but that also means items need to be completed to be in compliance with the job. Councilor Vlcek states all we get is told he did not have time and that excuse is really wearing thin at this point. If he doesn't have time then where is his time being spent?

**ACTION ITEM: The Councilors are asking for a more detailed report and task items.**

e) Parks Committee

- Park report - Councilor Sahlin asks Councilor Vlcek the status on the soccer goals. Vlcek replied it was his understanding that his contact had them completed but he will check on them again.

Council discussed the infield wondering who is responsible for maintenance; Councilor Sahlin believes Living Color has been spraying it. The infield has been looking good.

Vlcek asks if they have access to rollers for the field to which Sahlin replied he will look into it for next spring.

**ACTION ITEM: NA**

f) City Recorder

- City Recorder Report included in packet - I do know she has an upcoming conference following her vacation. Councilor Vlcek asks if there are 5 new homes are we over our budgeted amount now. Lambert states a few fees came in before the new fiscal year.

Mayor Graupp informs Council that beginning this month services at city hall could slow due to beginning the upgrades to the server and the financial software.

**ACTION ITEM: Action to be.....**

g) City Attorney

- City Attorney Report –The main issue to present is the Eddy property. For the record as background, a suit was filed to enforce the city’s right to enforce fines or foreclose on property. Eddy appealed to city council and city council found that the fines were appropriate and did not exceed the value of the home. Currently he has a purchaser and they have made us an offer that was discussed during the executive session for an amount and for the new owner to agree in writing that the property will be in full compliance of the code within 120 days I would ask for authority, by motion, to have authority to settle the matter at \$12,500.00 and resolution of compliance issues on the property within 90 days. Furthermore, council acknowledges that the amount may not be possible and that I may go down to the amount that was discussed during executive session.

Council discussion included Vlcek voicing his concern that if they construct something and they need approval that we don’t hinder them or file a lien with regards to the 90 day compliance if they are trying to get something approved. Mayor Graupp stated we will make sure they are aware they are in the Historic District and as such they must comply with title 17 moving forward.

**ACTION ITEM: Action to be.....**

Motion to give City Attorney Koho the ability to negotiate the target amount at \$12,500 with the ability to go down to the original amount discussed in executive session and to have them in writing state they will be in compliance with the code within 90 days is made by Councilor Sahlin and is seconded by Councilor Vlcek. Motion passed by 4-1

**7. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS**

- a) Discussion and or Action on Resolution 702 this Resolution is for an Amendment for Insurance benefits naming Spouse and multiple children and the costs involved.

Motion to approve Resolution Number 702 with the changes added for spouse and multiple children at a cost to the employee of \$200.00 dollars is made by Councilor Vlcek and seconded by Councilor Sahlin. Motion passed by all.

## **8. NEW BUSINESS**

- a) Discussion and or Conversation with City Engineer John Ashley. Discussion regarding the Wastewater Treatment Plant Master Plan - John Ashley/Peter Olsen @ Kellar and Associates. Ashley states that essentially what they did was meet with Public Works and discussed the following plan. They walked through the plant and put together a scope of work. He also contacted Michelle Billbury with the State of Oregon regarding getting a technical assistance grant to go along with it to help defer costs. Councilor Vlcek asked if this is strictly wastewater. Olsen replied yes it is and they are currently finishing up with the storm water plan. Graupp explains that at last month's meeting we had this scope of work and the council asked to have City Engineer Ashley come and explain the scope of work before allowing him to sign it so that is why they are here. Ashley turns it over to Peter Olsen with Kellar and Associates to explain further and he states that he is only speaking about the treatment plant, not collections. Olsen provides council with a few examples and states his belief that the one that best fits our needs is Lane Community College for level and scope of work. These are the guidelines and this is how DEQ wants it presented. We can't forget these various components. This is what we use and it's very structured and because of budget issues we feel that this variation will best address your issues and give you a plan for the life cycle. We will have a workshop with Council and final review and adopted document. What this doesn't include any Airport annexation possibilities as that doesn't apply at this time. Next year we will possibly look at the collections system. Councilor Vlcek had a question regarding task 5. Kellar states they will look at the as-builds to determine this. Councilor Sahlin asks if this plan takes into consideration capacity increases/ expansion at the treatment plant. Kellar states he thinks a more appropriate place for this is in the collections system at a later date. City Attorney Koho asks if they come up with recommendations and or actions to be done. Kellar replies yes but you are the governing body. It will come as a recommendation and DEQ will then do whatever it is they do.

Motion to accept proposal/task order from City Engineer Ashley is made by Councilor Southard and is seconded by Councilor Vlcek. Motion is passed by all.

Councilor Sahlin asks the status of the Storm Water Report. City Engineer Ashley answers that they have collected a lot of the data but there is still a bit more that needs to be collected and verified. We still need data for a few streets and John Newburg, the surveyor, will meet with Darrel to collect the data needed. This issue has been going on for around 6 years so we need to get this done. Councilor Vlcek asks if this report allows us to know what we should charge for sewer to which Ashley answers that the data will help but the Bartlett report will deal with the financial services.

Sallee states she doesn't think we looked at the June meeting minutes since we didn't have July meeting. it was discussed and Mayor Graupp states that we did review them at the August meeting.

- b) Discussion and or Action on SEDCOR Fee Schedule – Mayor Graupp states this is up for discussion only as he needs more information. Hubbard has decided to charge for applications within the EZ and this came up from the COG as there is one enterprise zone and all in the zone would need to do the same thing. The question is what happens if Donald and/or Aurora don't charge the fee? Mayor Graupp asks if anyone has an issue with charging a fee or applications in the EZ. The consensus of the council is to not worry about it until the Mayor comes back with more information.

## 9. OLD BUSINESS

- a) Discussion and or Action on Appeal Notice (2015-01) Historic District Overlay Sills Property , You should have a packet of information and Mr. Sills is not here for the 3 month however he asked to move on. Staff found that they have replaced windows with vinyl that is not in compliance of the code title 17 contributing structure. Mr. Sills admits that he didn't follow procedure and make application prior to installation which is what trigger this whole thing.

- 1) Honor the appeal and say it's ok
- 2) We can give a partial appeal with amendments of what we want to see
- 3) Deny the appeal which means the windows would need replaced with wood windows at stated by code.

I went down and inspected the building and had some thoughts, City Attorney Koho states just as a preliminary and to state for the record if anyone has gone down and looked at the property they should state that for the record, Mayor Graupp has anyone gone down to the property or have any type of financial investment Councilor Vlcek and Mayor Graupp along with City Attorney Koho state they have been to see the property.

Council Discussion, Mayor Graupp does state there are obviously different sections to the building in question and there are some fairly new sections. Other than the windows everything else has been brought up to code. On the section of building in question the windows are clearly not in compliance of the code title 17. I did not see the building prior however Sills claims that he only replaced what was there from the 70's renovation. Councilor Sallee at this time states that at one time her parents did own that property. I (Graupp) do remember seeing it was in disrepair when I came to town and the building does look good now but I am not advocating this in anyway. He did violate a key component.

Councilor Sahlin I don't want to talk about this for an hour I don't have a problem with it. Councilor Sallee is the majority of the house built after 1920 correct yes. Councilor Vlcek I have 2 feelings the first impression of the street I like it the fact that he is acknowledging they didn't follow the rules I think we deal with so we don't set a precedence that you can do whatever you want and then file an appeal later. I think we allow it and I think give them a fine and move on. Mayor Graupp states I think that is where I was going but Councilor Sahlin that is what we did with the Airport Rd property we fined I believe \$500.00 then and moved on. Sallee thought the property looked great I looked at the code and if you look at the definition of renovate it follows that and technically it is a nonconforming structure so I am fine with charging them a fee and then allowing them to keep what they have. Mayor Graupp states I think around 1,000 is appropriate since it is a contributing structure Vlcek thinks 1,000 is too steep. Mayor Graupp because what HRB wants is for them to replace them back with wood that would be at a higher cost. Sahlin since the city has now set a precedence that you can't just do what you want or you will be fined and they can save face but the city is not a push over I think split the

difference go with \$750.00 and move on. City Attorney your fine I understand what council is saying and I will draft an order for the Mayor to sign.

Motion by Councilor Vlcek that they uphold the appeal to allow the property owner to keep the windows however impose a fine in the amount of \$750.00 dollars for not making application prior to his project and is seconded by Councilor Sallee. Motion passed by all.

Councilor Sallee and with that I think this is something that Planning Commission and HRB the City office somehow we have to come up with a way to better communicate they are in the historic district something in the water bill something. Finance officer Lambert states it is in their water bill, Councilor Vlcek did they have to take out a permit Councilor Sallee no because it's a remodel it is a window replacement. So there is no way to capture that see that's the thing. Councilor Vlcek well ok if there had been then I would say congratulations you made it but since there was not well then there was not a loop hole that he didn't fallow I am still ok with the \$750.00 Councilor Sallee yes so then that is setting a precedence moving forward that there is some sort of fine for that is appropriate per case. Mayor Graupp we should put in the letter that it was a nonconforming structure Councilor Sallee no that it is a non-contributing structure according to the 2011 inventory so that needs to be in the letter.

Vlcek what is the status of the house on highway 99E the Raneu property Mayor Graupp it is in the works we are just trying to finish up with the Eddy property.

#### **10. ADJOURN,**

Mayor Graupp adjourned the September 08, 2015 Council Meeting at 8:47 PM.

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Bill Graupp, Mayor

ATTEST:

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Mary Lambert,  
Finance Officer

**Minutes**  
**Aurora Historic Review Board Meeting**  
Thursday, September 24, 2015, at 7:00 P.M.  
City Council Chambers, Aurora City Hall  
21420 Main Street NE, Aurora, OR 97002

**STAFF PRESENT** Kelly Richardson, CMC City Recorder

**STAFF ABSENT:** None

**VISITORS PRESENT:** Mr. Mason, Christ Lutheran  
Craig Johnson, Christ Lutheran  
Judi Aus, Canby  
Lance Lyons, Aurora  
Not sure left message, Aurora  
Richard Rothweiler, Architect

**1. CALL TO ORDER OF THE HISTORIC REVIEW BOARD MEETING**

The meeting of September 24, 2015 was called to order by Vice Chair Townsend at 7:00 pm

**2. CITY RECORDER DOES ROLL CALL**

Chair Abernathy – Absent  
Member Berard - Present  
Member Frochen – Present  
Member Fraser – Present  
Member Townsend - Present

**3. CONSENT AGENDA**

- a) Historic Review Board Meeting Minutes – August, 2015, Under Old Business #7 the first bullet should say prospective and home improvement businesses there.
- b) City Council Minutes – August, 2015
- c) Planning Commission – August, 2015

A motion to approve the Historic Review Board minutes of September 24, 2015 as amended was made by Member Berard and is seconded by Member Frochen. Passed by all.

Consensus of the group due to the holiday season the November meeting will be on the third Thursday of the month along with the December meeting. 11/19/15 and 12/17/15.  
Member Berard will not be at the October, 2015 meeting.

**4. CORRESPONDENCE – NA**

## 5. VISITORS

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

There were no visitors that spoke during this time.

## 6. NEW BUSINESS

- a) NA

## 7. OLD BUSINESS

- a) Discussion and or Action Christ Lutheran Church height variance and design changes. As presented by the Christ Lutheran Church the revised plans show a 48 Ft tower with approximately an 8-10 ft cross on top of that. The board is initially surprised by that and state basically you went back to your original design that we had earlier disapproved of due to the height issues. The applicants Christ Lutheran and the Architect Richard Rothweiler at this point state that they had gone back to more of the original old church look. The Architect felt this was more in keeping with the original 1900 church and accommodated the large bell better with more access to it. The board asks the dimensions at this point none were given at this point.

Member Townsend at this point points out her major concerns which is proportion to the other historic buildings on that same block what you are proposing is very large and will dominate the block. The Architect disagrees with Townsend's perspective he feels as though there is enough space between the buildings and that the block will allow for this building. I (Architect) does think it will be seen which is a good thing for the town and it will be a draw not a detriment. Townsend disagrees and feels that there are things that can be adjusted to the design which would allow the shorter tower as previously approved.

Other members of the board feel as though it would be a great addition to the area and don't think it will dominate the block Member Berard even goes on to say is it not our duty to promote and support growth which is what this is. Townsend goes on to say it is also our job to protect the colony history this is what sets us apart and makes our district what it is today. I really do think the proportions are all out of whack.

Townsend again makes a few suggestions on how to scale it down and make it more visually pleasing. She asks the architect what the bare minimum height they would need to accommodate the bell he states 7feet at bare minimum however it would be very tight and cumbersome. Other members like the design and they all think it matches the period they do not live across the street so it's hard to envision what that would be like. This discussion goes back and forth eventually they come to a vote.

Member Townsend motions to approve the variance with the minimum amount of height needed 7 feet and to allow a smaller cross on top there is no second motion fails.

Member Berard makes a motion to approve the height variance as presented and allow the height increase and is seconded by Member Frochen. 3 ayes to 1 nay motion passes.

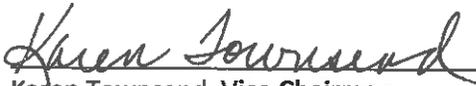
After the conclusion of the matter the Architect sympathizes with member Townsend and states he will try to minimize the height were he can including the cross.

- b) Discussion and or Action on Historic Inventory, This is need as quickly as possible so City Recorder Richardson will contact the contractor on the project to make sure it gets done.
- c) Discussion and or Action regarding the Design Guidelines, This is discussed at length between the different members many items are listed and discussed as changes. The entire group agree that they will each month go over the changes and then submit them to the contractor for final document and then approval. They will work on these changes on their time and bring them back to the group each month.

**Action: None**

## **8. ADJOURN**

**Vice Chairman Townsend adjourned the meeting of September 24, 2015 at 8:34 pm.**

  
Karen Townsend, Vice Chairman

ATTEST:

  
Kelly Richardson, CMC  
City Recorder

**CITY OF AURORA  
PLANNING COMMISSION**

**STAFF REPORT:** Variance 2015-03 [VAR-15-03]  
**DATE:** October 27, 2015

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**APPLICANT/OWNER:** Christ Lutheran Church  
15029 2<sup>nd</sup> Street NE  
Aurora, OR 97002

**REQUEST:** Variance application to exceed the maximum height of the Historic Residential Overlay zone for a new proposed forty-eight (48) foot bell/entry tower addition to the existing structure.

**SITE LOCATION:** 15029 2<sup>nd</sup> Street NE, Aurora OR.  
Map 41.W.12CD Tax Lot 2600

**SITE SIZE:** Approx. 19,602 square feet, or 0.45 acres

**DESIGNATION:** Zoning: Low Density Residential (R1) with Historic District Overlay

**CRITERIA:** Aurora Municipal Code (AMC) Chapters 16.20 Historic Residential Overlay zone and 16.64 Variances

**ENCLOSURES:** Exhibit A: Assessor Map  
Exhibit B: Applicant's Variance Application  
Exhibit C: Review Comments from Oregon Department of Aviation (ODA) and Aurora Historic Review Board (HRB)

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**I. REQUEST**

Variance application to exceed the maximum height of the Historic Residential Overlay zone for a new proposed forty-eight (48) foot bell/entry tower addition to the existing structure.

**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 August 12, 2015 and determined incomplete by staff pending additional information. The supplemental information was received by staff on September 17<sup>th</sup> and the application was determined complete by staff. Notice of the application and hearing was mailed to surrounding property owners on October 9, 2015 and published in the Canby Herald on October 27, 2015. The City has until **January 14, 2015**, 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 applicant proposes a forty-eight (48) foot bell/entry tower addition to the existing structure. The maximum height in the Historic Residential Overlay (HRO) zone is thirty-five (35) feet- a thirteen (13) foot differential. According to the applicant, the tower structure will not cast shadows on any neighboring structures or exceed the height of some trees on the property or surrounding area. The applicant also states that the architectural elements are designed to enhance the visual character of the Neo-Gothic features of the historic Aurora Colony and structure.

Notice of the height variance application was mailed to property owners within 200 feet of the subject property on October 9, 2015 and published in the Canby Herald on October 14, 2014. The Aurora Historic Review Board (HRB) reviewed the proposed variance and recommended the Planning Commission approve the variance with a "smaller cross as discussed with the applicant" (see Exhibit C). This is included as a recommended condition of approval. The Oregon Department of Aviation (ODA) reviewed the proposal and expressed no concerns with flight interference.

Staff finds this criteria can be met, with conditions.

*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 existing structure is unique in that the church's historic architectural elements are unlike residential structures in the zone. Churches are permitted as conditional uses in the zone and the property has a conditional use permit on file. According to the applicant, "while an exact replica of the historic tower is not possible, Christ Lutheran Church wishes to achieve as much accuracy as possible in the restoration of the original bell tower's scale and Gothic Revival style, which includes a slender, steeply pitched roof, pointed arched-windows, and a bell" and that meeting the thirty-five (35) foot height maximum in the zone would have sacrificed historic proportions. The applicant also states that a thirty-five (35) foot height restriction would not allow placement of the bell into the steeple or allow a person sufficient space to access or maintain the proposed bell and, therefore, the requested height is the minimum height to allow for the bell to be installed and maintained inside the steeple.

Staff finds the location of a church in the Historic Residential Overlay (HRO) zone with a 35 foot height maximum is unique for the property and not applicable to other historic properties in the zone 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 variance will not change the use of the property and other applicable city standards and criteria will be maintained and enforced. 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 proposed variance does not encroach upon the City right-of-way and is not determined by staff to negatively impact traffic, drainage, land forms or parks. The property recently received Site Development Review approval (SDR-15-01) for circulation improvements and interior and exterior modifications to the structure. 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: According to the applicant, the proposed variance allows for the minimum achievement of the scale and stylistic proportions of the characteristic Gothic Revival tower. However, approval of the variance is not determined to be the minimum necessary to make reasonable use of the land or structures as the property is current used as it historically has been. The Aurora Historic Review Board reviewed the proposed variance and, while approving the height, recommended the size of the cross be reduced “so as to minimize any further height issues/dominance”. This is included as a recommended condition of approval.

Staff finds this criteria can be met, with conditions.

*F. The special conditions which are peculiar to the land or structure involved were not caused or created by the applicant and/or current or previous property owners.*

FINDINGS: The current members of the Christ Lutheran Church congregation are not responsible for the demolition of the historic tower. Indeed, the members seek to preserve and restore elements of this historic church- in keeping with the Historic Overlay District and Aurora Comprehensive Plan Historic Resource Policies (Goal 5) Objective: Protect the community's historic character and sense of identity by conserving buildings and sites of historic significance and increasing the zone of control to include more of the original colony property.

Staff finds this criteria is met.

*G. For variances to height requirements, six inches shall be added to the required setbacks for the front, side and rear yards, for every foot of height allowed by the commission beyond the established limit.*

FINDINGS: The front setback in the HRO zone shall be a minimum of fifteen (15) feet except the front setback may be reduced to a minimum of ten (10) feet when the garage is located in the rear yard or the garage is located in the side yard of a corner lot (AMC 16.20.C.1). This is not a residential structure and no garage is located to the front of the property. AMC 16.40.160.A.2. further states, "Commercial and mixed-use structures shall be set back... a maximum of ten (10) feet from front lot lines". Additionally, AMC 16.40.160.A.3 states, "For new structures or additions to structures, including porches, the front setback shall not exceed four (4) feet more or less than the average front setback of the adjacent structures". The existing structure to the west is setback twelve (12) feet from the front property line. With a maximum setback of 10 feet for the zone and a variance allowance under AMC 16.40.160.A.3. of up to four (4) feet, a setback between six (6) and twelve (12) feet from the front property line would typically be permitted.

The applicant proposes a setback in their site plan for the base of the steeple at fourteen (14) feet, ten (10) inches and proposes to exceed the maximum height in the zone by thirteen (13) feet.

This amounts to an approx. three (3) foot variance from the permissible front setback under Title 17 and a height variance of thirteen (13) feet or an additional setback of six (6) feet. Staff finds the steeple setback of fourteen feet can be considered met from the front setback permissions varying between 6-12 feet for the front property line and this criteria 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-2015-03) 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) Reduce the size of the installation (cross) atop the bell tower, as discussed and approved by the Aurora Historic Review Board (HRB). Evidence of review and final approval on the installation (cross) atop the bell tower by the HRB shall be required in advance of City approval of the structural permit application.

## **VI. PLANNING COMMISSION ACTION**

A. Approve the variance request to exceed the maximum height of the Historic Residential Overlay (HRO) zone for a new proposed forty-eight (48) foot bell/entry tower addition to the existing structure.

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 variance request to exceed the maximum height of the HRO zone for installation of a new proposed forty-eight (48) foot bell/entry tower.

**OR**

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

04 1W 12CD  
AURORA

MARION COUNTY, OREGON  
SE1/4 SW1/4 SEC12 T4S R1W W.M.  
SCALE 1" = 100'

LEGEND

- LINE TYPES**  
 - Historical Boundary  
 - Easement  
 - Railroad Centerline  
 - D/C Line  
 - Map Boundary  
 - Waterline - Toilet Entry  
 - Waterline - Non Brndry
- SYMBOL TYPES**  
 - Survey Monument  
 - Road Station  
 - R D/C Corner  
 - 1/16TH Section Cor.  
 - 1/4 Section Cor.  
 - 16, 35  
 - 21, 22 Section Corner
- NUMBERS**  
 Tax Code Number  
 000 00 00 0
- Acreage  
 All acres listed are Net Acres, excluding any portions of the lot(s) within public ROW's
- NOTES**  
 Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.

CANCELLED NUMBERS

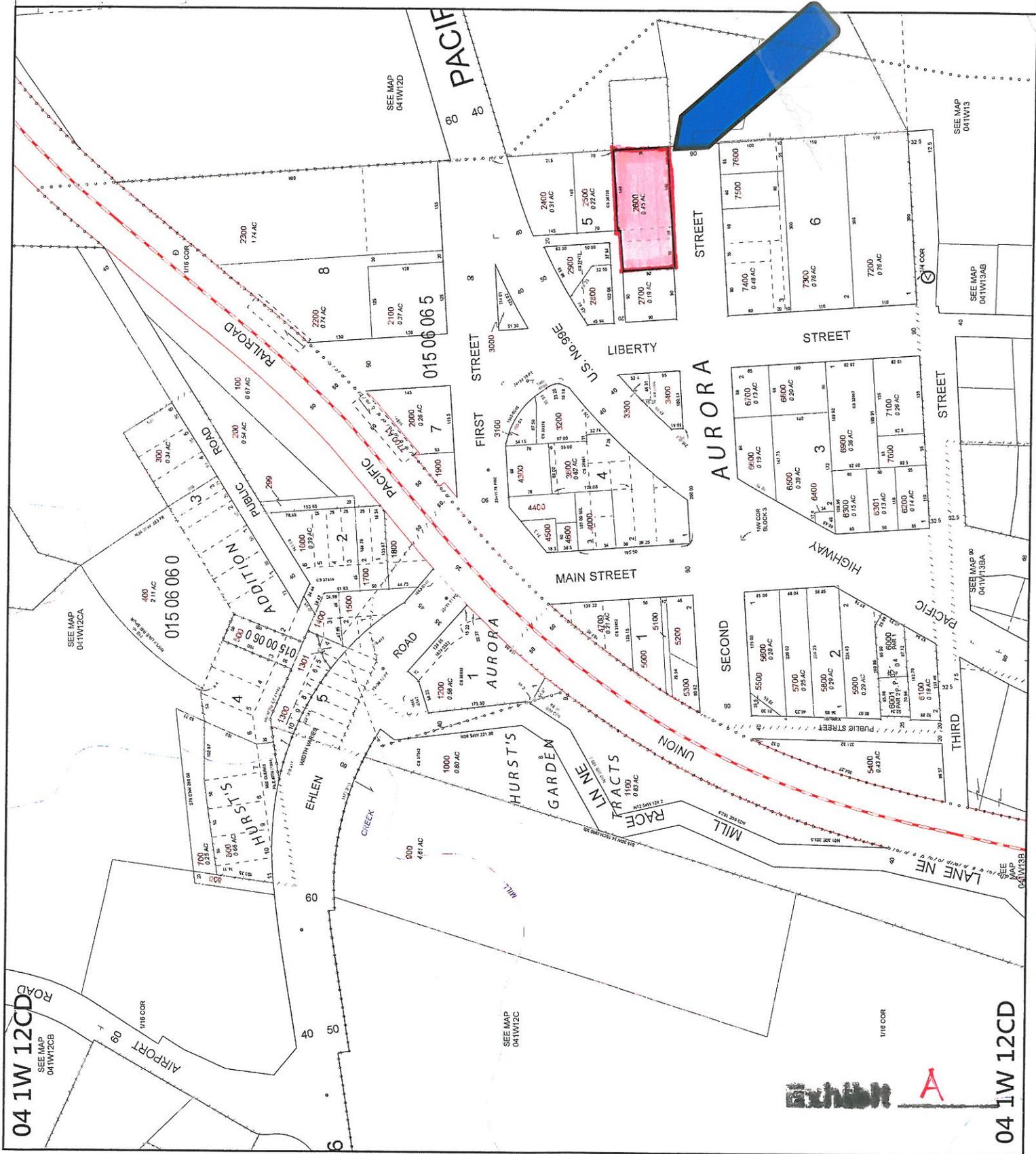
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DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

PLOT DATE: 4/15/2015  
AURORA  
04 1W 12CD



04 1W 12CD  
SEE MAP 041W12CB  
ROAD

04 1W 12CD

# City of Aurora Building / Planning Application

(Check appropriate box)

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

**APPLICANT GENERAL INFORMATION**

Applicant Christ Lutheran Church (Pastor Craig Johnson) Phone (503) 678-5135  
 Mailing Address 15029 2nd Street NE / Aurora, OR 97002  
 Property Owner Christ Lutheran Church Phone (503) 678-5135  
 Mailing Address 15029 2nd Street NE / Aurora, OR 97002  
 Contact person if different than applicant Richard Rothweiler (architect), AC+Co. Phone (503) 581-4114  
 Mailing Address 363 State Street / Salem, OR 97302

**PROPERTY DESCRIPTION**

Address 15029 2nd Street NE / Aurora, OR 97002 Tax Map # 041W12CD Tax Lot # 02600  
 Legal Description (attach add'l sheet if necessary) The subject property is noncontributing to the Aurora Colony Historic District and is developed with a 7,266 square-foot church and gravel parking lot owned by members of Christ Lutheran  
 Total Acres or Sq. Ft. 0.45 acres Existing Land Use Lutheran church  
 Existing Zoning Low-Density Residential Proposed Zoning (if applicable) N/A  
 Proposed use Lutheran church

**ACTION REQUESTED: (use additional sheets as needed)**

Request for a variance from the thirty-five foot height restriction listed in Municipal Code Chapter 17.40.100 to allow the addition of a fifty-foot bell tower to the entrance of Christ Lutheran Church.

**ATTACHMENTS**

C-48 FOOT TALL

- 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 \_\_\_\_\_ Date \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

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

04 1W 12CD  
AURORA

MARION COUNTY, OREGON  
SE1/4 SW1/4 SEC12 T4S RLW W.M.  
SCALE 1" = 100'

- LEGEND**
- LINE TYPES**
- Historical Boundary
  - Easement
  - Railroad Centerline
  - DIC Line
  - Map Boundary
  - Waterline - Toilet Body
  - Waterline - Non Brady
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plot Body
  - Waterline - Toilet Body
- SYMBOL TYPES**
- Survey Monument
  - Road Station
  - R DIC Corner
  - 1/16TH Section Cor.
  - 1/4 Section Cor.
  - 1/2 Section Cor.
  - Section Corner
- NUMBERS**
- Tax Code Number  
**000 00 00 0**
- Acreage  
0.26 AC
- All acres listed are list acres, excluding any portions of the taxes within public ROWs
- NOTES**
- Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-way.

**CANCELLED NUMBERS**

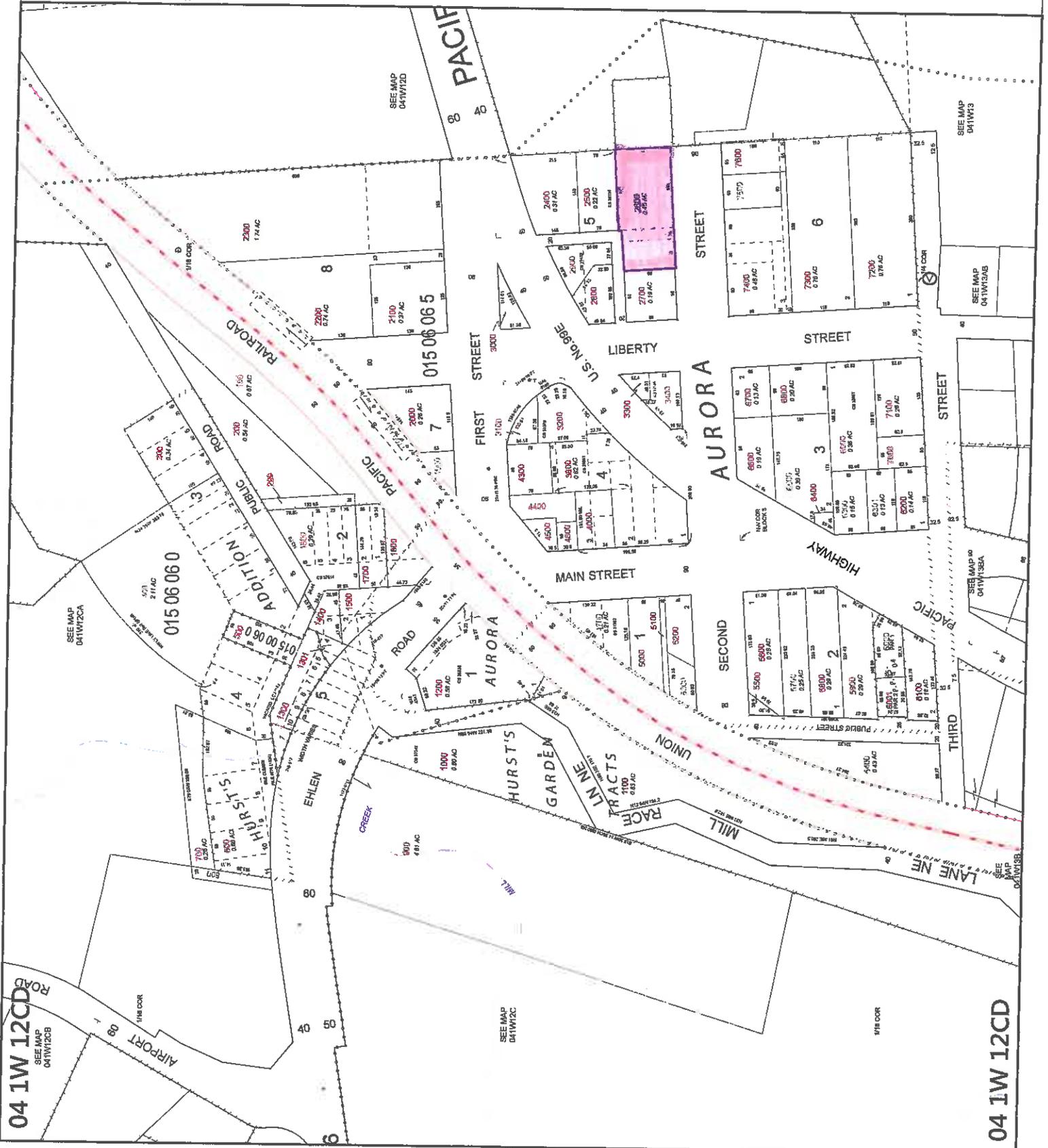
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DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

*Assessor's Office*  
Cartography Unit

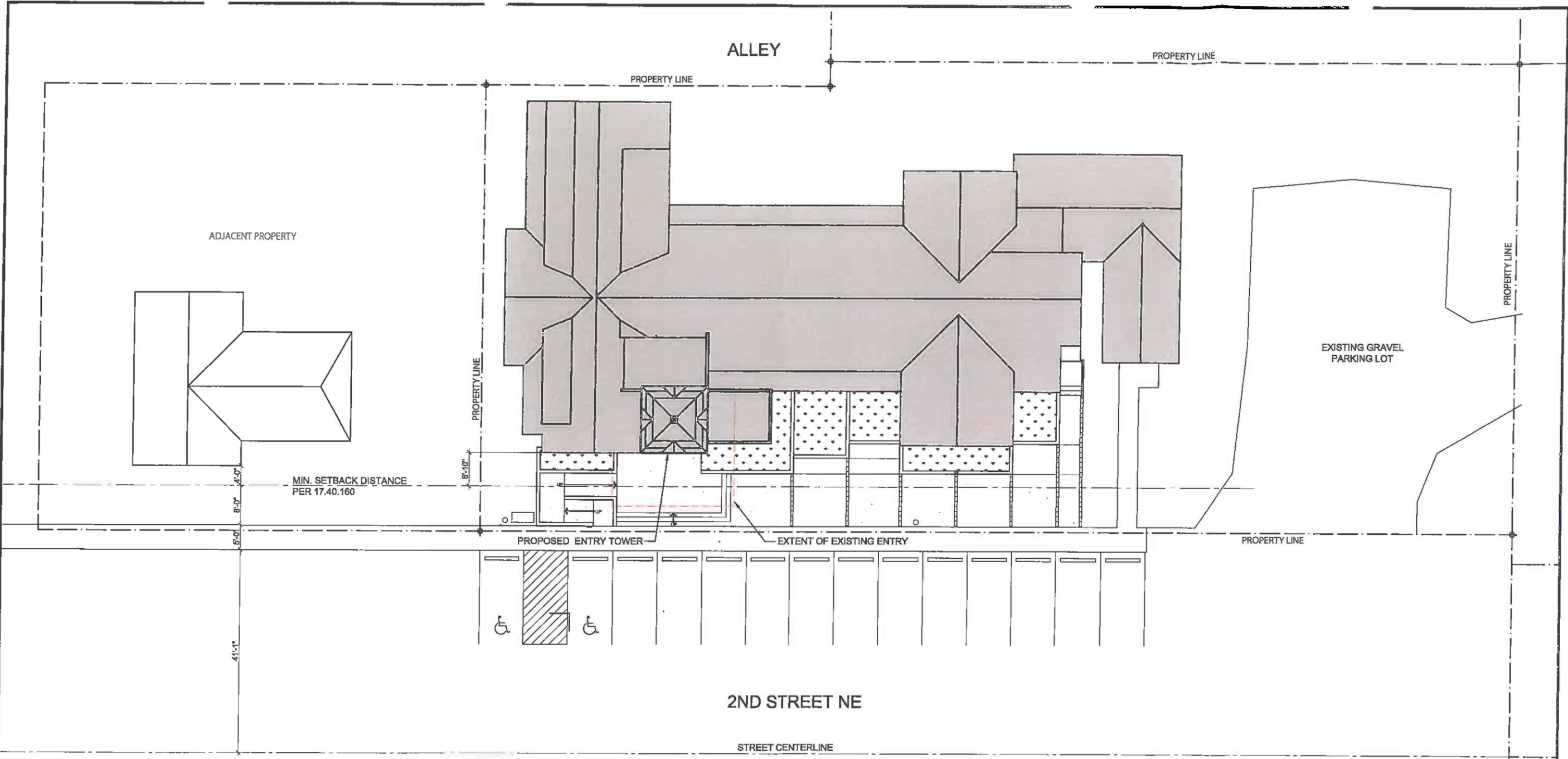
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

PLOT DATE: 4/15/2015  
**AURORA**  
04 1W 12CD



04 1W 12CD  
SEE MAP 041W12CB

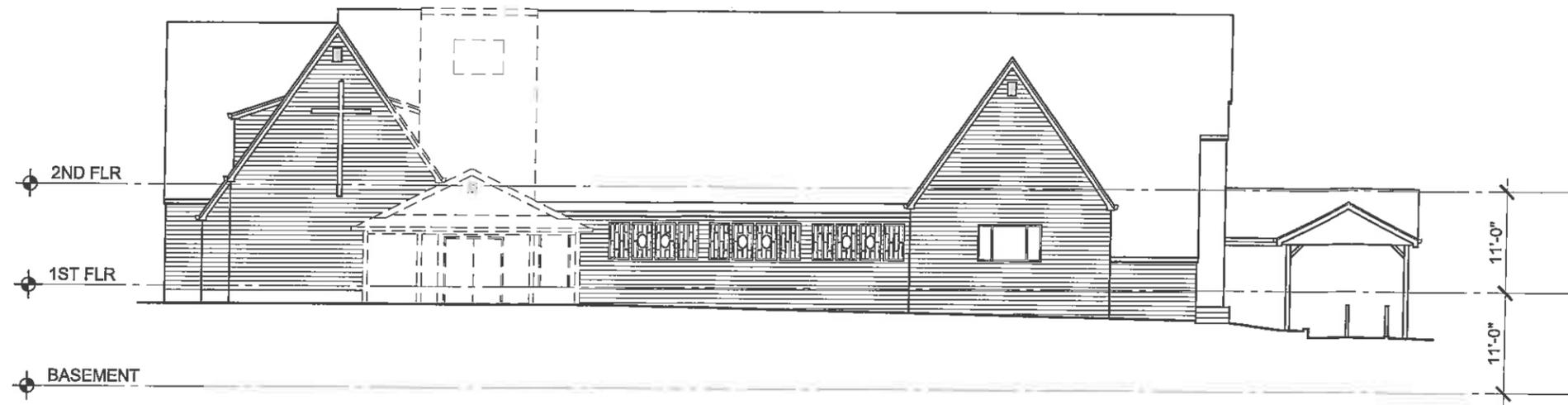
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SEE MAP 041W12CB



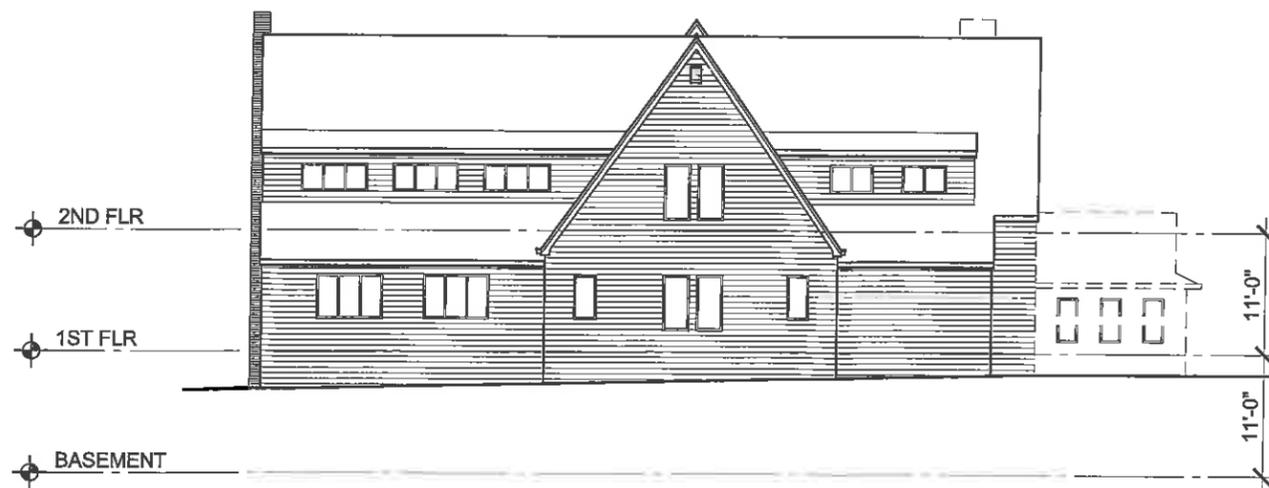
**1 PROPOSED SITE PLAN**  
SCALE: 1" = 20'-0"

CHRIST LUTHERAN CHURCH  
AURORA, OREGON

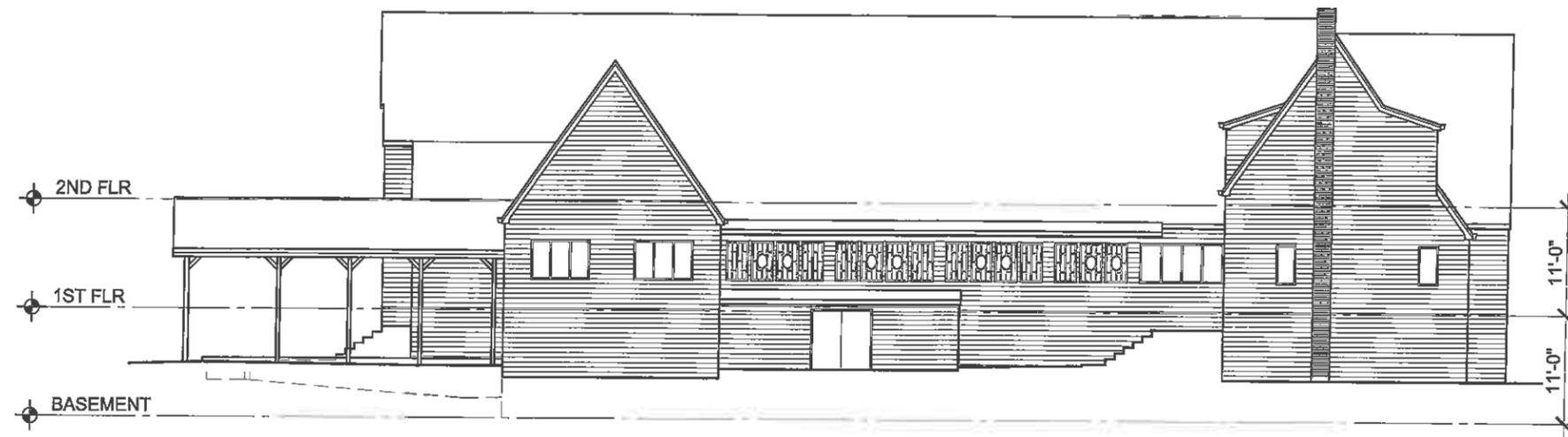
**ac**  
**co** ARCHITECTURE  
COMMUNITY  
363 State Street  
Salem, OR 97301-3633  
P: 503.681.4114  
www.accoac.com



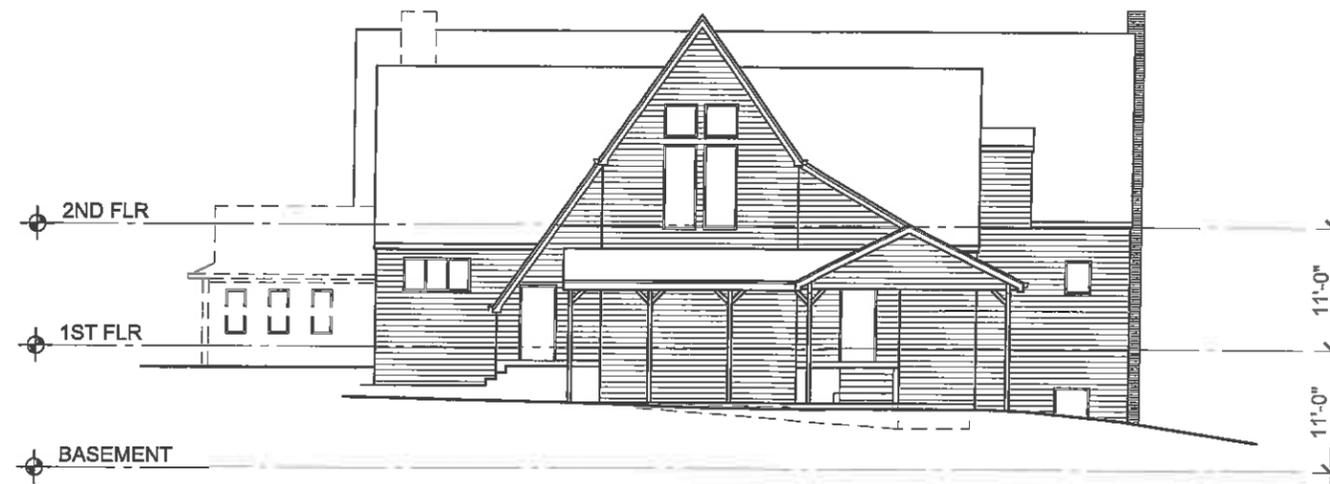
1 SOUTH ELEVATION - EXISTING  
SCALE: 1/16"=1'-0"



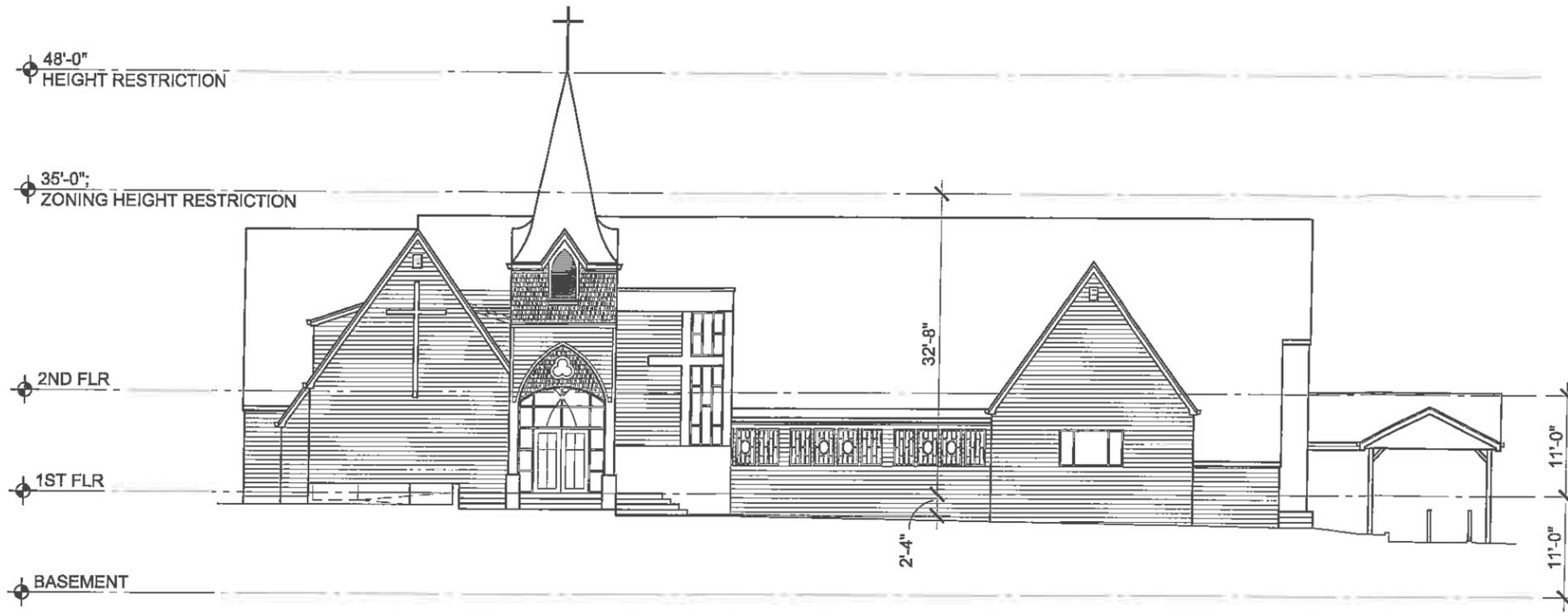
2 WEST ELEVATION - EXISTING  
SCALE: 1/16"=1'-0"



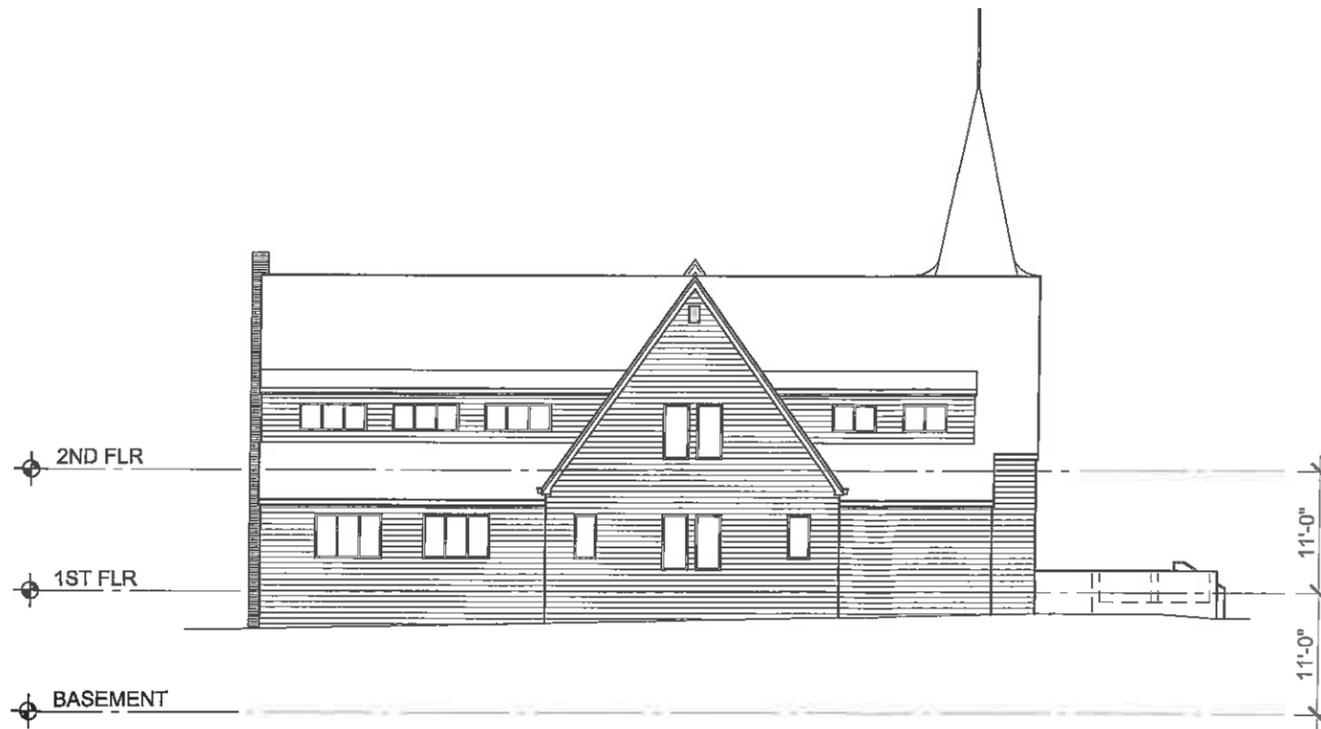
**3** NORTH ELEVATION - EXISTING  
SCALE: 1/16"=1'-0"



**4** EAST ELEVATION - EXISTING  
SCALE: 1/16"=1'-0"



1 SOUTH ELEVATION  
SCALE: 1/16"=1'-0"

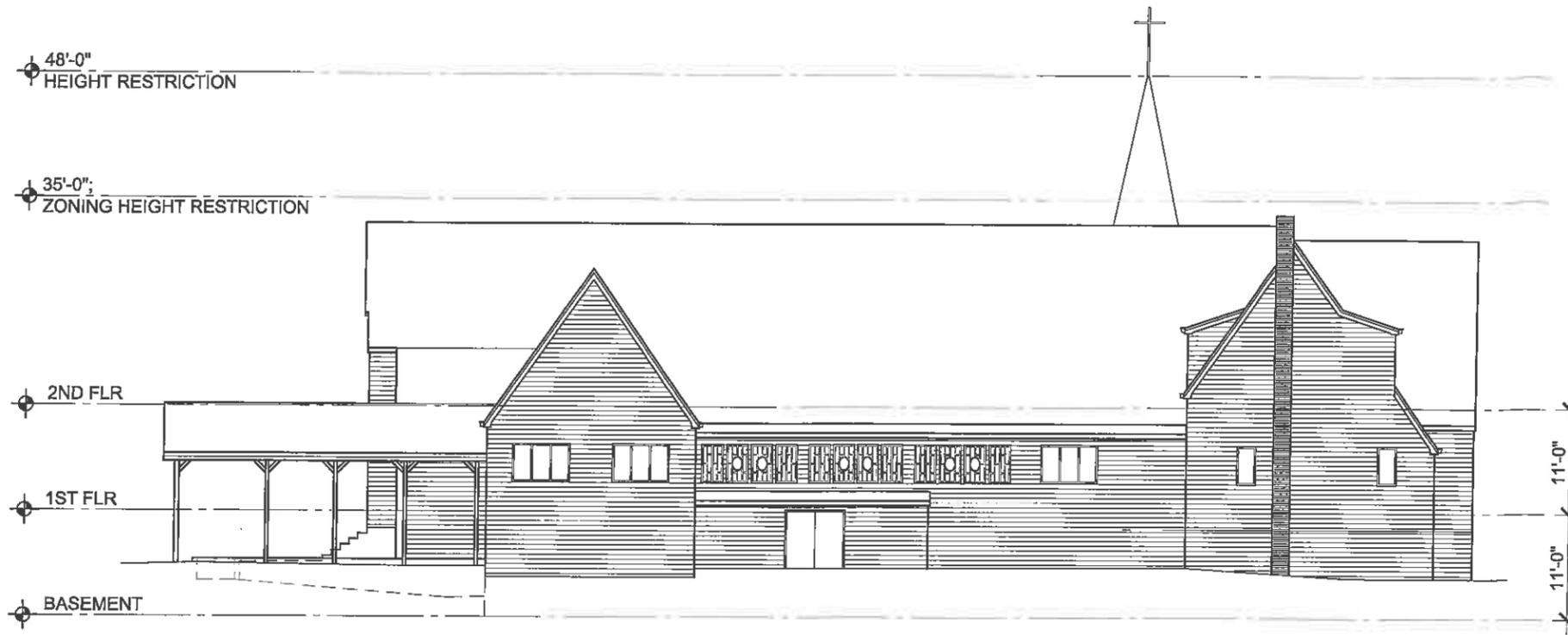


2 WEST ELEVATION  
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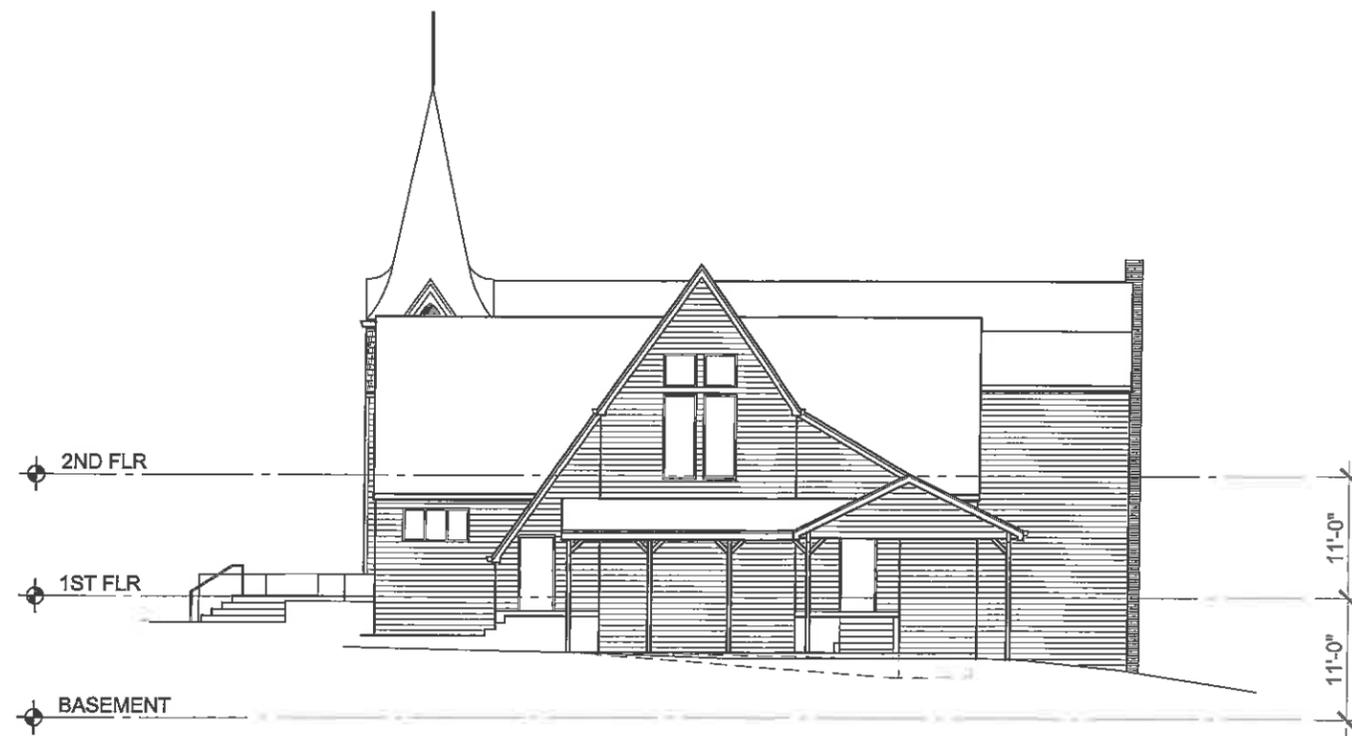
CHRIST LUTHERAN CHURCH  
AURORA, OREGON



ARCHITECTURE  
COMMUNITY  
363 State Street  
Salem, OR 97301-3533  
P: 503.581.4114  
www.accoac.com

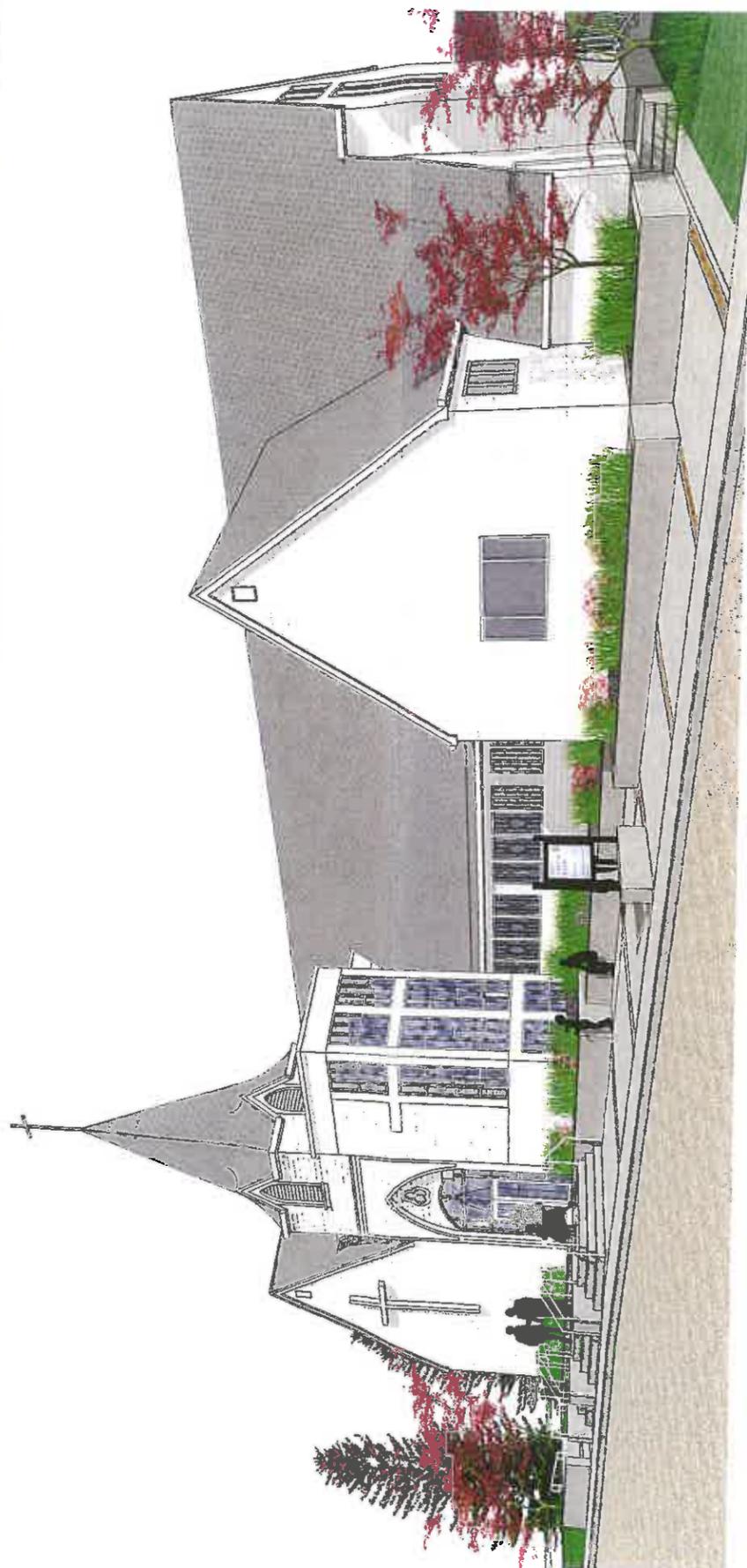
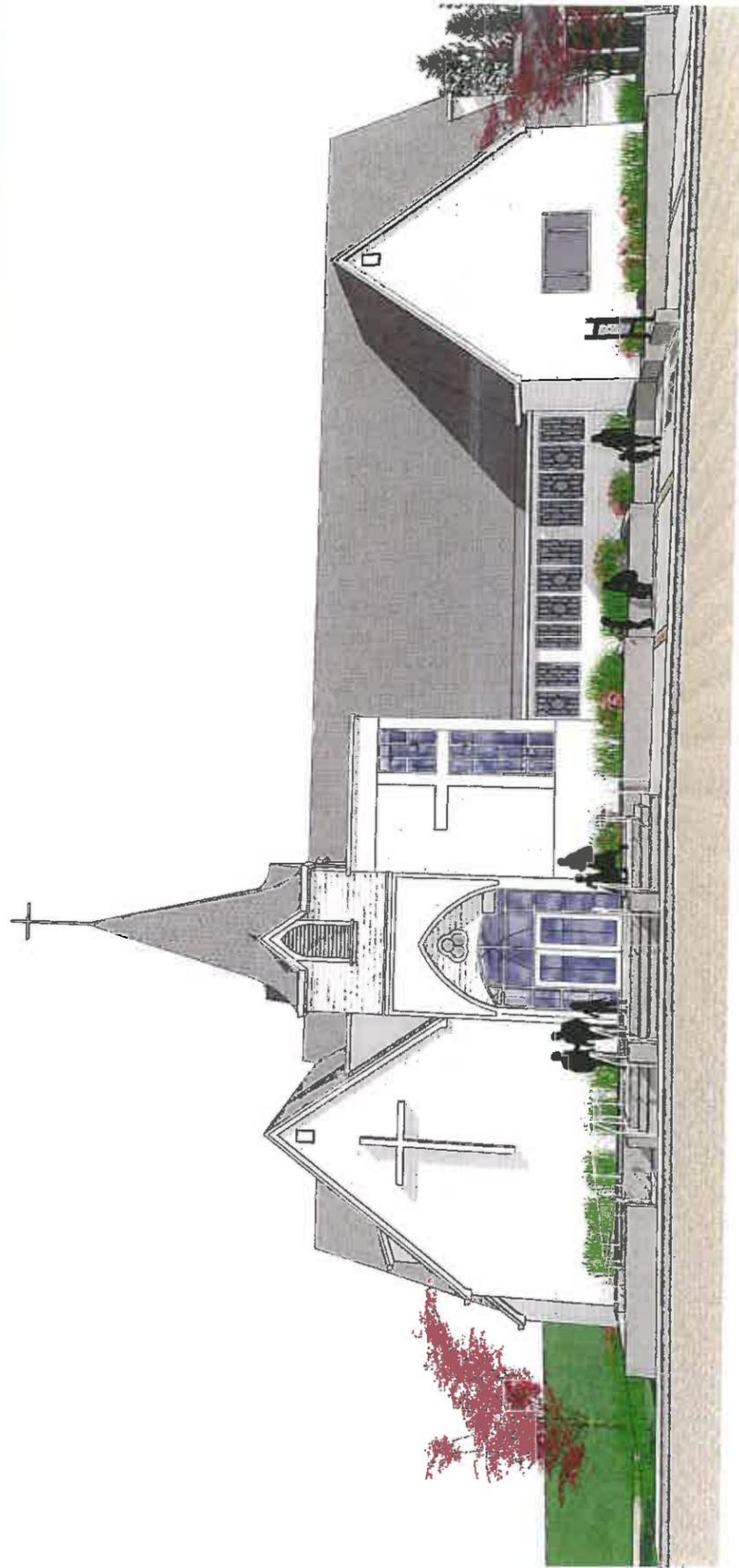


**3** NORTH ELEVATION  
SCALE: 1/16"=1'-0"

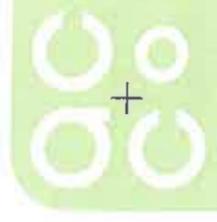


**4** EAST ELEVATION  
SCALE: 1/16"=1'-0"

CHRIST LUTHERAN CHURCH  
AURORA, OREGON

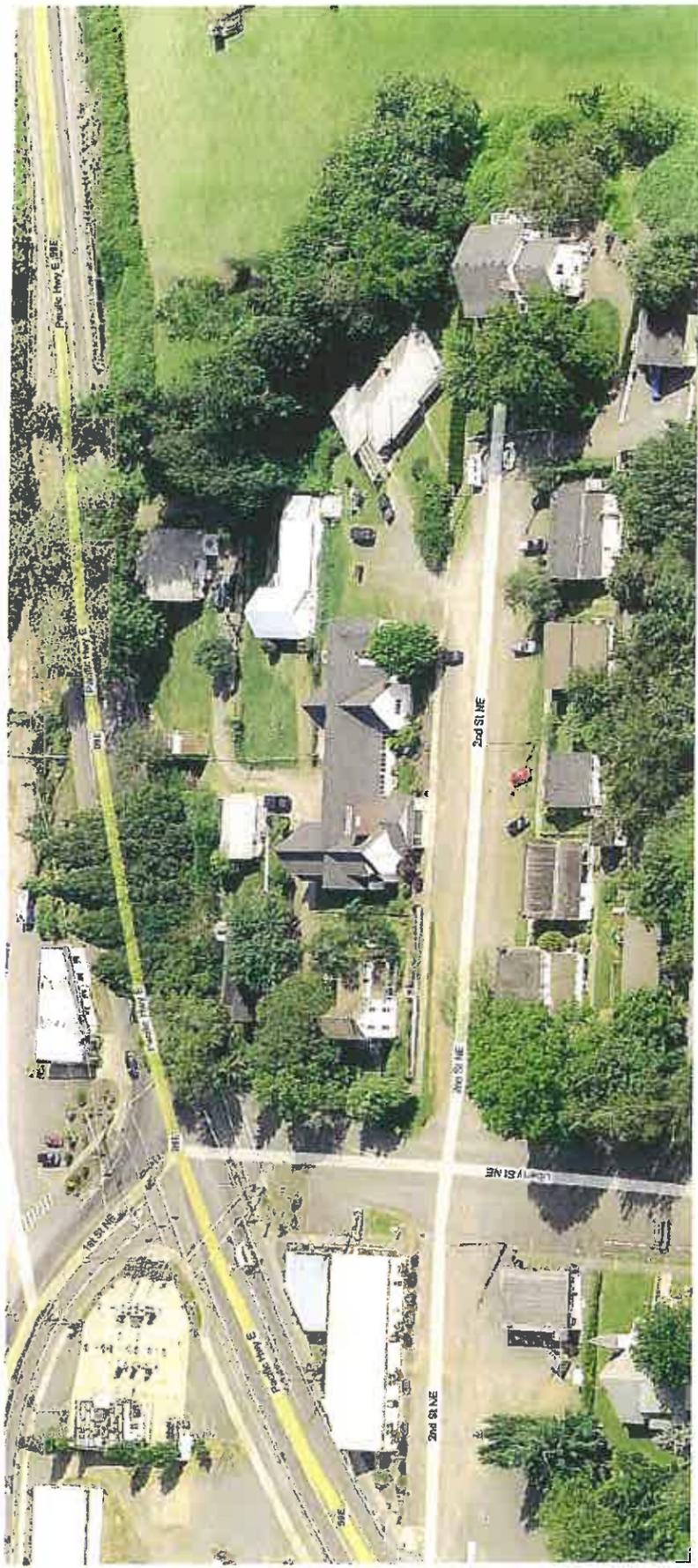


PROPOSED NEW ENTRY AND STAIR  
CHRIST LUTHERAN CHURCH  
AURORA, OREGON



ARCHITECTURE  
COMMUNITY

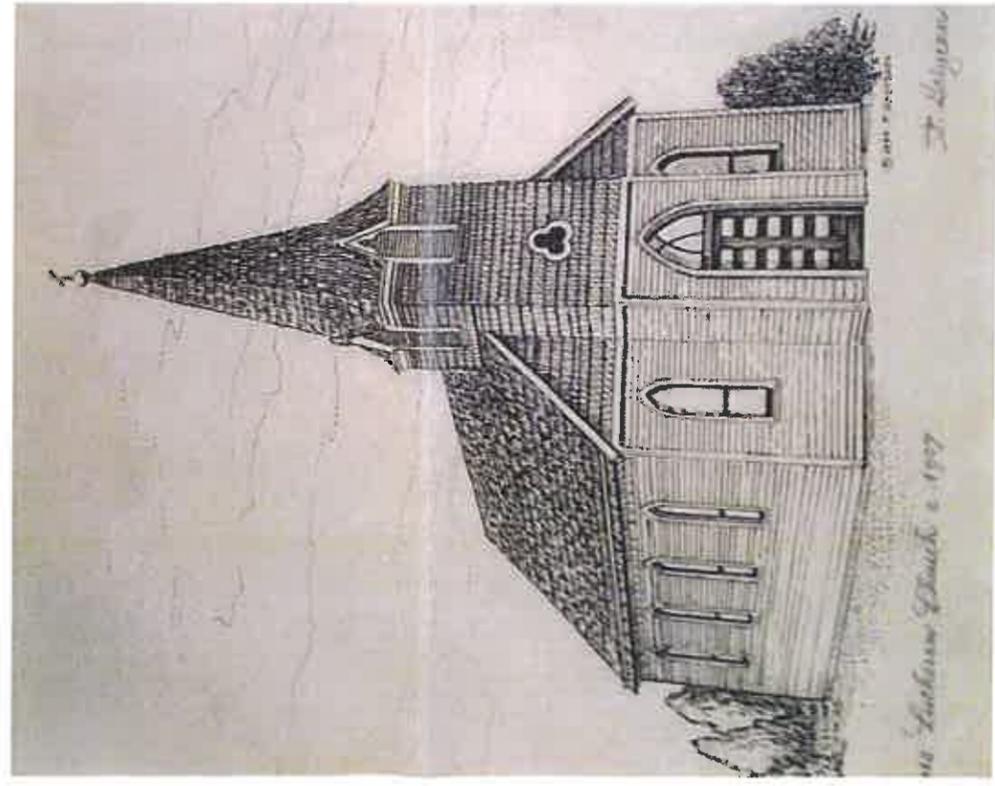
363 State Street  
Salem, OR 97301-3533  
P: 503.581.4114



AERIAL OF EXISTING BUILDING



ASSESSOR PHOTO OF EXISTING BUILDING



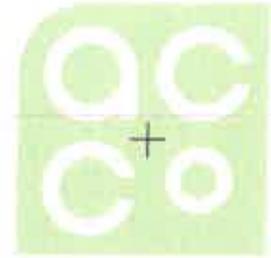
SKETCH OF ORIGINAL BUILDING, 1907



EXISTING ENTRY

August 12, 2015

City of Aurora  
Planning Commission  
Renata Wakeley  
Community Development Director  
Mid-Willamette Valley Council of Governments  
100 High Street SE, Suite 200  
Salem, Oregon 97301



ARCHITECTURE  
COMMUNITY  
363 State Street  
Salem, OR 97301-3533  
P: 503.581.4114  
www.accoac.com

RE: Christ Lutheran Church – Aurora  
15029 2nd Street NE  
Building/Zoning Variance Application  
Architect's Project no. 2014.0044

[renatac@mwvcoq.org](mailto:renatac@mwvcoq.org)

Dear Renata:

We wish to express our appreciation for the City of Aurora's review of the Christ Lutheran Church Property, specifically in reference to the request for Building/Zoning Variance for the new Bell/Entry Tower to the church.

In reference to the Ordinances on Variances (attached), please refer to the Applicant's Narrative (attached).

As demonstrated herein, the Request for Height Variance for the Christ Lutheran Church Bell/Entry Tower is appropriate for the subject property. Based upon the presented supportive findings and conclusions, the proposed request is consistent and in compliance with applicable Ordinances on Variances. We look forward to your approval of the attached requests. Should you have any questions, please contact us at your convenience.

Sincerely,

Richard Rothweiler, AIA  
Partner

RR:er

Encl.

cc: Pastor Craig Johnson, Christ Lutheran Church

August 12, 2015

### **Applicant's Narrative**

Building/Zoning Variance Application for Property located at 15029 2<sup>nd</sup> Street, Aurora, Oregon

**Applicant:** Christ Lutheran Church, 15029 2<sup>nd</sup> Street, Aurora, OR 97002

**Representative:** Richard Rothweiler, AIA of AC + Co. Architecture | Community, 363 State Street, Salem, OR 97301

### **Section 16.64.010 Purpose of the Application**

This proposal letter is to request a Variance from the maximum height requirement in the Historic Low Density Residential Overlay Zone for a proposed Bell/Entry Tower addition to the Christ Lutheran Church building at 15029 2<sup>nd</sup> Street. The church was built at this location in 1900 and its original design included a Gothic Revival bell tower over the entrance (see sketch from 1907). When the church was modified in the 1950's, the bell tower was demolished and replaced with a mid-century modern red brick tower with an above grade height of 32'-2". The current building bears no resemblance to its original architectural style or scale and is therefore listed as a noncontributing structure in the Aurora Historic District.

As part of a series of remodel work proposed to improve building and site accessibility, Christ Lutheran Church would like to construct a 12'x12' bell tower exceeding the 35 feet maximum height allowed per development standards in Chapter 16.22.040 and Historic Preservation design guidelines in Chapter 17.40.110. The proposed tower would reestablish the Neo-Gothic architectural features of the historic bell tower, develop the appropriate space and access to the existing bell, creating a structure that is 48'-0" in height; therefore a 13'-0" variance is requested. Christ Lutheran Church submits the following information and justification for compliance of the above reference application with the approval criteria of the City of Aurora.

### **Section 16.64.030 Criteria for Granting a Variance**

- A. The proposed bell tower will replace the existing red brick bell tower and be located entirely within the bounds of the existing entry to Christ Lutheran Church. At 48'-0" in height, the 12'x12' tower structure would not cast shadows on any neighboring structures during any time of the year, nor would it exceed the height of the tallest trees on the property and surrounding area. Given the 90'-0" width of 2<sup>nd</sup> Street and the considerable distance to neighboring structures (minimum distance of 58'-10" to the house to the west), a 48'-0" tower would not create an excessive or disproportionate change to the dimensions of existing open space, nor negatively impact neighboring views. The proposed height is also below the Oregon Department of Aviation's 50'-0" height restriction. The 48'-0" height will not adversely affect the visual character of the historic Aurora Colony, rather it will enhance it by restoring Neo-Gothic architectural features and materials compatible with historic precedent and complement to Aurora's historical landscape.
- B. Built in 1900, Christ Lutheran Church's original bell tower was constructed before the adoption of height restrictions. While an exact replica of the historic tower is not possible,

Christ Lutheran Church wishes to achieve as much accuracy as possible in the restoration of the original bell tower's scale and Gothic Revival style, which includes a slender, steeply pitched roof, pointed arched-windows, and a bell. Design alternatives for a 35'-0" bell tower have not been able to provide adequate space for a bell, and the lower height sacrifices the historic proportions and architectural features of the historic tower.

- C. The proposed variance will not change the use of the property. Under the Historic Residential Overlay zone Section 16.20.030A of the Aurora Municipal Code, churches are permitted as a Conditional Use; refer to attached Decision File No. CUP 15-01 dated March 6, 2015.
- D. The proposed variance does not encroach on the City right-of-way and will have no adverse impact on site drainage or surrounding natural systems.
- E. The proposed variance allows for the minimum achievement of the scale and stylistic proportions characteristic of the historic Gothic Revival tower and not a precise full historic restoration. The proposed bell tower complies with all other design standards per Chapter 16.20 and 17.40.
- F. The current members of the Christ Lutheran congregation are not responsible for the demolition of the historic tower. Local and political support for historic preservation was not established in Aurora until the 1960's and 70's, after the demolition of the historic bell tower. No other special conditions exist that directly relate to the variance requested.
- G. Per Section 17.40.160 of the Aurora Municipal Code, the setback for additions to structures within the Aurora Historic District shall not exceed 4 feet more or less than the average front setback of adjacent structures. The nearest adjacent structure to the west of the church is setback 12'-0" from the street; therefore the minimal setback distance for the church bell tower addition is 8'-0". The proposed bell tower is setback 6'-10" from this 8'-0" minimum setback, creating a total setback from the 2<sup>nd</sup> Street property line of 14'-10". A minimum of 6'-6" is needed for the addition of 13'-0" to the 35'-0" height restriction. The proposed 48'-0" tower complies.

## Chapter 16.64

### VARIANCES

#### Sections:

- 16.64.010 Purpose.
- 16.64.020 Administration and approval process.
- 16.64.030 Criteria for granting a variance.
- 16.64.040 Application submission requirements.

#### 16.64.010 Purpose.

The purpose of this chapter is to provide standards for the granting of variances from the applicable zoning requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of the land, the literal interpretation of the provisions of the applicable zone would cause an undue or unnecessary hardship, except that no use variances shall be granted. (Ord. 415 § 7.140.010, 2002)

#### 16.64.020 Administration and approval process.

A. The application shall be filed and processed in accordance with Chapter 16.76. Following a public hearing, the commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this title would cause an undue or unnecessary hardship.

B. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.

C. In granting a variance, the commission may attach conditions which it finds necessary to protect the interests of the surrounding property owners or neighborhood and to otherwise achieve the purposes of this title. The planning commission shall apply the standards set forth in Section 16.64.030 when reviewing an application for a variance. (Ord. 415 § 7.140.020, 2002)

#### 16.64.030 Criteria for granting a variance.

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.

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.

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.

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.

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

F. The special conditions which are peculiar to the land or structure involved were not caused or created by the applicant and/or current or previous property owners.

G. For variances to height requirements, six inches shall be added to the required setbacks for the front, side and rear yards, for every foot of height allowed by the commission beyond the established limit. (Ord. 415 § 7.140.040, 2002)

#### 16.64.040 Application submission requirements.

A. All applications shall be made on forms provided by the city and shall be accompanied by:

1. A narrative which explains how the proposal conforms to Section 16.64.030;
2. A copy of all existing and proposed restrictions or covenants;
3. A vicinity map showing the proposed site and surrounding properties;
4. Three copies of site plan containing the information drawn to a standard engineering scale. One copy must be no larger than eleven (11) inches by seventeen (17) inches. The site plan shall show the following, as applicable:
  - a. The site size and its dimensions,
  - b. The location, dimensions and names of all existing and platted streets and other public ways and easements on the site and on adjoining properties,
  - c. The location, dimensions and names of all proposed streets or other public ways and easements on the site,
  - d. The location and dimension of all proposed entrances and exits on the site, parking and traffic circulation areas, loading and services areas, pedestrian and bicycle facilities, and utilities,
  - e. The location, dimensions and setback distances of all existing structures, improvements and utilities which are located on adjacent property within twenty-five (25) feet of the site and are permanent in nature, and
  - f. The location, dimensions and setback distances of all proposed structures, improvements, and utilities on the site;

B. In the case of a request for a variance to the building height provisions, the following additional information is required:

1. An elevation drawing of the structure and the proposed variance; and
2. A drawing(s) to scale showing the impact on adjoining properties. (Ord. 415 § 7.140.050, 2002)

MAR 09 2015

RECEIVED

CITY OF AURORA  
NOTICE OF DECISION FOR APPLICATION FOR CONDITIONAL USE  
PERMIT APPROVAL FOR CHRIST LUTHERAN CHURCH

File No. CUP 15-01

March 6, 2015

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APPLICANT/OWNER: Christ Lutheran Church  
15029 2<sup>nd</sup> Street NE, Aurora OR 97002

REQUEST: Conditional Use Permit approval for church uses, religious classes, and daycare and associated uses.

SITE LOCATION: 15029 2<sup>nd</sup> Street NE, Aurora OR  
Map 041.W.12CD, Tax Lot 2600

SITE SIZE: 9,602 square feet or 0.45 acres

DESIGNATION: Zoning: Residential (R-1) with Historic Residential Overlay (HRO)

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.20 Historic Residential Overlay and 16.60 Conditional Uses

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**I. CRITERIA AND FINDINGS**

The applicable review criteria for conditional use permit applications are found in AMC Chapter 16.60 Conditional Uses and the staff report dated February 25, 2015.

**II. NOTICE OF DECISION**

NOTICE IS HEREBY GIVEN THAT THE CITY OF AURORA PLANNING COMMISSION APPROVED THE APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL FOR THE CHRIST LUTHERAN CHURCH WITH THE FOLLOWING CONDITIONS OF APPROVAL. THE FINDINGS AND CONCLUSIONS ON WHICH THE DECISION IS BASED ARE CONTAINED IN THE STAFF REPORT AND MINUTES FROM THE MARCH 3, 2015 MEETING.

The decision shall become final after the 15 day appeal period, subject to the following conditions of approval:

- 1) The applicant cannot increase non-conforming setbacks, as required by the AMC 16.20.030.A, as part of their conditional use permit approval.
- 2) If additional or revised signage is proposed, the applicant shall be required to submit a sign permit application.
- 3) The Conditional Use permit approve shall be remain valid with the property but may be revoked upon suspension of use as a church for more than two years or noncompliance with any of the

conditions of approval as part of this application, pursuant AMC 16.60.090. Additional development or uses on Lot 2600 not included with this application may subject the property to additional land use requirements or applications.

- 4) The on-street parking fronting upon Lot 2600 and the on-site parking area to the east of the existing structures shall be improved to meet the Aurora public works design standards for parking areas as well as AMC 16.42.050.L. to provide curb bumpers along the portions of the private parking lot that abut residential properties and the on-street parking that abuts the public sidewalks. Final inspection of the improvements by the City of Aurora shall be required prior to final occupancy approval.
- 5) The flat roof shall be screened with a parapet.
- 6) If landscaping improvements exceed \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with AMC 17.04.050.B.2

THE PLANNING COMMISSION'S DECISION IS FINAL ON THE DATE THE NOTICE OF DECISION IS MAILED. THIS DECISION BECOMES EFFECTIVE AND NOT SUBJECT TO APPEAL AS OF MARCH 24, 2015 UNLESS A TIMELY APPEAL APPLICATION IS FILED WITH APPEAL FEE PAID NOT LATER THAN 5:00 p.m. ON MARCH 23, 2015.

Any party with standing may appeal the final decision in accordance with the City of Aurora Municipal Code 16.78 which provides that a written appeal, together with the required fee, shall be filed with the City Recorder within fifteen (15) calendar days of the date the Notice of Decision was mailed. The appeal fee schedule and forms are available from the City Recorder at City Hall, 21420 Main Street NE, Aurora, Oregon, 97002.



Joseph Schaefer, Planning Commission Chair

Attachments: Exhibit A Assessor Map

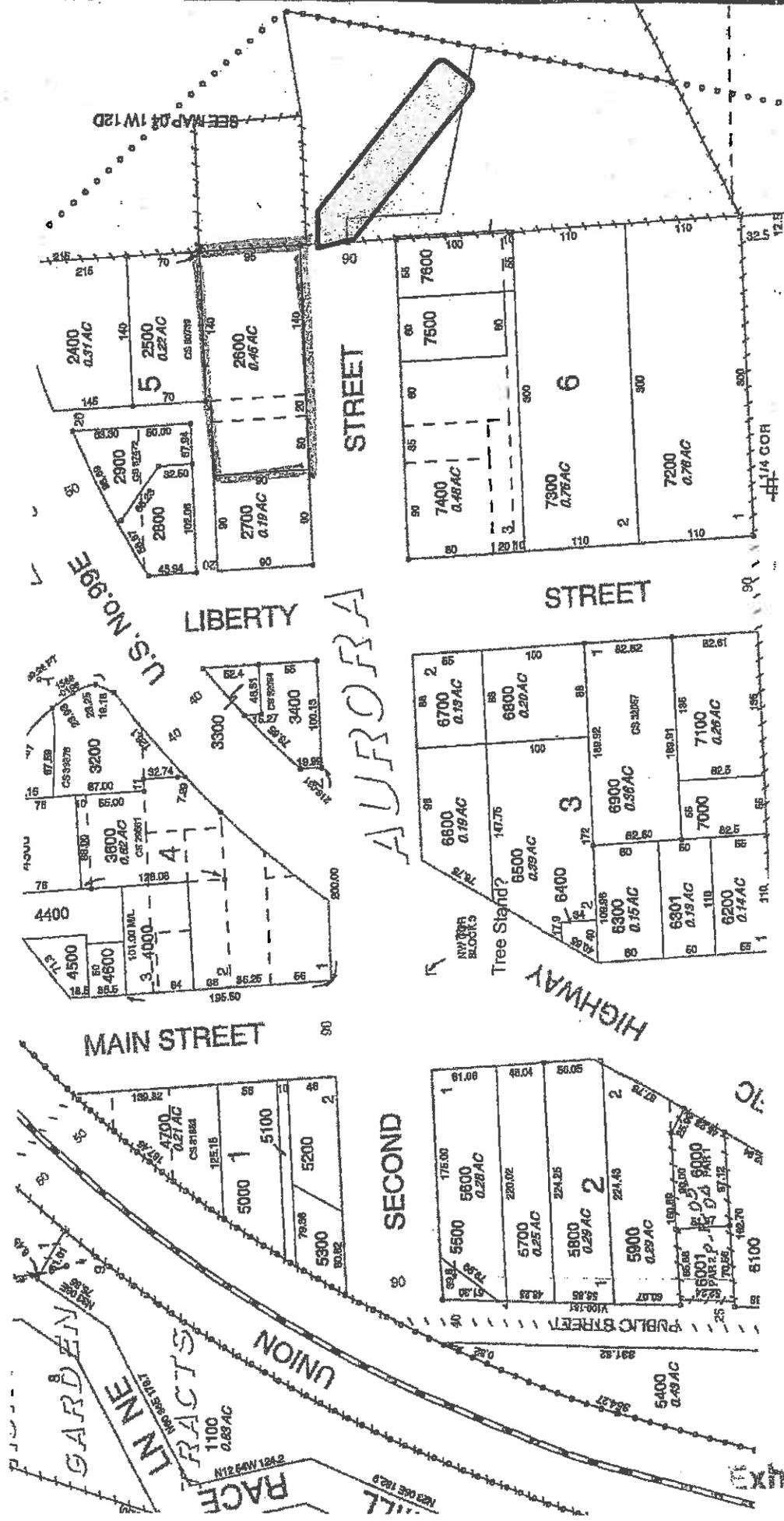


Exhibit B

CITY OF AURORA  
NOTICE OF DECISION FOR APPLICATION FOR SITE DESIGN REVIEW  
FOR CHRIST LUTHERAN CHURCH

File No. SDR 15-01  
March 6, 2015

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APPLICANT/OWNER: Christ Lutheran Church  
15029 2<sup>nd</sup> Street NE, Aurora OR 97002

REQUEST: Site Development Review approval for modification to the existing structure to improve pedestrian circulation and ADA improvements, such as to the restrooms, stairs, and front entrance. The proposal also includes the addition of a new entry tower.

SITE LOCATION: 15029 2<sup>nd</sup> Street NE, Aurora OR  
Map 041.W.12CD, Tax Lot 2600

SITE SIZE: 9,602 square feet or 0.45 acres

DESIGNATION: Zoning: Residential (R-1) with Historic Residential Overlay (HRO)

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.20 Historic Residential Overlay and 16.58 Site Development Review

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**I. CRITERIA AND FINDINGS**

The applicable review criteria for site design review applications are found in AMC Chapter 16.58 Site Development Review and the staff report dated February 25, 2015.

**II. NOTICE OF DECISION**

NOTICE IS HEREBY GIVEN THAT THE CITY OF AURORA PLANNING COMMISSION APPROVED THE APPLICATION FOR SITE DESIGN REVIEW FOR THE CHRIST LUTHERAN CHURCH WITH THE FOLLOWING CONDITIONS OF APPROVAL. THE FINDINGS AND CONCLUSIONS ON WHICH THE DECISION IS BASED ARE CONTAINED IN THE STAFF REPORT AND MINUTES FROM THE MARCH 3, 2015 MEETING.

The decision shall become final after the 15 day appeal period, subject to the following conditions of approval:

- 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. A lighting plan in conformance with criteria 16.58.100.C.2. and

I.3-4. shall be submitted for City review and approval prior to final occupancy permit approval and in order to keep the conditional use permit application valid. The lighting plan shall show that lighting shall not reflect upon surrounding properties.

- 4) The on-street parking fronting upon Lot 2600 and the on-site parking area to the east of the existing structures shall be improved to meet the Aurora public works design standards for parking areas as well as AMC 16.42.050.L. to provide curb bumpers along the portions of the private parking lot that abut residential properties and the on-street parking that abuts the public sidewalks. Final inspection of the improvements by the City of Aurora shall be required prior to final occupancy approval.
- 5) If landscaping improvements exceed \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with AMC 17.04.050.B.2.

**THE PLANNING COMMISSION'S DECISION IS FINAL ON THE DATE THE NOTICE OF DECISION IS MAILED. THIS DECISION BECOMES EFFECTIVE AND NOT SUBJECT TO APPEAL AS OF MARCH 24, 2015 UNLESS A TIMELY APPEAL APPLICATION IS FILED WITH APPEAL FEE PAID NOT LATER THAN 5:00 p.m. ON MARCH 23, 2015.**

Any party with standing may appeal the final decision in accordance with the City of Aurora Municipal Code 16.78 which provides that a written appeal, together with the required fee, shall be filed with the City Recorder within fifteen (15) calendar days of the date the Notice of Decision was mailed. The appeal fee schedule and forms are available from the City Recorder at City Hall, 21420 Main Street NE, Aurora, Oregon, 97002.



Joseph Schaefer, Planning Commission Chair

Attachments: Exhibit A Assessor Map

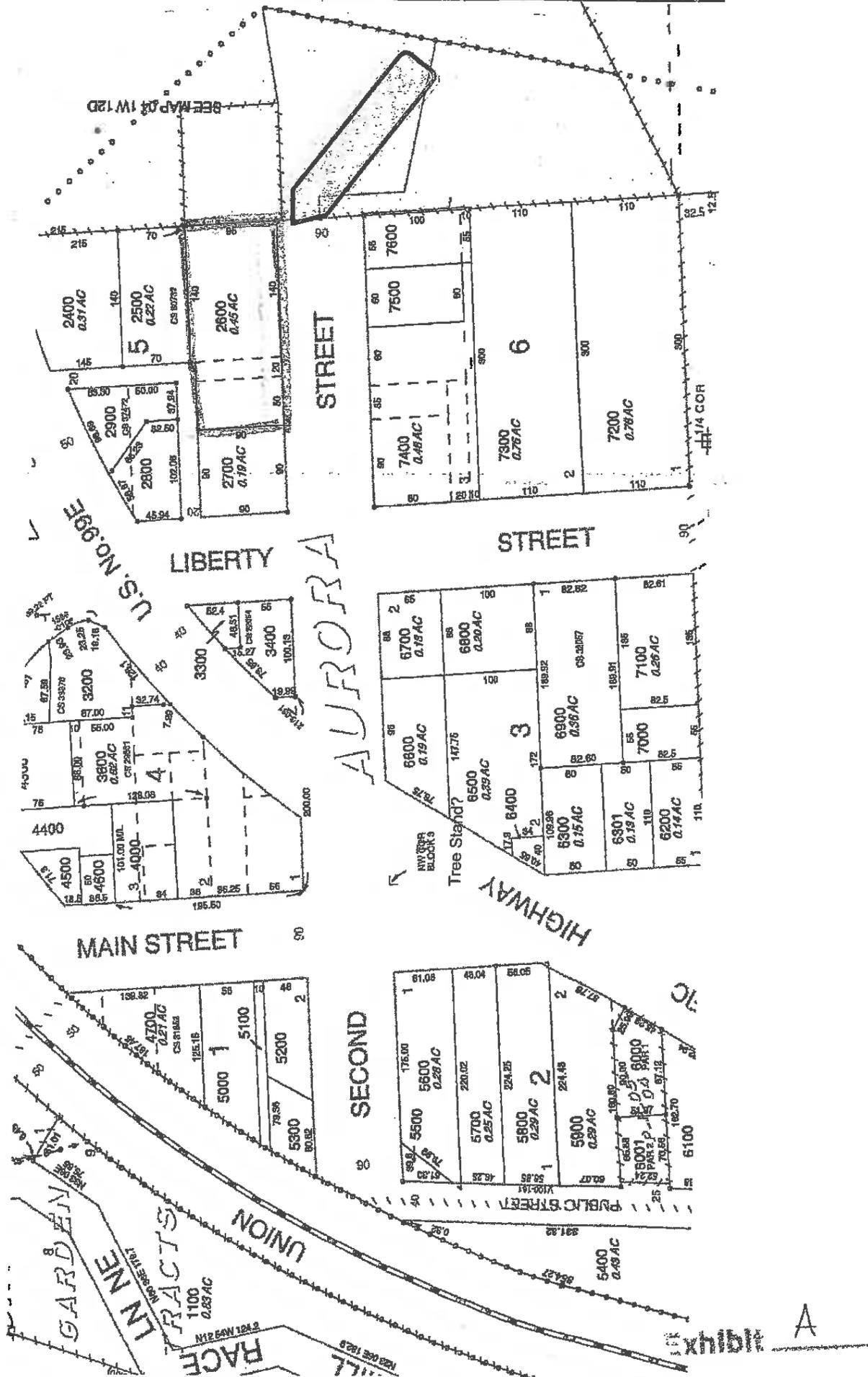


Exhibit B

COPY

JOHN A. RANKIN  
Planning Consultant / Attorney at Law  
22151 S.W. 55th Avenue  
Tualatin, Oregon 97062  
Phone(503) 638-2428 / Fax(503) 638-7059

## NOTICE OF DECISION

June 17, 1996

Ms. Heather Wechter  
Christ Lutheran Church  
P.O. Box 220  
Aurora, OR 97002

Re: Notice of Decision for Conditional Use Application; CU 96-4-9659.

Dear Ms. Wechter:

Please accept this notice of decision as preliminary Planning Commission approval for the Conditional Use Application, as approved on June 4, 1996.

After the 15 day appeal period, Planning Commission approval will be official subject to the following conditions of approval:

1. The applicant/owner shall comply with all applicable City and County ordinance standards and limitations of the R-1 zone relative to the location and placement of the any future improvements. Any future improvements on the subject property may be subject to city design review and/or public works approval as well as DEQ, ODOT and Marion County review. (Contact: John Rankin @ 638-2428).
2. The applicant/owner shall be allowed to conduct child day care activities in the existing church and parsonage residence subject to the State of Oregon Department of Human Resources - Children's Services Division approval and certification, and Marion County Sanitarian.
3. The applicant/owner shall comply with the applicable requirements regarding signage.
4. The applicant/owner shall install sight obscuring fencing or hedge along property lines abutting existing residences. (Contact: John Rankin @ 638-2428).
5. The applicant/owner shall agree to not remonstrate

Exhibit B

against the formation of a local improvement district or other assessment district or the assessment for the construction of any infrastructure improvements, including right-of-way dedication, paving, curbs, sidewalks and bikepaths, sanitary sewer and water lines, and storm drainage improvements along the entire Second Street frontage of the subject property. The applicant/owner shall agree to pay that portion of the cost of such improvement which is applicable to the property's frontage on the improved road when the improvements are completed, and which benefits the property in any other way. The applicant/owner's share of project costs shall be based on the method of assessment selected by the City to distribute costs to other benefitted users of the project. (Contact: John Rankin @ 638-2428)

6. The decision rendered on the subject application by the Planning Commission may be appealed by the filing of a written notice of appeal with the city recorder within fifteen (15) days from the date of this approval.

If you have any questions, please contact me.

Thank you.

Very truly yours,



John A. Rankin  
Planning Consultant

pc: Melody Thompson, City Recorder ✓

COPY

JOHN A. RANKIN  
Planning Consultant/City Attorney  
22151 S.W. 55th Avenue  
Tualatin, Oregon 97062  
(503) 638-2428 • Fax (503) 638-7059

June 17, 1996

Ms. Heather Wechter  
Christ Lutheran Church  
P.O. Box 220  
Aurora, OR 97002

Re: Approval Letter, Development Agreement and Final Order  
Conditional Use Application, File No. CU 96-3-9659.

Dear Ms. Wechter:

Please accept this letter as preliminary City of Aurora approval for the above described application.

Enclosed please find the Development Agreement required by this approval of your application.

Please following the steps outlined below to secure final approval:

1. Read the improvement conditions carefully and sign the original Development Agreement in the presence of a notary public and have the notary acknowledge the signature in the spaces provided.
2. Attach to the Development Agreement a copy, marked as "Exhibit A", of the legal description for your property.
3. Return the original Agreement to Melody Thompson, City Recorder, at City Hall, P.O. Box 100, Aurora, Oregon 97002, for the mayor's signature and attestation. The City will then return it to you for recording.
4. Record the original Agreement with the Marion County Clerk's office, and send a copy of the recorded Agreement to City Hall at the above address.
5. Construct the required public improvements or provide assurance as described in the conditions of approval.

To speed the processing of any future building permit applications, please be prepared to:

1. Submit the recorded copy of the Development Agreement,

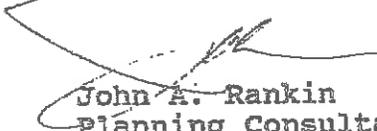
Exhibit B

2. Pay all development fees, including any design review, and system development charge, and normal building permit fees,
3. Prepare preliminary construction drawings and specifications for all required public improvements, and submit them to Dick Johnson, Superintendent of Public Works, for his review.
4. Pay any outstanding planning review fees, and
5. Check all conditions of your approval for any additional requirements necessary before issuance of your building permit.

If you have any questions or we can help further, please contact me.

On behalf of the City, I wish you well in your future plans.

Very truly yours,



John A. Rankin  
Planning Consultant

Enclosure: Development Agreement and Final Order.

cc: Guy Spurb, Planning Commission Chairperson  
Dick Johnson, Public Works Superintendent  
Melody Thompson, City Recorder ✓

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After Recording, Return to:

Recording Sticker Here

City of Aurora  
P.O. Box 100  
Aurora, OR 97002

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DEVELOPMENT AGREEMENT

CITY OF AURORA

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, by and between CHRIST LUTHERAN CHURCH  
("APPLICANT/OWNER"), and the CITY OF AURORA, ("CITY").

WITNESSETH

WHEREAS, the APPLICANT/OWNER is the owner of certain real property, identified as Tax Lot 900, Tax Map No. 4-1W-12D and Tax Lot 2600, Tax Map No. 4-1W-12CD, and is more particularly described as being at the east end of Second Street in Aurora, Marion County, Oregon with the address of 15029 Second Street. Please see the attached map for more detailed information, and attached "Exhibit A" for the legal description.

WHEREAS, the APPLICANT/OWNER submitted a Conditional Use Application, File No. CU 96-4-9659 ("Application") to the CITY for approval, which Application and respective files are hereby incorporated by this reference. The application received preliminary approval from the Planning Commission on June 4, 1996.

WHEREAS, the CITY is willing to provide final approval for the Application upon the condition that the APPLICANT/OWNER undertakes and maintain certain improvements and satisfy certain requirements as specified below.

NOW, THEREFORE, IN CONSIDERATION of mutual covenants and

agreements herein contained as conditions precedent to the granting of final approval for said Application by the CITY, the APPLICANT/OWNER hereby agrees as follows:

IMPROVEMENT AND MAINTENANCE PROVISIONS:

1. The applicant/owner shall comply with all applicable City and County ordinance standards and limitations of the R-1 zone relative to the location and placement of the any future improvements. Any future improvements on the subject property may be subject to city design review and/or public works approval as well as DEQ, ODOT and Marion County review. (Contact: John Rankin @ 638-2428).
2. The applicant/owner shall be allowed to conduct child day care activities in the existing church and parsonage residence subject to the State of Oregon Department of Human Resources - Children's Services Division approval and certification, and Marion County Sanitarian.
3. The applicant/owner shall comply with the applicable requirements regarding signage.
4. The applicant/owner shall install sight obscuring fencing or hedge along property lines abutting existing residences. (Contact: John Rankin @ 638-2428).
5. The applicant/owner shall agree to not remonstrate against the formation of a local improvement district or other assessment district or the assessment for the construction of any infrastructure improvements, including right-of-way dedication, paving, curbs, sidewalks and bikepaths, sanitary sewer and water lines, and storm drainage improvements along the entire Second Street frontage of the subject property. The applicant/owner shall agree to pay that portion of the cost of such improvement which is applicable to the property's frontage on the improved road when the improvements are completed, and which benefits the property in any other way. The applicant/owner's share of project costs shall be based on the method of assessment selected by the City to distribute costs to other benefitted users of the project. (Contact: John Rankin @ 638-2428)
6. The decision rendered on the subject application by the Planning Commission may be appealed by the filing of a written notice of appeal with the city recorder within fifteen (15) days from the date of this approval.

ENFORCEMENT OF THIS AGREEMENT:

1. If the APPLICANT/OWNER fails to keep and execute the terms of this agreement, the CITY may, after 30 days written notification, perform the terms and conditions including, but not limited to, the improvement and maintenance of the provisions described above, and may charge the same as a valid and enforceable lien upon the property described above. In enforcing this agreement, the City Council of the CITY may use any of the remedies proscribed in the General Ordinances of the City of Aurora or may make a determination of the probate cost of the improvement and/or maintenance and shall give the APPLICANT/OWNER a period of 30 days in which to complete said improvements and/or maintenance. If the APPLICANT/OWNER does not execute such improvements and /or maintenance within the time limit, then the City Council may pass an ordinance requiring the same to be let out for bid by the lowest responsible bidder. The cost, plus any additional costs incurred by the CITY in enforcing performance shall be charged as a lien against the property described above, and shall be collectable as other CITY liens.

2. This agreement shall be binding upon the heirs, executors, administrators and assigns of both parties, and is a condition and covenant running with the land and binding upon the above described real property.

3. If suit or action is brought to maintain or enforce any of the rights or obligations of either party arising out of or in connection with this agreement, the prevailing party in such suit or action shall be entitled to recover its reasonable attorney's fees, including attorney's fees on appeal.

FOR THE APPLICANT/OWNER:

FOR THE CITY OF AURORA:

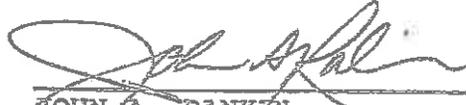
MS. HEATHER WECHTER  
CHRIST LUTHERAN CHURCH  
Applicant/Owner

LORETTA SCOTT, MAYOR  
CITY OF AURORA

ATTEST:

Melody Thompson  
City Recorder

APPROVED AS TO FORM:



JOHN A. RANKIN  
City Attorney

Mailing Addresses:

Christ Lutheran Church  
P.O. Box 220  
Aurora, OR 97002

City of Aurora  
P.O. Box 100  
Aurora, OR 97002

C:\WP51\AURORA\9659DEV.AGR

STATE OF OREGON  
COUNTY OF MARION

)  
) ss.  
)

THIS INSTRUMENT IS PERSONALLY ACKNOWLEDGED BEFORE ME THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 1996.

NOTARY PUBLIC SEAL:

Notary Public State of Oregon.  
My commission expires: \_\_\_\_\_

BEFORE THE  
PLANNING COMMISSION  
OF THE CITY OF AURORA

IN THE MATTER OF THE CONDITIONAL )  
USE APPLICATION FOR THE CHRIST )  
LUTHERAN CHURCH )

FINAL FINDINGS AND ORDER  
File No. CU 96-4-9659

I. APPLICABLE CRITERIA:

The following criteria are applicable to the subject application:

- A. Section 9.10 of the Development Code Ordinance 315 (Ord. 315), Single-Family Residential District (R-1),
- B. Section 11.00 of Ord. 315, General Regulations and Standards,
- C. Section 11.50 of Ord. 315, Parking, Loading and Access,
- D. Section 12.90 of Ord. 321, Child Day Care,
- E. Section 14.00 of Ord. 315, Conditional Uses, and
- F. Article 7 of Ord. 315, Administration.

II. FINDINGS OF FACT:

- A. Location: Property identified as Tax Lot 900, Tax Map No. 4-1W-12D and Tax Lot 2600, Tax Map No. 4-1W-12CD, and is more particularly described as being at the east end of Second Street in Aurora, Marion County, Oregon with the address of 15029 Second Street. Please see the attached map for more detailed information.
- B. Comprehensive Plan Designation: The land use plan designation of the subject property is Low Density Residential. All adjacent property to the north, west, east, and south is designated Low Density Residential.
- C. Zoning: The zoning designation of the subject property is Single-family Residential (R-1). All adjacent property to the north, west, east, and south is of the same designation.
- D. Existing Improvements: The subject property currently contains the Christ Lutheran Church parsonage residence.
- E. Availability of Public Services: The subject property

presently contains an individual well and existing septic tank and drainfield systems. The property does have direct access to Second Street, a local public street maintained by the city.

- F. Proposed Application: The applicant/owner is requesting a Conditional Use Application to allow the use of the daylight basement in the existing house as a day care, and use part of the existing church building for a pre-school. Both the existing house and day care/pre-school programs are church owned and sponsored. The pre-school/day care facilities shall be named the Christ Lutheran Church Early Child Development Center.
- G. Adjacent Land Uses: All adjacent property to the west, east and north contains single family residential uses. Adjacent property to the south contains a single family residence which is being used for the Aurora Inn/Bed and Breakfast.

### III. AGENCY RECOMMENDATIONS:

Agency referrals were mailed to all affected agencies and organizations as well as adjacent property owners within 300 feet of the subject property.

The Public Works Director visited the site and addressed needed changes, in a letter to Heather Wechter of Christ Lutheran Church dated April 24, 1996, as follows: "for the safety of the children, there needs to be a second exit, on the south wall, to the outside. For the room where the exit is, the door needs to be removed and an exit sign over the doorway".

All notified agencies and organizations and adjacent property owners either had no objection or failed to comment before the drafting of this administrative decision/staff report.

### IV. REVIEW CRITERIA AND EVALUATION

#### A. PERMITTED USES

Section 9.10 of the City of Aurora Development Code describes permitted uses under the R-1 zone designation.

#### Findings:

Single-family dwellings are an out-right permitted use in the R-1 zone. "Child day care facilities licensed

by the State of Oregon" are permitted as a conditional use in the R-1 zone and shall be addressed under that criteria stated below.

- B. Section 11.00 of Ordinance 315, General Regulations and Standards, describes standards for minimum lot area; width and depth; setbacks; percentage of coverage; and building height requirements for each zone.

**Findings:**

The following general regulations are required for buildings in the R-1 zone: Minimum lot area of 7,500 square feet; minimum lot width of 70 feet and depth 90 feet; maximum lot coverage of 40%; front yard setbacks of 20 feet, side yard setbacks of 5 feet, and rear yard setbacks of 10 feet; and maximum height of buildings of 35 feet.

The subject application satisfies all of the above requirements with the existing residence placement. No changes to the exterior of the existing residence shall occur with this development application.

- C. Section 11.50 of Ordinance 315, Parking, Loading and Access, states the requirements for off-street parking for places of public assembly such as child day care facilities.

**Findings:**

Required off-street parking for pre-school, nursery or kindergarten day care facilities is one (1) space per employee plus one (1) space per four (4) children. The subject day care facility will be caring for approximately ten (10) pre-school age children, and 10 to 15 day care children on any given business day which will require, per Section 11.50, approximately two (2) off-street parking spaces for employees and twelve (12) spaces for customers. The subject application complies with this requirement because the existing parsonage residence contains approximately two (2) off-street parking spaces, and the remainder of the needed parking space can be provided by the adjoining church property parking lot where a portion of the pre-school facilities will be situated.

- D. Section 12.90 of Ord. 321, Child Day Care, adopts the Children's Services Division's "Rules for the Certification of Group Day Care Homes" which regulates all child day care facilities with more than six (6) children being cared for during business hours.

**Findings:**

The applicant/owner shall be required to make application and gain approval for their proposed child day care facility through the State of Oregon Department of Human Resources - Children's Services Division.

**E. CONDITIONAL USES**

In addition to the general requirements of this Ordinance, Section 14.00 lists other reasonable conditions which are required by the Commission.

**Findings:**

The Commission may require the following conditional use standards for the subject application: limiting the manner in which the use is to be conducted, including restrictions on the hours of operation; establishing additional setbacks; designating the size, number, location, and nature of vehicle access points; limiting or otherwise designating the number, size, location, height, and lighting of signs; requiring fences, sight-obscuring hedges or other screening and landscaping to protect adjacent properties; and protecting and preserving existing trees, vegetation, wildlife habitat or other natural resources.

The subject property contains an existing church and parsonage residence which has wire fencing around the north and east sides, and a portion of the south side of the property. Proposed hours of operation for the proposed use are as follows:

Church:

Monday - Friday                      8:30 am - 11 am

Monday, Wednesday,  
and Friday                              1 pm - 3:30 pm

Parsonage House:

Monday - Friday                      7 am - 6 pm

**Conclusion:**      With the appropriate conditions of approval, the proposed conditional use appears to have satisfied all of the above review criteria.

IV. RECOMMENDATION.

Based upon the findings contained in this staff report, the application packet submitted by the applicant and testimony before the Planning Commission, approval is hereby recommended for the Conditional Use Application submitted by Christ Lutheran Church, subject to the following conditions of approval:

1. The applicant/owner shall comply with all applicable City and County ordinance standards and limitations of the R-1 zone relative to the location and placement of the any future improvements. Any future improvements on the subject property may be subject to city design review and/or public works approval as well as DEQ, ODOT and Marion County review. (Contact: John Rankin @ 638-2428).
2. The applicant/owner shall be allowed to conduct child day care activities in the existing church and parsonage residence subject to the State of Oregon Department of Human Resources - Children's Services Division approval and certification, and Marion County Sanitarian.
3. The applicant/owner shall comply with the applicable requirements regarding signage.
4. The applicant/owner shall install sight obscuring fencing or hedge along property lines abutting existing residences. (Contact: John Rankin @ 638-2428).
5. The applicant/owner shall agree to not remonstrate against the formation of a local improvement district or other assessment district or the assessment for the construction of any infrastructure improvements, including right-of-way dedication, paving, curbs, sidewalks and bikepaths, sanitary sewer and water lines, and storm drainage improvements along the entire Second Street frontage of the subject property. The applicant/owner shall agree to pay that portion of the cost of such improvement which is applicable to the property's frontage on the improved road when the improvements are completed, and which benefits the property in any other way. The applicant/owner's share of project costs shall be based on the method of assessment selected by the City to distribute costs to other benefitted users of the project. (Contact: John Rankin @ 638-2428)
6. The decision rendered on the subject application by the Planning Commission may be appealed by the filing of a

written notice of appeal with the city recorder within fifteen (15) days from the date of this approval.

ORDERED this Tenth day of July, 1996.

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Guy Sperb  
Planning Commission Chairperson

Motion: I move that the Planning Commission adopt the Final Findings and Order for the Conditional Use Application as submitted by Christ Lutheran Church as approved on June 4, 1996.

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NOTICE OF FINAL DECISION  
APPLICATION APPROVED BY THE HISTORIC REVIEW BOARD  
CITY OF AURORA, OREGON

Date application was heard by HRB: September 24, 2015

Date this Notice is mailed: October 1, 2015

Name of Applicant: Christ Lutheran Church

Applicant's Mailing Address: 15029 2<sup>nd</sup> Street

Project Description: Design Changes and recommendation to Planning on Height Variance application.

Subject Property Address: 15029 2<sup>nd</sup> Street Aurora, OR 97002

Findings: This application is approved per the Aurora Municipal Code, Title 17 design standards.

Comments/Recommendation:

The design changes are accepted by the Historic Review Board and it would be the Board's recommendation for the Aurora Planning Commission to accept/approve the height variance of 13 feet with a smaller cross as discussed with the applicant so as to minimize any further height issues/dominance.

The findings and conclusions on which this decision is based are contained in the minutes for the HRB meeting at which this decision was made and audio-tape record of the HRB's meeting and deliberations. The minutes and audio-taped record are available at Aurora City Hall, 503.678.13283, 21420 Main Street, Aurora, Oregon.

The Historic Review Board's decision is final on the date that this notice is mailed. Any party with standing may appeal this decision with the City of Aurora Municipal Code which provides that a written appeal, together with the required fee, shall be filed with the City Recorder within fifteen (15) calendar days of the date the Notice of Decision was mailed. The appeal fee schedule and forms are available from the City Recorder at City Hall, 214209 Main Street NE, Aurora, Oregon 97002.

This decision is approved and this Notice of Decision serves as the Certificate of Appropriateness subject to the conditions set forth above.

Karen Townsend  
Vice, Chair, Aurora Historic Review Board

9/29/15  
Date of Signature



# Oregon

Kate Brown, Governor



September 17, 2015

Lexie Costic  
AC+Co Architecture|Community  
363 State Street  
Salem, OR 97301

3040 25th Street, SE  
Salem, OR 97302-1125  
Phone: (503) 378-4880  
Toll Free: (800) 874-0102  
FAX: (503) 373-1688

**Subject: Oregon Department of Aviation comments regarding alteration of existing Church Structure 55' in height located in Aurora, Oregon.**

**Aviation Reference: 2015-ODA-876-OE**

The Oregon Department of Aviation (ODA) has conducted an aeronautical study of these proposed alteration/new structure and has determined that notice to the FAA is not required. The structure does not exceed Obstruction Standards of OAR 738-70-0100.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes to the original application will void this determination. Any future construction or alteration to the original application will require a separate notice from ODA.

This determination will expire (12) months from the date of this letter if construction has not been started.

**Mitigation Recommendation:**

- We do not object with conditions to the construction described in this proposal. This determination does not constitute ODA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.
- Marking and lighting are necessary for aviation safety. We recommend it be installed and maintained in accordance with FAA Advisory Circular AC70/7460-1K Change 2
- The proposed obstruction should to be lower to a height that is no longer a hazard to the airport primary and horizontal surface FAA FAR 77
- The proposed obstruction should be relocate outside the airport primary and horizontal surface FAA FAR 77

Sincerely,

Jeff Caines, AICP – Land Use Planner

# Memorandum

## MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

105 HIGH STREET S. E. SALEM, OREGON 97301-3667

TELEPHONE: (503)588-6177

FAX: (503)588-6094

TO: Aurora Planning Commission  
FROM: Renata Wakeley, City Planner  
RE: Legislative Amendment 2015-02 (LA-15-02)  
DATE: November 3, 2015

### REQUESTED ACTION

The Planning Commission's options for taking action on Legislative Amendment 15-02 include the following:

- A. Adopt the findings in the staff report and recommend that the City Council adopt Legislative Amendment 15-02:
  1. As presented by staff; or
  2. As amended by the Planning Commission (stating revisions).
- B. Recommend that the City Council take no action on Legislative Amendment 15-02.
- C. Continue the public hearing:
  1. To a time certain, or
  2. Indefinitely.

### BACKGROUND

In 2013, House Bill 3460 created a medical marijuana registration system and allowed medical marijuana facilities (MMFs) to be located in certain zones, including commercial, industrial, and mixed use. In 2015, House Bill 3400 further clarified marijuana regulations, expanded permissions for recreational marijuana, and also allowed jurisdictions to adopt reasonable time place, and manner restrictions on both. The Planning Commission has given staff general direction related to the marijuana issue and has had general discussions regarding proposed amendments to the Aurora Municipal Code (AMC).

At the same time, the Planning Commission received feedback from interested parties regarding recreational vehicles and accessory buildings and LA-15-02 includes proposed amendments to clarify the text on these items.

The following sections of the Aurora Municipal Code (AMC) are proposed for amendment:

- 16.04 Definitions
- 16.14 Commercial

- 16.16 Industrial
- 16.36 Manufactured Home Regulations
- 16.42 Off-Street Parking and Loading Requirements

Legislative Amendment 15-02 includes the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold** and ~~strikethrough~~ format for review purposes (see Exhibit A).

The purpose of the proposed amendment is to create “reasonable regulations” as allowed by House Bill 3460 and 3400 for time, place and manner restrictions for marijuana associated retailers, processors, and growers. By addressing marijuana sales, production, and processing, the City seeks to further clarify where these uses are permitted and mitigate potential conflicts with surrounding uses. The proposed amendments seeks to add clarity and certainty to the Aurora Municipal Code – Title 16.

#### FINDING OF FACT AND CONCLUSIONS

The Aurora Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact and Conclusions:

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on October 13, 2015, which was 21-days prior to the first evidentiary hearing and 28-days prior to the tentative City Council hearing on November 10, 2015.
2. Amendments to the Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Legislative Amendments shall be made in accordance with the procedures and standards set forth in AMC 16.74-Procedures for Decision Making-Legislative. A legislative application may be approved or denied.
3. AMC 16.74.030 outlines notice requirements. At least ten days prior to the first public hearing, the City shall publish notice in a newspaper of general circulation. The notice of the planning commission and city council hearings was published in the Canby Herald on October 28, 2015, at least 10 days prior to the scheduled November 1, 2015 City Council hearing.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the Planning Commission and the decision by the City Council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.
6. The Planning Commission will review the proposed legislative amendments at a November 3, 2015 public hearing and a tentative City Council hearing is scheduled for November 10, 2015.

## FINDINGS

A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:

1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197;

FINDINGS: Goal 1, Citizen Involvement: A public hearing on the proposed amendments is scheduled before the Planning Commission on November 3, 2015 and a second hearing is scheduled before the City Council on November 10, 2015. Notice was posted at City Hall and published in the Canby Herald. The staff report was available for review one week prior to the Planning Commission and City Council hearings. This is consistent with City procedures. Staff finds Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged AMC for process. Goal 2 generally supports clear and thorough local procedures. Staff finds Goal 2 is met.

Goal 3, Agricultural Lands and Goal 4, Forest lands are found not to be applicable.

Goal 5, Open Spaces, Natural Resources, and Historic Areas: The proposed amendments do not affect regulations within the Aurora Historic District nor does it affect open spaces or natural resources. Staff finds Goal 5 does not apply.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreational Needs: Goal 8 is not applicable. The proposal does not address Goal 8 resources.

Goal 9, Economic Development: The draft code amendments respond to a need/revision identified by Senate Bills 3460/3400 to address permitted uses on commercial and industrial lands. The proposed code amendments are not found to deter employment or business opportunities but rather to allow for greater economic uses on commercial and industrial properties while also protecting the intent of these zones and permissible locations as well as the intent of the Aurora Historic District.

The Planning Commission has determined which uses under the Senate Bills are best suited in which zoning locations to match the purpose and intent of the zone. The code update also addressed design standards for storage units in the commercial zone to protect design standards of the primary structures in the zone. Staff finds Goal 9 is met.

Goal 10, Housing: The draft code amendments address storage of recreational vehicles on residentially zoned lands and within public rights-of-way not intended to accommodate housing. Staff finds Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable as the code amendments address permitted uses under State law on properties already zoned for commercial and industrial development. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues as the proposed code amendments apply to existing commercial and industrial sites within the City limits and permissible uses within these zones.

ORS 197 does not include specific notice requirements for legislative processes but the City met all notice requirements under AMC for Legislative Amendments. ORS 227.186, more commonly known as Measure 56 notice, does not apply as the proposed amendments do not reduce permissible uses of properties in the affected zones.

2. Any federal or state statutes or rules found applicable;

FINDINGS: Staff finds the adoption actions are consistent with Oregon Revised Statute 197.610(1) for notice to the Department of Land Conservation and Development. Measure 56 notice was not required as the proposed amendments do not reduce permissible uses on commercial lands.

The addition of specific definitions for marijuana grow sites, processing sites and retail sites under AMC 16.04 ensures compliance with recently adopted legislation at the State level. Above the State-imposed and regulated standards for said facilities, jurisdictions are permitted to adopt reasonable time, place and manner restrictions to meet the intent of their development code and comprehensive plans. Proposed amendments to address these new regulations and to further clarify the locations of specific facilities are found by staff to be reasonable and address the intent and purpose of the specific zoning codes, as outlined under each zoning code chapter.

Staff finds this criterion is met.

3. The applicable comprehensive plan policies and map; and

The applicable Aurora Comprehensive Plan Goals align with the Statewide Planning Goals and associated policies as outlined under FINDINGS, subsection A.1 above. Staff finds this criteria is met.

2. The applicable provisions of the implementing ordinances.

**FINDINGS:** The draft code amendments respond to a need/revision identified by Senate Bill 3460/3400 to potential permitted uses on commercial and industrial lands. The proposed code amendments are not found to deter employment or business opportunities but rather to clarify locations of permitted specific uses, allow for greater economic uses of commercial and industrial properties, and maintain design standards while also protecting the intent of the zones and the Aurora Historic District.

Staff finds the proposed code amendments can be established in compliance with the development requirements of the Aurora Municipal Code while maintaining the stated intent of the underlying zones.

- B. Consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

**FINDINGS:** Staff does not find a change in circumstance, mistake or inconsistency in the comprehensive plan or implementing ordinances. Rather, the proposed code amendments are a result of Senate Bill 13460/3400531 and the City's need to refine and clarify permitted locations and uses within the City of Aurora, adopt "reasonable regulations" for their review, as well as further clarify storage of recreational vehicles and design standards for accessory structure. Staff finds this criterion is met.

**EXHIBIT A** Aurora Municipal Code (AMC) section 16.04- Definitions  
Aurora Municipal Code (AMC) section 16.14- Commercial zone  
Aurora Municipal Code (AMC) section 16.16- Industrial zone  
Aurora Municipal Code (AMC) section 16.36- Manufactured Home Regulation  
Aurora Municipal Code (AMC) section 16.42- Off-Street Parking and Loading

## Chapter 16.04

### DEFINITIONS

#### Sections:

- 16.04.010** Meaning of words generally.
- 16.04.020** Meaning of common words.
- 16.04.030** Meaning of specific words and terms.

#### **16.04.010** Meaning of words generally.

All of the terms used in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or definition appears in the Oregon Revised Statute, or the context in which they are used clearly indicates to the contrary.

#### **16.04.020** Meaning of common words.

A. All words used in the present tense include the future tense.

B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.

C. All words used in the masculine gender include the feminine gender.

D. The word "shall" is mandatory and the word "may" is permissive.

E. The word "building" includes the word "structure."

F. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

G. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

H. The term "this ordinance" shall be deemed to include the text, the accompanying zoning map and all amendments made hereafter to either.

#### **16.04.030** Meaning of specific words and terms.

(Also see Chapters 16.18, 16.36, 16.44 and 16.50).

As used in this title:

"Abut/abutting" and "adjacent/adjoining or contiguous lots" means two or more lots  
....

**(Some pages excluded for brevity)**

"Lot Line, Side". "Side lot line"—means any lot boundary not a front or rear property line.

"Lot of record" means a legally created lot meeting all applicable regulations in effect at the time of creation.

"Lot, through or double-frontage lot" means an interior lot having frontage on two parallel streets (see Illustration 4, Appendix A set out at the end of this title).

"Lot width" means the average horizontal distance between the side lot lines.

"Major impact utility" means services and utilities which have a substantial visual impact on an area. Typical uses are electrical and gas distribution substations, radio microwave, telecommunications towers, telephone transmitters and cable television receivers and transmitters.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

"Manufactured home park" means any place where four or more manufactured homes are located on a lot tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

"Marijuana grow site" includes the manufacture, planting, cultivating, growing, trimming, or harvesting marijuana or drying marijuana leaves or flowers, registered with the State of Oregon.

"Marijuana processing site" includes the processing, compounding or converting of marijuana into products, concentrates or extracts, and registered with the State of Oregon.

"Medical marijuana dispensary and commercial marijuana retail stores" means a

facility that dispenses ~~medical~~ marijuana, ~~validly~~ registered with the State of Oregon and authorized according to the State of Oregon Health Authority (OHA) or Oregon Liquor Control Commission (OLCC), as applicable, to transfer usable marijuana and immature plants to and from ~~registry identified~~ cardholders, retail customers, and or persons licensed by the State to purchase, grow, or process marijuana, responsible for a medical marijuana grow site.

"Mining and/or quarrying" means premises from which any rock, sand, gravel, topsoil, clay, mud, peat or mineral is removed or excavated for sale, as an industrial or commercial operation, and exclusive of excavating and grading for street and roads and the process of grading a lot preparatory to the construction of a building for which a permit has been issued by a public agency.

"Minor impact utility" means services which have minimal off-site visual impact.

"Mobile storage unit" means a portable storage container that may be transported by truck and/or trailer that is used as an accessory structure and is not designed for human/animal occupancy nor connected to utilities. Mobile storage units may include railroad cars, tractor trailer units and/or shopping containers.

"Modular home" means a structure constructed in accordance with federal requirements for modular construction including compliance with Oregon Structural Specialty Codes.

"Net acres" means the total amount of land which can be used for development.

"Nonconforming lot" means a lot which was lawful in terms of size, area, dimensions or location, prior to the adoption, revision or amendment of the zoning ordinance, but which now fails to conform to the requirements of the zoning district.

"Nonconforming sign" means any sign lawfully existing on the effective date of an ordinance, or amendment thereto, which

renders such sign nonconforming because it does not conform to all the standards and regulations.

"Nonconforming structure" means a structure the size, dimensions or location of which were lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails to meet the present requirements of the zoning district.

"Nonconforming use" means an activity lawfully existing prior to the effective date of the ordinance codified in this title, or any amendment thereto, but which fails to meet the current standards and requirements of the zone. (Note: In the case of nonconformance, the key phrase is "...lawfully existing prior to the effective date of the ordinance codified in this title or any amendment..." which make the use or the lot, sign or structure nonconforming. These are frequently referred to as being "grandfathered in," meaning that they are allowed to remain under the conditions set by said ordinance (see Chapter 16.62).

"Non-remonstrance Agreement" means a written agreement executed by a property owner or a property owner's predecessor in title that waives the right of a property owner to file a remonstrance and thereby potentially delay the formation of a Local Improvement District (LID). Such agreements are typically entered into as a condition of development or improvement that impacts or connects to a substandard

"Occupancy permit" means a required permit allowing occupancy of a building after it has been determined that all requirements are met.

"On-the-record" means an appeal procedure in which the decision is based on the record established at the initial hearing. New information may be added only under certain limited circumstances.

"Open space" means an area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use, or for the use of owners and occupants of land adjoining or neighboring such open space.

"Owner" means any person, agent, firm or corporation having a legal or equitable interest in the property.

Owner, Contract Purchaser Deemed. A person or persons purchasing property under contract, for the purposes of this title shall be deemed to be the owner or owners of the property covered by the contract. The planning commission or the council may require satisfactory evidence of such contract of purchase.

"Parcel" means a unit of land that is created by partitioning land.

"Park and recreation facility" means any land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public.

"Parking space" means an area within a private or public parking area, building or structure meeting the specific dimensional requirements and designated as parking for one vehicle.

"Partitioning land" means division of an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioning does not include divisions of land resulting from lien foreclosures nor the adjustment of a property line by the relocation of a common boundary when no new parcel is thereby created.

"Permit" means an official document or certificate, issued by the city or its designated official, authorizing performance of a specified activity.

"Permitted use" means a use which is allowed outright, but is subject to all applicable provisions of this title.

"Person" means an individual, corporation, governmental agency, official advisory committee of the city, business trust, estate, trust, partnership, association, two or more people having a joint or common interest or any other legal entity.

"Planning director" means the person designated by the city council as responsible for planning activities for the city.

"Plat" includes a final subdivision plat, replat, or partition plat.

"Partition Plat, final" includes a final map and other writing containing all descriptions, locations, specifications, provisions and information concerning a partition.

"Patio" means an unenclosed, uncovered recreation area adjoining a building and adapted especially for outdoor dining and living.

"Porch" means a covered, enclosed or unenclosed, entrance to a vestibule or doorway.

"Potential future flooding" means condition that exists when a property elevation is at or below the established one hundred (100) year flood plain.

"Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

"Principal building" means the principal structure on a lot built for the support, shelter, protection or enclosure of any persons, animals or property of any kind, excluding an accessory building. The principal building shall conform to the stated uses within the zoning district and all other restrictions of this title.

"Professional office" means the office of a member of a recognized profession maintained for the conduct of that profession.

"Property line" means the division line between two units of land.

"Property line adjustment" means the relocation of a common property line between two abutting properties which does not result in the creation of an additional lot, or the creation of a substandard lot.

"Public support facilities" include services, buildings, and structures necessary to support uses allowed outright in the underlying zone and operated by a governmental agency or public utility. Such facilities may include, but not be limited to, fire stations, libraries, electrical substations, water and sewer distribution facilities and storage, power lines and poles, phone booths, fire hydrants, as well as bus stops, benches and mailboxes which are necessary to support principal development. Such facilities shall not include commercial plants.

"Quasi-judicial amendment" means a change to the text of this title, the comprehensive plan text, the city plan map or the city zoning map that is specific in nature or involves only a small number of properties or owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

"Replat" means the act of replatting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision partition plat or to increase or decrease the number of lots in the subdivision.

"Receipt" means an acknowledgment of submittal.

"Recreational vehicle" means a vacation trailer or other unit with or without motor power which is designed for human occupancy and to be used temporarily for recreational purposes and is identified as a recreational vehicle by the manufacturer.

"Recreational vehicle park" means any property developed for the purpose of parking or storing recreational vehicles on a temporary or transient bases, wherein two or more of such units are placed within five hundred (500) feet of each other on any lot, tract or parcel of land under one ownership.

"Remonstrance Agreement" means a formal written objection to formation of a Local Improvement District (LID) filed by an owner of property within the proposed LID pursuant to ORS 223.117 that can, in conjunction with other formal written objections from two-thirds or more of the affected property owners, delay formation of an LID.

"Remodel" means an internal or external modification to an existing building or structure which does not increase the site coverage.

"Residence" means a structure designed for occupancy as living quarters for one or more persons.

"Residential care facility" means any facility licensed or registered by or under the authority of the Department of Human

Resources as defined in ORS 443.400 to 443.460 or licensed by the Children's Services Division which provides residential care for six to fifteen (15) individuals who need not be related, excluding required staff persons.

"Residential care home" means any home licensed by or under the authority of the Department of Human Resources as defined in ORS 443.400, a residential home registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.505 to 443.825 which provides residential care for five or fewer individuals who need not be related, excluding required staff persons.

"Reserve strip" means a strip of property usually one foot in width overlaying a dedicated street which is reserved to the city for control of access until such time as additional right-of-way is accepted by the city for continuation or widening of the street.

"Residential use" means a structure used for human habitation by one or more persons.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use. The usage of the term "right-of-way for land division purposes" means that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

"Roadway" means the portion of the street right-of-way developed for vehicular traffic.

"School" means any public, elementary, junior high, high school, college, or comparable private school.

"Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

"Setback" means the minimum allowable distance between the property line and any structural projection. If there is an access easement or private street on the lot or parcel, "setback" shall mean the minimum allowable distance between the access easement or property street and any structural projection. Structural projections include fireplaces, covered porches, balconies, canopies and similar features. Cornices, eaves, belt courses, sills or similar architectural features may extend or project into a required setback not more than twenty-four (24) inches.

"SHPO" means the State Historic Preservation Officer.

"Sign" means any lettered or pictorial device designed to inform or attract attention, and which shall comply with Chapter 16.44.

"SSC" means Structural Specialty Code.

"Steep slope" means a slope with a gradient of twenty-five (25) percent or greater (see "Grade").

**(Some pages excluded for brevity)**

## Chapter 16.14

### C COMMERCIAL ZONE

#### Sections:

- 16.14.010 Purpose.
- 16.14.020 Permitted uses.
- 16.14.030 Conditional uses.
- 16.14.040 Development standards.
- 16.14.050 Open inventory display.

#### 16.14.010 Purpose.

The commercial zone (C) is intended to provide areas for retail and service commercial uses. (Ord. 415 § 7.60.010, 2002)

#### 16.14.020 Permitted uses.

In the commercial zone, except as specifically stated in Section 16.14.050 activities shall be conducted within an enclosed building or structure and are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted outright:

1. Auction house, auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or church;
2. Bed and breakfast inn, hotel or motel;
3. Bicycle sales or repair;
4. Cultural exhibits and library services;
5. Day care facility licensed by state;
6. Dwelling units located on the second floor of the commercial structure;
7. Eating and drinking establishments;
8. Financial, insurance and real estate offices;
9. General retail and convenience sales, except adult bookstores;
10. Indoor and outdoor recreation and entertainment facilities, except adult entertainment or adult motion picture theaters;
11. Laundry or dry cleaning establishments;
12. Medical or dental services including labs;
13. Mini storage, with or without a caretaker dwelling;
14. Minor impact utilities;
15. Motor vehicle, farm implement, boat or trailer rental, sales or services including body repairs when repairs are conducted wholly within an enclosed structure;
16. Mortuary, funeral home, crematorium or taxidermy;
17. Nurseries, greenhouses, and landscaping supplies not requiring outside storage for items other than plant materials including wholesale or retail, excluding uses related to medical or recreational marijuana;
18. Parking structure or lot or storage garage;
19. Printing or publishing plant;
20. Professional and administrative offices;
21. Public safety and support facilities;

- 22. Public transportation passenger terminal or taxi stand;
- 23. Repair services for household and personal items, excluding motorized vehicles;
- 24. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;
- 25. Schools;
- 26. Service station, retail vehicle fuel sales or car wash when not located adjacent to a residential zone.
- 27. Single-family residence, provided it is an accessory use and cannot be sold separately;
- 28. Studios, including art, photography, dance, and music. (Ord. 415 § 7.60.020, 2002)

16.14.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the planning commission:

A. Adult bookstore, adult entertainment or adult motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five (35) feet from any property line and shall be screened and buffered in accordance with Section 16.38.040. In addition, location shall be at least one thousand five hundred (1,500) feet, measured in a straight line, from any of the following:

- 1. Residential district,
- 2. Public or private nursery, preschool, elementary, junior, middle or high school,
- 3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital,
- 4. Public library,
- 5. Community recreation,
- 6. Church,
- 7. Historic district or historic structure;

B. Home occupations (Type II) subject to Chapter 16.46;

C. Major impact utilities, including telecommunications facilities subject to Chapter 16.50, provided that a ten (10) foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property;

D. 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 the retail business conducted on the premises, excluding products related to medical or recreational marijuana; (Ord. 478, 2015)

E. On lots that do not abut a residential zone, 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 premises; (Ord. 478, 2015)

F. Wholesaling, storage and distribution. (Ord. 415 § 7.60.030, 2002)

G. Medical marijuana dispensaries (MMD) and commercial marijuana retail stores, subject to the following standards:

1. Buffers which shall only be measured at the initial land use application and not subsequent annual renewals:

- a. Elementary, middle or high school, public or private: 1000 feet

- b. Day care: 1000 feet
  - c. Other marijuana businesses: 1000 feet
  - d. May not be adjacent to a residential zone, a public park, or a church.
2. The use must be located within a permanent, enclosed structure.
  3. The use may not be allowed as a home occupation.
  4. Applicant and all employees must pass a criminal background check.
  5. The term of a conditional use approval may not exceed one year.
  6. Waste materials containing any amount of marijuana or by products must be locked in a secure container on-site.
  7. Hours of operation are limited to 10 am to 5 pm.
  8. Drive through windows are prohibited.

#### 16.14.040 Development standards.

A. There is no minimum size for lots or parcels served by municipal sewer. Minimum lot sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.

B. There is no minimum lot width or depth.

C. Unless otherwise specified, the minimum setback requirements are as follows:

1. There is no minimum front yard setback except as required for buffering of off street parking in accordance with Section 16.38.050;

2. On corner lots and the rear of through lots the minimum setback for the side facing the street shall be ten (10) feet;

3. No side or rear yard setback shall be required except twenty (20) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district;

D. No building shall exceed forty-five (45) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.

E. Parking shall be in accordance with Chapter 16.42.

F. Landscaping shall be in accordance with Chapter 16.38.

G. Doors and windows may not be covered with security grates.

H. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

I. Additional requirements shall include any applicable section of this title. (Ord. 415 § 7.60.040, 2002)

J. All building additions and accessory structures shall be consistent in appearance with adjacent structures with regard to materials, setbacks, rooflines, height and overall proportions.

K. Mobile storage units shall not be used for storage or other uses unless they are modified with doors, siding and rooflines consistent in appearance with adjacent structures.

#### 16.14.050 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. Drive-through windows;
3. Display, for resale purposes, of large on road vehicles which could not be reasonably displayed wholly within a building; specifically automobiles, boats, logging equipment, farm machinery, heavy machinery and trucks. Such displays shall be limited to a maximum of five vehicles which shall be movable at all times and cannot be deemed as discarded or dismantled. All vehicles displayed for sale must be located on a paved surface;
4. Displays for resale purposes of small merchandise which shall be removed to the interior of the business after business hours;
5. Display, for resale purposes, of live trees, shrubs and other plants.
6. Outdoor seating in relation to permitted eating or drinking establishment subject to 16.34.060.D.

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)

## Chapter 16.16

### I INDUSTRIAL ZONE

#### Sections:

- 16.16.010 Purpose.
- 16.16.020 Permitted uses.
- 16.16.030 Conditional uses.
- 16.16.040 Development standards.

#### 16.16.010 Purpose.

The land designated as industrial is the only area capable of accommodating anticipated economic development activities that are non-retail in nature. With its excellent transportation access, this area provides the opportunity for land-intensive commercial business, such as lumber yards or equipment sales and service, as well as manufacturing. (Ord. 415 § 7.65.010, 2002)

#### 16.16.020 Permitted uses.

In the I zone, all uses are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted:

- A. Agricultural supplies;
- B. Nurseries, greenhouses, and landscaping supplies requiring outside storage including wholesale or retail, excluding uses related to medical or recreational marijuana;
- C. Cabinet or carpentry shop;
- D. Research services;
- E. Retail facilities on sites greater than one hundred thousand (100,000) square feet;
- F. Manufacturing of finished products excluding all processes involving the refining or rendering of fats or oils, excluding products related to medical or recreational marijuana;
- G. Manufacturing of components for use in finished products excluding all processes involving the refining or rendering of fats or oils, excluding products related to medical or recreational marijuana;
- H. Packaging of previously processed materials, excluding products related to medical or recreational marijuana;
- I. Participation sports and recreation: indoor and outdoors;
- J. Processing and packing of food products excluding all processes involving the refining or rendering of fats or oils, excluding products related to medical or recreational marijuana;
- K. Processing of previously processed materials for use in components or finished products excluding all processes involving the refining or rendering of fats or oils, excluding products related to medical or recreational marijuana;
- L. Processing of materials for use in any construction or building trades;
- M. Public support facilities;
- N. Tire retreading or vulcanizing;

O. Major impact utilities including telecommunications facilities subject to Chapter 16.50;

P. Warehouse and wholesale distribution and sales;

Q. Welding, sheet metal or machine shop;

R. Eating or drinking establishments;

S. Parking structure or lot or storage garage;

T. Printing or publishing plant;

U. Veterinary office or animal hospital;

V. Service station, car wash, motor vehicle, farm implement, boat or trailer rental, sales or services including body repairs;

W. Machinery repair;

X. Transportation terminals and storage yards;

Y. Participation sports and recreation, indoor and outdoor. (Ord. 415 § 7.65.020, 2002)

#### 16.16.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the planning commission:

A. Child day care facility, licensed by the state;

B. Junkyard or wrecking yard screened from adjacent streets;

C. Commercial amusement facilities including bowling alleys, video arcades, and movie theaters other than adult motion picture theaters;

D. Home occupations (Type II) subject to Chapter 16.46;

E. Recycle stations, provided that a ten (10) foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property, all operations are conducted entirely within buildings, and all building setbacks shall be a minimum of thirty (30) feet from any property line. (Ord. 415 § 7.65.030, 2002)

F. Marijuana grow site and/or marijuana processing site subject to the following standards:

1. Buffers which shall only be measured at the initial land use application and not subsequent annual renewals:

a. Elementary, middle or high school, public or private: 1000 feet

b. Day care: 1000 feet

c. Other marijuana businesses: 1000 feet

d. May not be adjacent to a residential zone, a public park, or a church.

2. The use must be located within a permanent, enclosed structure.

3. The use may not be allowed as a home occupation.

4. Applicant and all employees must pass a criminal background check.

5. The term of a conditional use approval may not exceed one year.

6. Waste materials containing any amount of marijuana or by products must be locked in a secure container on-site.

7. Hours of operation are limited to 10 am to 5 pm.

8. Drive through windows are prohibited.

16.16.040 Development standards.

A. There is no minimum size for lots or parcels served by municipal sewer. Minimum sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.

B. There is no minimum lot width or depth.

C. Unless otherwise specified, the minimum setback requirements are as follows:

1. There is no minimum front yard setback except as required for buffering of off street parking in accordance with Section 16.38.050.

2. On corner lots, the minimum setback for the side facing the street shall be ten (10) feet.

3. No additional side or rear yard setback shall be required except fifty (50) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district.

D. No building shall exceed fifty (50) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.

E. Landscaping shall be in accordance with Chapter 16.38. All outside storage areas require buffering and screening as defined in Chapter 16.38.

F. Parking shall be in accordance with Chapter 16.42.

G. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

H. Additional requirements shall include any applicable section of this title. (Ord. 415 § 7.65.040, 2002)

## Chapter 16.36

### MANUFACTURED HOME REGULATIONS

#### Sections:

- 16.36.010 Purpose.**
- 16.36.020 Definitions.**
- 16.36.030 Manufactured homes outside manufactured home parks.**
- 16.36.040 Manufactured home park standards.**
- 16.36.050 Occupying recreational vehicles.**

#### **16.36.010 Purpose.**

The purpose of this chapter is to establish criteria for the placement of manufactured homes in manufactured home parks or on individual building lots within the city, to provide standards for development of recreational vehicle parks and allow the temporary use of a manufactured home under certain circumstances.

(Ord. 415 § 7.94.010, 2002)

#### **16.36.020 Definitions.**

As used in this chapter:

"Anchoring system" means an approved system of straps, tables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured home.

"Approved" means acceptable to the city and meeting all current federal, state, or local building and installation codes.

"Driveway" means a private road giving access from access way to a manufactured home space.

"Foundation siding/skirting" means a type of wainscoting constructed of fire and weather resistant material, such as aluminum, treated pressed wood or other approved materials, enclosing the entire under carriage of the manufactured home in a fashion consistent with adjoining areas.

"Manufactured Housing Construction and Safety Standards Code" means Code VI of the Housing and Community Development Act (42 U.S.C. 5401 et sequential), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD Rules) and regulations and interpretations of such Code by the Oregon Department of Commerce; all of which became effective for manufactured home construction on June 15, 1976.

"Manufactured home space" means a plot of ground within a manufactured home park designed for the accommodation of one manufactured home.

"Occupied space" means the total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

"Permanent perimeter enclosure" means a permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

"Permanent foundation" means a structure system approved by the city and following the standards set by the Oregon Department of Commerce, for transposing loads from a structure to the earth. Standards subject to additional conditions set in each manufactured home classification.

"Section" means a unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

"Support system" means a pad or a combination of footings piers, caps, plates and shims, which, when properly installed, support the manufactured home.

"Vehicular way" means an unobstructed way of specified width containing a drive or roadway which provides vehicular access within a

manufactured home park and connects to a public street.  
(Ord. 415 § 7.94.020, 2002)

**16.36.030 Manufactured homes outside manufactured home parks.**

A. It is unlawful to be occupy, live in, use as an accessory structure, or store any manufactured home within the city, unless it complies with subsection B of this section.

B. The siting of manufactured homes outside of manufactured home parks shall comply with the following regulations:

1. Dimensions. The manufactured home shall be assembled from not less than two major structural sections, and shall contain a liveable floor area of not less than one thousand (1,000) square feet.

2. Hauling Mechanisms. Hauling mechanisms including wheels, axles, hitch and lights assembly shall be removed in conjunction with installation.

3. Foundation. The manufactured home shall be permanently affixed to an excavated and backfilled foundation and enclosed at the perimeter with cement, concrete block or other materials as approved by the building inspector, such that the manufactured home is not more than twelve (12) inches above grade; if the lot is a sloping lot, then the uphill side of the foundation shall be not more than twelve (12) inches above grade.

4. Roof. The manufactured home shall have a minimum nominal roof pitch of at least three feet in height for each twelve (12) feet in width, as measured from the ridge line. The roof shall be covered with shingles, shakes, or tile similar to that found on immediately surrounding single-family dwellings. Eaves from the roof shall extend at least six inches from the intersection of the roof and the exterior walls. The determination of roof covering comparability shall be made by the building inspector.

5. Exterior Finish. The manufactured home shall have exterior siding which in color,

material and appearance is comparable to the predominant exterior siding materials found on surrounding dwellings. The determination of comparability shall be made by the building inspector.

6. Weatherization. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards required of single-family dwelling construction under the Oregon Building Code, as defined in ORS 455.010.

7. Off-Street Parking. A garage or carport constructed of like materials consistent with the predominate construction of immediately surrounding dwellings and sided, roofed and finished to match the exterior of the manufactured home is required.

8. Architectural Design. The manufactured home shall utilize at least two of the following design features to provide visual relief along the street frontage of the home:

- a. Dormers;
- b. Recessed entries;
- c. Cupolas;
- d. Bay or bow windows;
- e. Gables;
- f. Covered porch entries;
- g. Pillars or posts;
- h. Eaves (minimum six inch projection); or
- i. Off-sets on building face or roof (minimum sixteen (16) inches).

C. Historic Districts. Manufactured homes shall be prohibited within, or adjacent to, or across a public right-of-way from a historic site, landmark or structure.

(Ord. 419 § 16, 2002: Ord. 415 § 7.94.030, 2002)

**16.36.040 Manufactured home park standards.**

A. Design of the proposed enlargement, alteration or creation of a home park manufactured home park shall be submitted to the Planning Commission for review. The

review shall be conducted in accordance with Chapter 16.58.

B. The design for the manufactured home park shall conform to all applicable state standards established by the state of Oregon, Department of Commercial Mobile Home park standards.

C. The minimum acreage for a manufactured home park shall be one acre with a minimum frontage of one hundred (100) feet and minimum depth of one hundred fifty (150) feet.

D. The maximum density for a manufactured home park shall be 10.89 units per acre.

E. The front and rear yard setback shall be twenty (20) feet and side yard setback shall be ten (10) feet, except on a corner lot the street side yards shall be twenty (20) feet.

F. The minimum area for a manufactured home space within a park shall be two thousand five hundred (2,500) square feet at a density of no more than eight manufactured homes per acre. No space shall be less than thirty (30) feet in width or less than forty (40) feet in length.

G. For each manufactured home space, one hundred (100) square feet shall be provided for a recreational play area, group or community activities. No recreational area shall be less than two thousand five hundred (2,500) square feet.

H. Primary access to the park shall be from a public street. Where necessary, additional street right-of-way shall be dedicated to the city to maintain adequate traffic circulation. Primary access shall have a width of not less than thirty (30) feet and shall be paved.

I. Vehicular ways shall be paved with an asphaltic material or concrete, a minimum of thirty (30) feet in width with on-street parking and a minimum of twenty (20) feet in width with no on-street parking, and shall be minimally constructed with four inches of one and one-half minus base rock, two inches of three-fourths-inch minus topped with two inches of asphalt concrete. Vehicular ways shall be named and marked with signs which are similar in appearance to those used to identify public

streets, and a map of the vehicular ways shall be provided to the fire district, the police department and the public works department.

J. Walkways shall connect each manufactured home to its driveway. All walks must be concrete, well-drained, and not less than thirty-six (36) inches in width.

K. Lighting for the manufactured home park shall average .25 horizontal candlepower of light the full length of all roadways and walks within the park.

L. Driveways shall be asphalt or concrete, not less than four inches deep or two inches of asphalt on four inches of three-fourths-inch minus gravel. Driveways shall begin at a vehicular way and extend into the individual space in a manner to provide parking for at least two vehicles. When the vehicular way is paved to a width of thirty (30) feet, one parking space on the vehicular way may be substituted for one of the required parking spaces. Driveways shall not be directly connected to a city street.

M. Parking spaces shall be a rectangle not less than nine feet wide and eighteen (18) feet long.

N. The boundaries of each manufactured home space shall be clearly marked by a fence, landscaping or by permanent markers and all spaces shall be permanently numbered.

O. The manufactured home shall be parked on a concrete slab on appropriate footings, supports and/or stands. Tie-downs, foundations or other supports shall be in accordance with state and federal laws.

P. Each manufactured home site shall have a patio of concrete, or flagstone or similar substance not less than three hundred (300) square feet adjacent to the manufactured home parking site.

Q. Landscaping and screening shall be provided in each manufactured home park and shall satisfy the following requirements:

1. All areas in a park not occupied by paved roadways or walkways, patios, pads and other park facilities shall be landscaped.

2. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views. Views to be screened include laundry drying yards, garbage and trash collection stations, and other similar uses.

3. Landscaping plans are to be done by a landscape architect or established landscaper.

4. The side and rear perimeter setbacks shall be fenced with an approved sight-obscuring fence or wall not less than five feet nor more than six feet in height and shall be landscaped in accordance with the buffering requirements of Chapter 16.38.

R. Each site shall be serviced by municipal facilities such as water supply, sewers, concrete sidewalks and improved streets.

S. Prior to occupancy of the manufactured home, each site shall have a storage area space in a building having a gross floor area of at least forty-eight (48) square feet for storing the outdoor equipment and accessories necessary to residential living.

1. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.

2. Except for automobiles and motorized recreational vehicles, no storage shall be permitted except within an enclosed storage area.

3. A recreational vehicle or trailer shall not be occupied overnight in a manufactured home park unless it is parked in a manufactured home space or in an area specifically designated for such use. No more than one recreational vehicle or trailer will be occupied at one time in a manufactured home space. Recreational vehicles, trailers and boats and other oversized vehicles greater than six feet in width may not be parked in the vehicular access way.

T. No structure shall exceed twenty-five (25) feet in height.

(Ord. 415 § 7.94.040, 2002)

It is unlawful for any recreational vehicle, to be occupied, lived in or otherwise used as a residence within the city, unless such use is specifically approved by the city under Chapter 16.52, except a private, residentially zoned property is permitted to use a recreational vehicle to house ~~non-paying~~ guests no more than a total of ten (10) days in a calendar year.

A. Recreational vehicles shall be mobile and fully operable, on inflated wheels, and licensed with the Department of Motor Vehicles at all times.

B. No more than one recreational vehicles per lot shall be permitted, except for guests no more than a total of ten (10) days in a calendar year.

C. Porches and awnings and related structural projections may not be constructed adjacent or attached to a recreational vehicle.

(Ord. 415 § 7.94.050, 2002)

### **16.36.050 Occupying recreational vehicles.**

**Chapter 16.42**

**OFF-STREET PARKING AND  
LOADING REQUIREMENTS**

**Sections:**

- 16.42.010 Compliance.**
- 16.42.020 Off-street loading.**
- 16.42.030 Off-street parking.**
- 16.42.040 General provisions.**
- 16.42.050 Development and maintenance standards.**
- 16.42.060 Provisions for reduction in spatial requirements for off-street parking due to landscaping.**
- 16.42.070 Plan required.**
- 16.42.080 Interpretation--Similar uses.**
- 16.42.090 Recreational vehicles.**
- 16.42.100 Disabled person parking.**
- 16.42.110 Compact vehicle parking.**
- 16.42.120 Bicycle parking.**
- 16.42.130 Off-street parking dimensional standards.**
- 16.42.140 Special exceptions.**

**16.42.010 Compliance.**

A. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. Hereafter, every use commenced and every

building erected or altered shall have permanently maintained parking spaces in accordance with the provisions of this title.

B. No building, development, or other permit involving new construction, additional gross floor area or change of use shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be fulfilled and that property is and will remain available for the exclusive use of off-street parking and loading spaces. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title.

(Ord. 415 § 7.100.010, 2002)

**16.42.020 Off-street loading.**

A. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

<b>Use</b>	<b>Gross Sq. Ft.</b>	<b>Minimum Loading Spaces</b>
Commercial	5,000-- 25,000	1
Industrial	25,001--60,000	2
Public utilities	60,001--100,000	3
Restaurants	Over 100,000	3+ 1 space per 60,000 sq. ft.
Hotel, motels	5,000--30,000	1
Institutions	30,001--70,000	2
Office buildings	70,001--130,000	3
Hospitals, schools	Over 130,000	3+1 space per 100,000 sq. ft
Manufacturing	5,000--40,000	1
Wholesale	40,001--100,000	2

Use	Gross Sq. Ft.	Minimum Loading Spaces
storage	100,001--160,000	3
	Over 160,000	3+ 1 per 80,000 sq. ft.

B. A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

C. If loading space has been provided in connection with an existing use such space shall not be eliminated if elimination would result in nonconformance with the above standards.

D. Off-street parking areas used to fulfill the requirements of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs. sales, public gatherings and similar activities not otherwise prohibited.

E. Loading berths shall not be required in areas subject to Chapter 16.28. (Ord. 415 § 7.100.020, 2002)

**16.42.030 Off-street parking.**

Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zones. The following required spaces shall be available for parking, and not used for storage, sale, repair or servicing of vehicles, except property resident. Nothing in this title shall be interpreted to prevent the occasional use of parking areas for community events, special

Use	Standard
<b>A. Residential Uses/Day Care/Institutional/Hospital.</b>	
1. Single- and two-family	2 spaces per dwelling unit
2. Multifamily dwelling	1 space per studio or one bedroom dwelling unit, 2 spaces per dwelling unit with two or more bedrooms plus one space per three dwelling units for guests.
3. Manufactured home park	Two spaces per unit, plus one space for every three units for guests
4. Bed and breakfast	2 spaces plus 1 space for each guest bedroom
5. Residential care home or facility	1 space per 3 residential care beds plus 1 space per employee
6. Correctional facility	1 space per 3 inmate beds
7. Hospital	1 space per 3 beds and 1 space per employees

**B. Places of Public Assembly.**

The following uses shall be treated as combinations of separate use areas such as office, auditorium, restaurant, etc. The required spaces for each separate use shall be provided.

1. Auditorium, church or meeting room 1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 square feet
2. Library, reading room 1 space per 400 square feet plus 1 space per 2 employees
3. Senior high 1 space per employee plus 5 spaces per every classroom
4. Elementary school square or junior high 1 space per employee plus 1 space per every 100 feet of floor area in assembly area
5. Pre-school, nursery or kindergarten 5 spaces plus 1 space per classroom

**C. Commercial Uses.**

1. Hotel/motel 1 space per room plus 1 space per every 2 employees
2. Retail, bank, office, medical, dental 1 space per 400 square feet but not less than 3 spaces per establishment
3. Service or repair of bulky merchandise 1 space per 750 square feet
4. Bowling 4 spaces per lane, plus 1 space per every 2 employees
5. Beauty/barber shop 1.5 spaces per chair
6. Theater, stadium 1 space per 4 seats or 8' bench length
7. Ministorage 1 space per 200 square feet of office space, plus 2 spaces for caretaker residence
8. Eating or drinking establishments with seating 1 space per 120 square feet
9. Eating establishment with no seating 1 space per 400 square feet
10. Mortuaries 1 space per 4 seats or 8 feet of bench length in chapel.
11. Health and fitness club 1 space per 300 square feet

**D. Industrial Uses.**

1. Manufacturing, research freight, transportation terminal, warehouse, public utility 1 space per employee on two largest shifts
2. Wholesale uses 1 space per employee, plus one space per 800 square feet of patron serving area

**E. All uses providing drive-in services shall provide on the same site a reservoir for inbound vehicles as follows:**

## Use

Drive-in banks  
Drive-in restaurants  
Drive-in theaters  
Gasoline service stations  
Mechanical car washes  
Parking facilities:  
    Free flow entry  
    Ticket dispense  
    Manual ticket  
    Attendant parking

## Reservoir Requirements

5 spaces/service terminal  
10 spaces/service window  
10% of the theater capacity  
3 spaces/pump  
3 spaces/washing unit  
  
1 space/employee entry driveway  
2 spaces/employee entry driveway  
8 spaces/employee entry driveway  
10% of portion of parking capacity served by the driveway

(Ord. 415 § 7.100.030, 2002)

### **16.42.040 General provisions.**

A. In the event several uses occupy a single structure or parcel of land, the total requirements of the several uses should be computed separately.

B. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required off-street parking spaces shall be located on the same parcel or on another parcel not farther than three hundred (300) feet from the building or use they are intended to serve, measured in a straight line from the building, except as permitted by Chapter 16.28.

C. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the parking of trucks used in the conducting of the business or use. The subsequent use of property for which the appropriate permits are issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading spaces required.

D. Unless otherwise provided, required parking and loading spaces for multi-family

dwellings, commercial and industrial use shall not be located in a required front yard, but such space may be located within a required side or rear yard, not abutting a street.

F. Where employees are specified, the employees counted are the persons who work on the premises, including proprietors, executives, professional people, production, sales, and distribution employees during the largest shift at peak season.

(Ord. 415 § 7.100.040, 2002)

### **16.42.050 Development and maintenance standards.**

Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

A. All parking and maneuvering surfaces shall have a durable, hard and dustless surface such as asphalt, concrete, cobblestone, unit masonry, scored and colored concrete, grasscrete, compacted gravel, or combinations of the above.

B. Any lighting used to illuminate the off-street parking areas shall be so arranged

that it will not project light rays directly upon any adjoining residential property.

C. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.

D. Areas used for access and standing and maneuvering of vehicles to the dimensional standards of this title, and to the requirements of the public works standards.

E. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

F. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

G. Service drives to off-street parking areas shall be designed and constructed according to public works standards. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated.

H. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.

(Ord. 415 § 7.100.050, 2002)

**16.42.060 Provisions for reduction in spatial requirements for off-street parking due to landscaping.**

Where landscaping is to be provided in parking areas, to reduce the starkness generally associated with such parking areas, the Planning Commission may consider and approve the following

I. Service drives shall have a minimum vision clearance area formed by the intersections of the driveway center line, the street right-of-way line and a straight line joining the lines through points fifteen (15) feet from their intersection.

J. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way.

K. The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height, and at least three feet from the lot line or any required fence.

L. All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required and such marking shall be continuously maintained.

M. All parking lots shall be kept clean and in good repair at all times. Breaks in surfaces and areas where water puddles shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.

N. The provision for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner.

reduction: if general landscaping (including ground cover, raised beds, or low shrubbery, all of evergreen nature) are utilized around parking area borders, or where landscaping is required as screening around borders, or as traffic control structures within parking areas, or as general landscaping within parking areas, then the parking area gross

spatial requirement may be reduced proportionately, up to a total of five percent. (Ord. 415 § 7.100.060, 2002)

**16.42.070 Plan required.**

A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted to the Planning Director with each application for approval of a building or other required permit, or for a change of use. (Ord. 415 § 7.100.070, 2002)

**16.42.080 Interpretation--Similar uses.**

Off-street parking or loading requirements for structures or uses not specifically listed shall be determined by the Planning Commission. The Planning Commission shall base such requirements on the standards for parking or loading of similar uses. (Ord. 415 § 7.100.080, 2002)

**16.42.090 Recreational vehicles.**

The parking restrictions shall not be interpreted to prevent the parking on-site of recreational vehicles at all single-family residences provided the applicable parking requirements are satisfied.

A.- Recreational vehicles shall be mobile and fully operable, on inflated wheels, and licensed with the Department of Motor Vehicles at all times.

B. No more than one recreational vehicle per lot shall be permitted.

A.C. Porches and awnings and related structural projections may not be constructed adjacent or attached to a recreational vehicle

(Ord. 415 § 7.100.090, 2002)

**16.42.100 Disabled person parking.**

A. A sign shall be posted for each disabled person parking space required by subsection B of this section. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access, shall indicate that the spaces are reserved for persons with disabled person parking permits and shall be designed as set forth in standards adopted by the Oregon Transportation Commission.

B. Parking spaces constructed under this section shall be in accordance with the Uniform Building Code.

(Ord. 415 § 7.100.100, 2002)

**16.42.110 Compact vehicle parking.**

All parking spaces designated for compact vehicles shall be labeled by painting "compact only" on the parking space. Up to twenty-five (25) percent of the required parking spaces may be designated compact spaces.

(Ord. 415 § 7.100.110, 2002)

**16.42.120 Bicycle parking.**

At least one secured bicycle rack space shall be provided for each fifteen (15) parking spaces or portion thereof in any new commercial, industrial, or multifamily development. Bicycle parking areas shall not be located within parking aisles, landscape areas, or pedestrian ways.

(Ord. 415 § 7.100.120, 2002)

**16.42.130 Off-street parking dimensional standards.**

All off-street parking lots shall be designed subject to city standards for stalls and aisles as set forth in the following table.

- A. Parking Angle In Degrees
- B. Stall Width
- C. Stall Depth
- D. Aisle Width One Way
- E. Curb Length Per Car
- F. Bay Width (Includes stall length plus back up length)

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	9'0"	9.0	12.0	22.0	21.0
<b>0</b>	9'6"	9.5	12.0	22.0	21.5
	10'0"	10.0	12.0	22.0	22.0
	9'0"	19.8	13.0	12.7	22.8
<b>45</b>	9'6"	20.1	13.0	13.4	33.1
	10'0"	20.5	13.0	14.1	33.5
	9'0"	20.3	18.0	10.4	38.0
<b>60</b>	9'6"	21.2	18.0	11.0	39.2
	10'0"	21.5	18.0	11.9	39.5
	9'0"	21.0	19.0	9.6	40.0
<b>70</b>	9'6"	21.2	18.5	10.1	39.5
	10'0"	21.2	18.0	10.6	39.2
	9'0"	20.0	24.0	9.0	44.0
<b>90</b>	9'6"	20.0	24.0	9.5	44.0
	10'0"	20.0	24.0	10.0	44.0
<b>Parallel</b>	8'0"		12.0	22.0	18.0

A. For one row of stalls use "C" + "D" as minimum bay width.

B. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right-of-way.

C. For estimating available parking area, use three hundred (300) to three hundred twenty-five (325) square feet per vehicle for stall, aisle and access areas.

D. For large parking lots exceeding twenty (20) stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed thirty (30) percent of the total required stalls. When designated compact spaces are provided the stall width may be reduced to eight feet and the stall length reduced to seventeen (17) feet in length with appropriate aisle width.

(Ord. 415 § 7.100.130, 2002)

**16.42.140 Special exceptions.**

If conformance with this chapter would require a historic structure to be modified, or would involve destroying existing landscaping, the Planning Commission may approve modifications to the requirements of this chapter and no variance shall be required for such modification. (Ord. 415 § 7.100.140, 2002)

**November 2015 Update**

**LAND USE APPLICATIONS**

<b><u>Project</u></b>	<b><u>Status</u></b>
Building Permits/Correspondence	<ul style="list-style-type: none"><li>• 14857 Rooster Rock (G. Cam)</li><li>• 14895 Smith Rock (G. Cam)</li><li>• 14955 4th Street addition (Lais)</li></ul>
Sign Permits	
Manufactured Home Permit	
Land Use Applications	<ul style="list-style-type: none"><li>• Pre-application meeting on potential future uses/development at 21317 Hwy 99E (Mohler House)</li></ul>

**ADDITIONAL PLANNING**

<b><u>Project</u></b>	<b><u>Status</u></b>
Development Code updates	<ul style="list-style-type: none"><li>• LA-2015-02 (regulating marijuana, RV storage, and accessory structures in the Commercial zone)</li></ul>
Misc.	<ul style="list-style-type: none"><li>• Newsletter ideas?</li></ul>