

AGENDA
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

1. CALL TO ORDER OF THE AURORA PLANNING COMMISSION MEETING

2. CITY RECORDER DOES ROLL CALL

3. CONSENT AGENDA

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

- a) Discussion and or Action on Orchard View Storm Water Tract.
- b) Discussion and or Action on UGB Streamlining Rules.
- c) Discussion and or Action on Proposed Text for Code Update.

7. OLD BUSINESS

- a) Discussion and or Action on the Airport Growth.

8. Commission Action/Discussion

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

9. ADJOURN

Minutes
Aurora Planning Commission Meeting
Tuesday, September 1, 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

STAFF ABSENT: Renata Wakeley, City Planner

VISITORS PRESENT: None

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Chairman Schaefer at 7:07 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 – Absent during roll call came in late.

3. CONSENT AGENDA

a) Planning Commission Minutes – August, 2015

b) City Council Meeting Minutes – NA, 2015

c) Historic Review Board Minutes – July, 2015

Motion to approve the consent agenda as presented was made by Commissioner Gibson and is seconded by Commissioner McNamara. 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.

NEW BUSINESS

a) NA

6. OLD BUSINESS

- a) Discussion and or Action on Various Code Sections Regarding Vehicles and Recreational Vehicles. Chair Schaefer begins with stating that he had asked all of you to begin looking at these various code sections and supplying some input at this meeting. Various members of the Commission give their thoughts on this. McNamara felt it adequate while Weidman had concerns regarding move ability and Ensign had a question regarding decks and ramps surrounding it. While Mayor Graupp asks if accessory structure definition is clear enough to disallow Chair Schaefer felt that it was. Schaefer also stated that Ensign & Weidman’s concerns were addressed in the food cart section of the code.

Other discussion points were shipping containers in the Commercial zone to be used for storage. During various points of view given it was consensus of the Commission to disallow shipping containers’ in the residential and commercial zones.

- b) Discussion and or Action on Recreational Marijuana Code. Mayor Graupp had suggested at one time we treat it the same as the (MMD) Medical Marijuana code that we just worked on. There was not a lot of discussion from the commission and they all agreed to follow the MMD regulations.

There is a brief discussion regarding the upcoming Luther Church height variance application that was requested by HRB to come before the board.

7. COMMISSION/DISCUSSION

- a) City Planning Activity (in your packets) Status of Development Projects within the City.

8. ADJOURN

Chair Schaefer adjourned the September 1, 2015 Aurora Planning Commission Meeting at 8:03 P.M.

At this point in the meeting Mayor Graupp asks the group there thoughts on possibly joining Aurora to Mt. Angel via a bike path on Meridian Rd. This was a discussion that I started with the other Mayors during the recent Mayor’s conference I attended. I am also looking into the possibility of a grant to begin a dog park and having the kids at the high school design it at the property by Aurora Mills. The entire group thought it to be a great idea and use of the property.

Chair Schaefer

ATTEST:

Kelly Richardson, CMC
City Recorder

Minutes
Aurora City Council Meeting
Tuesday, August 11, 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
Mary Lambert, Finance Officer
Darrel Lockard, Public Works Superintendent
Dennis Koho, City Attorney
Deputy Huitt, Marion County Sheriff's Office

STAFF ABSENT:

VISITORS PRESENT:

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Mayor Bill Graupp at 7:00 pm

2. CITY RECORDER DOES ROLL CALL

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

3. CONSENT AGENDA

- a) City Council Meeting Minutes – June, 2015, Councilor Vlcek had a few clarification questions in the Planning Commission minutes regarding the bond issue. Councilor Vlcek also states that in the July Council minutes that he had not mentioned the Fire Dept property however he did refer to the property across the street from the old hotel property. Vlcek also asked about the action item on pg 4.
- b) Planning Commission – June, July, 2015
- c) Historic Review Board Meeting – May, 2015

ACTION ITEM;

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

4. CORRESPONDENCE –

- a) 2015 Legislative Report (electronic packet only)

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. No comments were made during this section.

Susan Black wanted to thank all of the volunteers who participated in Colony Days events.

6. REPORTS

a) Mayor Bill Graupp

- Mayor reports the recent resignation of Raymond Lowe in public works and that the position has been posted. The recent spill was approximately 20,000 gallons of treated water it was caused by a broken flow meter on the affluent meter. DEQ has been notified and the new parts have been ordered. We are currently working on the completion of the waste water master plan.
- I have also been kicking around an idea and applying for a grant for a dog park I would like to have the North Marion school children help us design the dog park. I believe this would be a good use of the land by the pudding river.
- SB534 has passed and has been signed by the Governor.
- Recently the North Marion middle school and high school kids did the Mayor for a day writing contest and there were some very good papers written.
- Also I have been speaking to the Mayor of Mt. Angel and Silverton regarding a bike path idea to possibly adjoin our towns by way of Meridian Rd.
- Also during our discussions many of the Mayors are simply doing the same regulations for MMD and recreational marijuana.

Council discussed, NA

ACTION ITEM: NA

b) Marion County Deputy

- Deputy report there has not been anything critical is been all routine calls. Except we did have a theft that occurred at the Aurora Maternity Clinic which is under investigation.
- The majority of people are traveling at approximately 20-25 mile per hour on Liberty but please let me know if that changes.

Council discussed with Officer Huitt the temporary road closures during the Colony Days events Councilor Vlcek shared some frustrations. As Officer Huitt began explaining City Recorder Richardson wanted to make it clear that these were temporary closure while the events were taking place people were simply asked to wait until it was safe to

proceed they were not prevented from continuing their commute. Officer Huitt also explained to the Council that he was present during a few encounters with the public regarding the road closures and they were handled without incident.

ACTION ITEM: Action to be.....

c) Traffic Safety Committee

- Traffic report, Mayor Graupp states that unless we are going to have a TSC then we should drop this from the agenda.

Council discussed.....

ACTION ITEM: Remove this from the agenda.

d) Finance Officer

- Finance officer reports that you all have the most up to date treasures report and that everything looks good.

Council discussed nothing at this time and there were no questions.

ACTION ITEM: NA

e) Public Works

- Public Works report is given by the Mayor in Lockard's absence. Mayor Graupp reads the report as presented. There are a few questions by the Council regarding the status of the trees in the park along with a few concerns regarding the need of work being done on 2nd street. Councilor Vlcek also asks why did we not apply for the 50,000 dollar Community Development grant that we normally do each year. Councilor Southard also points out a leak at or near the Park and wants a deadline as when it will be fixed. Mayor Graupp informs the group that they are aware of the leak and it's on the schedule to be fixed along with the other items as well. The trees will be taken care of this week.

Council discussed briefly that there needs to be a schedule of ongoing projects in the report. City Recorder Richardson volunteers to help Lockard with a better report style.

ACTION ITEM: Action to be.....

f) Parks Committee

- Park report

Council discussed the need of a quote for the extra areas of the downtown area from Living Color Landscape. Councilor Vlcek informs the group that he will be working on getting the striping done for the soccer season.

ACTION ITEM: NA

g) City Recorder

- Recorder report is routine Richardson informs Council that the job descriptions have been completed for the Administrative Department and working towards finishing the Public Works Department next. Richardson also informs Council that we need to schedule performance reviews. Councilor Sallee requests a copy of the Emergency Response Plan and wants to begin including a section of it each month in the council packets so everyone is familiar with the document.

Council discussed nothing at this time.

ACTION ITEM: Get a copy of EOP to Councilor Sallee.

h) City Attorney

- City Attorney report Koho informs the council that Mr. Bixler has withdrawn his application to combine his lots back into one legal lot rather than the 4 lots currently. Mr. Sills appeal hearing has been rescheduled until the September meeting. The Eddy property has a current deal in place and the purchaser wants to make a settlement offer to the city and have a non-encumbered title along with a timeline of when the property will be cleaned up.

Council discussed the need for more information regarding the Eddy property. Also we need to get moving forward on the falling down house on HWY 99E the Ranu property I believe.

ACTION ITEM: Continue on both properties Eddy and Ranu.

7. **PUBLIC HEARING**, Opens at 7:14 PM

- a) Discussion and or Action on Zone Change (ZC-2015-01), City Attorney Koho reads the staff report which is very clear and staff report outlines 4 options for you.

**CITY OF AURORA CITY COUNCIL
STAFF REPORT**

FILE NUMBER: ZC-2015-01 and CPMA-2015-01
HEARING DATE: August 11, 2015

APPLICANT: City of Aurora

OWNER: Timothy & Susan Corcoran, PO Box 73, Aurora, OR 97002

REQUEST: Zone Change and Comprehensive Plan Map Amendment

SITE LOCATION: 21348 Hwy 99E, Aurora, OR 97002
Property ID R98010, Map 041.W.12BA, Tax Lot 3000

SITE SIZE: 0.166 acres

ZONING: Low Density Residential (R-1) Zone with Historic Residential (HR) Overlay

COMP PLAN DESIG: Low Density Residential with Historic District Overlay

CRITERIA: Aurora Comprehensive Plan
Chapter IX. Policies

Aurora Municipal Code (AMC)
Chapter 16.76 Procedures for Decision Making – Quasi-Judicial

ENCLOSURES: Exhibit A: Assessor Map

I. REQUEST

Applicant has requested the following two actions:

- 1) Zone change from Low Density Residential (R-1) with Historic Residential (HR) Overlay to Commercial (C) with Historic Commercial (HC) Overlay; and
- 2) Comprehensive Plan map amendment from Low Density Residential with Historic District to Commercial with Historic District

II. PROCEDURE

Procedures and standards dictating review of map amendments and zone changes are provided in AMC 16.80.30. Quasi-judicial amendments shall be in accordance with the procedures set forth in Chapter 16.76. The Council shall decide the applications on the record. A quasi-judicial application may be approved, approved with conditions or denied.

The decision on an amendment to the Comprehensive Plan Map must precede the decision on a proposed zone change. Plan map amendments are not subject to the one hundred twenty (120) day decision making period prescribed by state law and such amendments may involve complex issues. The applicant requested consolidation of the plan map amendment and a zone change and waived the one hundred twenty (120) day time limit prescribed by state law for zone change and permit applications.

Notice of the August 4, 2015 Planning Commission meeting and August 11th City Council hearings was provided on July 23, 2015 to the applicant, owners of the subject property, and all owners of property within 200' of the subject property. Notice was also mailed to the Department of Land Conservation and Development and Aurora Public Works and published in the Canby Herald on July 15, 2015.

Appeals are governed by AMC 16.76.260 and 16.78.120 and 16.80.030.

III. CRITERIA AND FINDINGS

Subchapter 16.80.030 provides the criteria for amendments to the Code, Comprehensive Plan, and Maps and states quasi-judicial amendments shall be in accordance with the procedures set forth in 16.76. The City Council shall decide the applications on the record. A quasi-judicial application may be approved, approved with conditions, or denied.

FINDINGS: Aurora Municipal Code (AMC) sections 16.76.020 through 16.76.110 outline the procedures for the application process, noticing requirements, approval authorities, and hearings procedures. Noticing requirements are summarized above. The Planning Commission makes a recommendation to the City Council for final decision. Staff and the Planning Commission found the criteria under 16.76.020 through 16.76.110 are met.

Aurora Comprehensive Plan, Chapter IX. POLICIES

J. 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.

FINDINGS: Staff and the Planning Commission found the proposed rezone will maintain the historic overlay zone and, based upon input from the property owner, will conserve buildings and properties of historic significance.

K. Economic Policies (Goal 9)

2. The City will encourage the preservation and enhancement of the community's historic character.

FINDINGS: The proposed rezone and map amendment affects property located in the City's historic district. The zone change and map amendment will allow a dilapidated residential structure in the historic district to be refurbished and used for commercial purposes. On February 26, 2015, the Historic Review Board (HRB) heard and subsequently approved the property owners request to refurbish the roof, paint, windows, foundation, and doors of the existing structure. Based on the proposed use and the approval of the HRB, Staff and the Planning Commission found the request will encourage the preservation and enhancement of the community's historic character.

3. The City will promote the retention and expansion of existing business activities while promoting the recruitment of new businesses.

FINDINGS: The property abutting the subject property to the north currently houses the Aurora Family Health Clinic. The proposed rezone and map amendment will allow the health clinic to expand into the subject property. Preliminary renderings submitted by the property owner show an expansion and remodel of the existing residential structure on the subject property for the purpose of accommodating the Aurora Family Health Clinic. Upon approval of a rezone and map amendment, the construction and change in use would be subject to Site Development Review. Staff and the Planning Commission found the request will promote retention and expansion of existing business activities.

Aurora Municipal Code (AMC)

16.76 Procedures for Decision Making – Quasi-Judicial

16.76.120 Standards for the decision. An application for quasi-judicial comprehensive plan map amendment or zone change shall be based on proof by the applicant that the application fully complies with:

1. Applicable policies of the city comprehensive plan and map designation; and

FINDINGS: Applicable Comprehensive Plan policies are addressed above. Staff and the Planning Commission found the request complies with applicable Comprehensive Plan policies and this criteria is met.

2. *The relevant approval standards found in the applicable chapter(s) of this title, the public works design standards, and other applicable implementing ordinances, including but not limited to, the Aurora Design Review Guidelines for Historic District Properties.*

FINDINGS: As stated above, on February 26, 2015, the HRB heard and subsequently approved the property owners request to refurbish the roof, paint, windows, foundation, and doors of the existing structure. Upon approval of the proposed rezone and map amendment, Historic District overlays will continue to apply, and any commercial development will be subject to Site Development Review and the Public Works Design Standards. Staff and the Planning Commission found the request met this criteria.

3. *In the case of a quasi-judicial comprehensive plan map amendment or zone change, the change will not adversely affect the health, safety and welfare of the community.*

FINDINGS: The proposed rezone and map amendment will result in Commercial (C) zoning of the subject property with Historic Commercial Overlay (HCO) zone, which will allow the dilapidated dwelling currently on site to be refurbished and used for commercial purposes. The redevelopment of a vacant and dilapidated structure will remove a potential safety and welfare hazard. Furthermore, preliminary plans for the subject property include an expansion of the neighboring Aurora Family Health Clinic. Notice of the proposed zone change and comprehensive plan map amendment was also mailed to property owners within 200 feet and provided to Aurora Public Works. At the writing on this staff report, Staff had not received written testimony regarding the subject application. Oral testimony was not received at the Planning Commission meeting. Consequently, Staff and the Planning Commission found the request would not adversely affect the health, safety, and welfare of the community. Staff and the Planning Commission found this criteria was met.

B. Consideration may also be given to:

1. *Proof of a substantial change in circumstances or a mistake in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application; and*
2. *Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in subsections (A) or (B)(1) of this section.*

FINDINGS: Properties to the north, south and west of the subject property are zone Commercial (C) with a Historic Commercial Overlay (HCO) zone. The property owner and Staff were able to locate documentation regarding the property zoning which conflicts with the current Residential zone shown on City maps and County assessor records. Staff believes that, at some point in the past during a map update, the City inadvertently mislabeled the subject property as Residential with a Historic Residential Overlay as previous land use applications for the subject property have identified it as Commercial with no evidence that the property was rezoned to Residential. The Planning Commission found this criteria was met.

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, Staff and the Planning Commission recommends that the City Council **approve** the request, subject to the following conditions of approval:

- 1) Future development shall occur in accordance with plans approved by the city.
- 2) Future development shall comply with all City of Aurora and State of Oregon development, building and fire codes.

V. CITY COUNCIL OPTIONS / SAMPLE MOTIONS

- 1) Approve the request for Comprehensive Plan Map Amendment and Zone Change (File ZC-2015-01 and CPMA-2015-01) and adopt the findings and conditions contained in the Staff Report.
- 2) Approve the request for Comprehensive Plan Map Amendment and Zone Change (File ZC-2015-01 and CPMA-2015-01), with findings/conditions as amended by the City Council (stating revised findings/conditions).
- 3) Deny the request for Comprehensive Plan Map Amendment and Zone Change (File ZC-2015-01 and CPMA-2015-01), with amended findings that the request does not meet the applicable approval criteria.
- 4) Continue the hearing (to a date and time certain) if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

Hearing Closes at 7:18

Council briefly discusses the fact that this is basically a clerical error and is now fixing that error.

A motion is made by Councilor Vlcek to approve the Zone Change App ZC-2015-01 as per option 1 to become zone commercial and is seconded by Councilor Sahlin. Passed by All.

8. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- a) Discussion and or Action on Resolution Number 701 to Amend the Current Business License Fees and Amend Resolution Number 642.

Motion to approve Resolution Number 701 and add a fee for MMD Applications is made by Councilor Sahlin and is seconded by Councilor Vlcek. Passed by All.

9. NEW BUSINESS

- a) Discussion and or Action on Appeal Notice (2015-01) Historic District Overlay, is rescheduled to the September meeting.
- b) Discussion and or Action on Planning Commission Recommendation to Appoint Aaron Ensign to fill the vacant Commission seat.

Motion is made by Councilor Vlcek to appoint Aaron Ensign to the Aurora Planning Commission and is seconded by Councilor Saltee. Passed by All.

- c) Discussion and or Action on Grove Mueller and Swank Contract for Audit Services. Motion is made to approve the Contract with Grove Mueller and Swank for the Audit Services for the year. Passed by All.

- d) Discussion and or Action on City Engineer John Ashley Waste Water Engineering Services Report. Councilor Vlcek asks why does it take so long to complete and why charge for the document copies. Councilor Sahlin explains he believes because they need to monitor flows over a period of time is why it takes so long and it is normal to charge for the document because they do all the research involved it really is there document. Council would like to talk with Ashley at the next meeting before they approve the services report.

- e) Discussion and or Action on Better Ways of Council Communication. Councilor Sallee wanted this placed on the agenda and felt that there needed to be better communication between the boards. She felt the Council needed to be informed more of issues and concerns. City Recorder Richardson informs the council that the minutes in your packets inform the Council of discussion at other boards. As far as items before staff Richardson lets Council know that if it is not discussed in open meeting it will not be on the minutes. Sallee is concerned about the length of time it has taken for the Corcoran project and again Richardson informs the Council that all of the relevant procedures were followed in this case and had staff had all the information the application would have been deemed complete therefore along with noticing requirements everything was handled as it should have been. Sallee also had a few concerns regarding employee communications and concerns that come up and the process for that as well. Koho explains that each member of Council should be willing to assist employees as needed as I believe you have been. Koho maybe it's time to start looking into a different form of government your almost large enough for a City Manager.

Council is informed that Ashley is continuing work on the Storm Water Master Plan.

10. OLD BUSINESS

- a) NA

11. ADJOURN,

Mayor Graupp adjourned the August 11, 2015 Council Meeting at 9:05 PM.



Bill Graupp, Mayor

ATTEST:


Kelly Richardson, CMC
City Recorder

Minutes
Aurora Historic Review Board Meeting
Thursday, August 27, 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: Bill Graupp, Mayor
Joseph Schaefer, Aurora

1. CALL TO ORDER OF THE HISTORIC REVIEW BOARD MEETING

The meeting of August 27, 2015 was called to order by Chair Abernathy at 7:00 pm

2. CITY RECORDER DOES ROLL CALL

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

3. CONSENT AGENDA

- a) Historic Review Board Meeting Minutes – July 23, 2015 on pg 2 new business item A is not clear.
- b) City Council Minutes – June, 2015 Member Townsend clarifies and issue in the Parks report regarding the old hotel property.
- c) Planning Commission – July, 2015

A motion to approve the Historic Review Board minutes of August 27, 2015, as amended was made by Member Berard and is seconded by Member Townsend. Passed by all.

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.

6. NEW BUSINESS

- a) NA

7. OLD BUSINESS

- a) Discussion and or Action on the 2015 CGL Grant.
- b) Discussion and or Action on the Historic Review Guidelines Document, the entire board discusses the document as whole.
 - Member Berard suggests that we contact perspective home improvement businesses and put together a price list that might help applicants. Member Townsend really doesn't think applicants would use such a thing.
 - Member Berard also points out that in his opinion rather than appear as a stop sign to our applicants if we did more education it would appear that the board is helping.
 - The board agrees to read the document as a whole and report back its findings at the next few meetings.
- c) Discussion regarding the height variance requested by Christ Lutheran Church. The board would like to speak to representatives for Christ Lutheran as they have a few questions.

Action: Read Guidelines

8. ADJOURN

Chairman Abernathy adjourned the meeting of August 27, 2015 at 8:20 pm.

Gayle Abernathy, Chairman

ATTEST:

Kelly Richardson, CMC
City Recorder

From: Joseph Schaefer
Sent: Friday, September 25, 2015 1:02 PM
To: Wakeley, Renata; mayor
Cc: recorder
Subject: Orchard View Storm Tract

I put a call into Kathy and am inviting her to the PC meeting. Kelly please put this on the agenda as new business - Orchard View Stormwater Tract.

From: Wakeley, Renata [renatac@mwvcog.org]
Sent: Tuesday, September 15, 2015 12:24 PM
To: Kathy Kaatz
Cc: recorder
Subject: RE: City of Aurora Question

Hi Kathy,

Sounds like you have made some progress since we last chatted-Nice job!

At that time, the City allowed me to spend 2-3 hours in order to assist you with some background on the property and suggested next steps which it sounds like you have been able to accomplish. However, as a consulting planner, I must bill the City for work completed at their request or at an interested parties request. As I do not have approval to bill additional time to this project, I am cc'ing the City Recorder so she is aware of the request.

I would recommend you submit a letter to either the Aurora Planning Commission and/or Aurora City Council (or both), summarizing the history of the property and the work you have completed to date. You can request to be placed on their agenda for further discussion as well.

Maybe the City would be willing to accept the property from Mr. Brown and later donate to the subdivision or negotiate a maintenance agreement? I think the City would want feedback from their Public Works before any determination was made so you might want to cc the Aurora Public Works on any submissions as well.

Best of luck!

Renata Wakeley, Community Development Director Mid-Willamette Valley Council
of Governments
100 High Street SE, Suite 200
Salem, OR 97301
(ph) 503-540-1618
(fx) 503-588-6094

From: Kathy Kaatz [mailto:kkaatz@ci.tualatin.or.us]
Sent: Tuesday, September 15, 2015 12:16 PM
To: Wakeley, Renata <renatac@mwvcog.org>
Subject: City of Aurora Question

Hi Renata...we chatted back in June of 2014 regarding our property located at 10480 SW Orchard St NE in Aurora – it is Lot 6 in the Orchard View subdivision. If you are not the appropriate person to be speaking to regarding a property matter in the City of Aurora and could direct me to who I should contact, I would appreciate that.

Our property is adjacent to the property that is designated as Tract A and B common areas. These properties are still owned by Brown and Nielsen since there was no association at the time of completion of the subdivision, nor is there an association at this time. I am attempting to work with Mr. Brown on allowing us to obtain a portion of Tract A.

The last time I spoke with Mr. Brown he said he would give the property to the City but couldn't give it to us. I am unsure of why the City would want to take on the maintenance of this property. I am wanting to offer Mr. Brown compensation for the property and cover all costs of going through the proper channels and have the property combined with our tax lot. I am unsure of what direction to take at this time and was hoping that you could advise me with future steps to follow. I did visit the County Assessor office back in 2014 to get further information but at this time need further direction on future steps to take. If you can help me with this matter that would be great. Thanks.

Kathy Kaatz
Program Coordinator
City of Tualatin | Operations Administration
503-691-3093 | www.tualatinoregon.gov<<http://www.tualatinoregon.gov>>
kkaatz@ci.tualatin.or.us<<mailto:kkaatz@ci.tualatin.or.us>>

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DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

DIVISION 24
URBAN GROWTH BOUNDARIES

*Proposed New rules and Rule Amendments in Response to ORS 197A
First public Draft September 15, 2015*

Note: No changes are proposed to existing rules at OAR 660-024-0020 and 660-024 0040

1 **660-024-0000**

2 **Purpose and Applicability**

3 (1) The rules in this division clarify procedures and requirements of Goal 14 regarding a local
4 government adoption or amendment of an urban growth boundary (UGB). **The rules in this**
5 **division do not apply to a UGB amendment under ORS 197A.300 to 197A.325 and OAR**
6 **chapter 660, division 38.**

7 (2) The rules in this division interpret Goal 14 as amended by Land Conservation and
8 Development Commission (the Commission) on or after April 28, 2005, and are not applicable to
9 plan amendments or land use decisions governed by previous versions of Goal 14 still in effect.

10 (3) The rules in this division adopted on October 5, 2006, are effective April 5, 2007. The rules
11 in this division amended on March 20, 2008, are effective April 18, 2008. The rules in this
12 division adopted March 13, 2009, and amendments to rules in this division adopted on that date,
13 are effective April 16, 2009, except as follows:

14 (a) A local government may choose to not apply this division to a plan amendment concerning
15 the evaluation or amendment of a UGB, regardless of the date of that amendment, if the local
16 government initiated the evaluation or amendment of the UGB prior to April 5, 2007;

17 (b) For purposes of this rule, "initiated" means that the local government either:

18 (A) Issued the public notice specified in OAR 660-018-0020 for the proposed plan amendment
19 concerning the evaluation or amendment of the UGB; or

20 (B) Received LCDC approval of a periodic review work program that includes a work task to
21 evaluate the UGB land supply or amend the UGB;

22 (c) A local government choice whether to apply this division must include the entire division and
23 may not differ with respect to individual rules in the division.

24 **(4) The rules in this division adopted December 4, 2015, are effective January 1, 2016.**

1 **660-024-0010**

2 **Definitions**

3 In this division, the definitions in the statewide goals and the following definitions apply:

4 (1) "Buildable Land" is a term applying to residential land only, and has the same meaning as
5 provided in OAR 660-008-0005(2)

6 (2) "EOA" means an economic opportunities analysis carried out under OAR 660-009-0015.

7 (3) "Housing need" or "housing need analysis" refers to a local determination as to the needed
8 amount, types and densities of housing that will be:

9 (a) Commensurate with the financial capabilities of present and future area residents of all
10 income levels during the 20-year planning period;

11 (b) Consistent with any adopted regional housing standards, state statutes regarding housing need
12 and with Goal 10 and rules interpreting that goal; and

13 (c) Consistent with Goal 14 requirements.

14 (4) "Local government" means a city or county, or a metropolitan service district described in
15 ORS 197.015(13).

16 (5) "Metro boundary" means the boundary of a metropolitan service district defined in ORS
17 197.015(13).

18 (6) "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land
19 after excluding future rights-of-way for streets and roads.

20 (7) "Safe harbor" means an optional course of action that a local government may use to satisfy a
21 requirement of Goal 14. Use of a safe harbor prescribed in this division will satisfy the
22 requirement for which it is prescribed. A safe harbor is not the only way or necessarily the
23 preferred way to comply with a requirement and it is not intended to interpret the requirement for
24 any purpose other than applying a safe harbor within this division.

25 (8) "Suitable vacant and developed land" describes land for employment opportunities, and has
26 the same meaning as provided in OAR 660-009-0005 section (1) for "developed land," section
27 (12) for "suitable," and section (14) for "vacant land.

28 (9) "UGB" means "urban growth boundary."

29 (10) "Urban area" means the land within a UGB.

1 **660-024-0050**

2 **Land Inventory and Response to Deficiency**

3 (1) When evaluating or amending a UGB, a local government must inventory land inside the
4 UGB to determine whether there is adequate development capacity to accommodate 20-year
5 needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must
6 include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045
7 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to
8 that statute. For employment land, the inventory must include suitable vacant and developed land
9 designated for industrial or other employment use, and must be conducted in accordance with
10 OAR 660-009-0015.

11 (2) As safe harbors, a local government, except a city with a population over 25,000 or a
12 metropolitan service district described in ORS 197.015(13), may use the following assumptions
13 to inventory the capacity of buildable lands to accommodate housing needs:

14 (a) The infill potential of developed residential lots or parcels of one-half acre or more may be
15 determined by subtracting one-quarter acre (10,890 square feet) for the existing dwelling and
16 assuming that the remainder is buildable land;

17 (b) Existing lots of less than one-half acre that are currently occupied by a residence may be
18 assumed to be fully developed.

19 (3) As safe harbors when inventorying land to accommodate industrial and other employment
20 needs, a local government may assume that a lot or parcel is vacant if it is:

21 (a) Equal to or larger than one-half acre, if the lot or parcel does not contain a permanent
22 building; or

23 (b) Equal to or larger than five acres, if less than one-half acre of the lot or parcel is occupied by
24 a permanent building.

25 (4) If the inventory demonstrates that the development capacity of land inside the UGB is
26 inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040,
27 the local government must amend the plan to satisfy the need deficiency, either by increasing the
28 development capacity of land already inside the city or by expanding the UGB, or both, and in
29 accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local
30 government must demonstrate that the estimated needs cannot reasonably be accommodated on
31 land already inside the UGB. If the local government determines there is a need to expand the
32 UGB, changes to the UGB must be determined by evaluating alternative boundary locations
33 consistent with Goal 14 and applicable rules at OAR 660-024-0060 or **OAR 660-024-0065 and**
34 **OAR 660-024-0067.**

1 (5) In evaluating an amendment of a UGB submitted under ORS 197.626, the director or the
2 Commission may determine that a difference between the estimated 20-year needs determined
3 under OAR 660-024-0040 and the amount of land and development capacity added to the UGB
4 by the submitted amendment is unlikely to significantly affect land supply or resource land
5 protection, and as a result, may determine that the proposed amendment complies with section
6 (4) of this rule.

7 (6) When land is added to the UGB, the local government must assign appropriate urban plan
8 designations to the added land, consistent with the need determination. The local government
9 must also apply appropriate zoning to the added land consistent with the plan designation or may
10 maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either
11 by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other
12 interim zoning that maintains the land's potential for planned urban development. The
13 requirements of ORS 197.296 regarding planning and zoning also apply when local governments
14 specified in that statute add land to the UGB.

15 (7) As a safe harbor regarding requirements concerning “efficiency,” a local government that
16 chooses to use the density and mix safe harbors in OAR 660-024-0040(8) is deemed to have met
17 the Goal 14 efficiency requirements under:

18 (a) Sections (1) and (4) of this rule regarding evaluation of the development capacity of
19 residential land inside the UGB to accommodate the estimated 20-year needs; and

20 (b) Goal 14 regarding a demonstration that residential needs cannot be reasonably
21 accommodated on residential land already inside the UGB, but not with respect to:

22 (A) A demonstration that residential needs cannot be reasonably accommodated by rezoning
23 non-residential land, and

24 (B) Compliance with Goal 14 Boundary Location factors.

25 **660-024-0060**

26 **Metro Boundary Location Alternatives Analysis**

27 (1) When considering a [~~UGB~~] **Metro boundary** amendment, [~~a local government~~] **Metro** must
28 determine which land to add by evaluating alternative boundary locations. **For Metro, t**his
29 determination must be consistent with the priority of land specified in ORS 197.298 and the
30 boundary location factors of Goal 14, as follows:

31 (a) Beginning with the highest priority of land available, [~~a local government~~] **Metro** must
32 determine which land in that priority is suitable to accommodate the need deficiency determined
33 under OAR 660-024-0050.

1 (b) If the amount of suitable land in the first priority category exceeds the amount necessary to
2 satisfy the need deficiency, [~~a local government~~] **Metro** must apply the location factors of Goal
3 14 to choose which land in that priority to include in the **Metro boundary**[UGB].

4 (c) If the amount of suitable land in the first priority category is not adequate to satisfy the
5 identified need deficiency, [~~a local government~~] **Metro** must determine which land in the next
6 priority is suitable to accommodate the remaining need, and proceed using the same method
7 specified in subsections (a) and (b) of this section until the land need is accommodated.

8 (d) Notwithstanding subsection (a) to (c) of this section, [~~a local government~~] **Metro** may
9 consider land of lower priority as specified in ORS 197.298(3).

10 (e) For purposes of this **section rule**, the determination of suitable land to accommodate land
11 needs must include consideration of any suitability characteristics specified under section (5) of
12 this rule, as well as other provisions of law applicable in determining whether land is buildable
13 or suitable.

14 (2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during
15 periodic review or other legislative review of the [UGB]**Metro boundary**, [~~a local government~~]
16 **Metro** may approve an application under ORS 197.610 to 197.625 for a **Metro boundary**[UGB]
17 amendment proposing to add an amount of land less than necessary to satisfy the land need
18 deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all
19 other applicable requirements.]

20 (3) The boundary location factors of Goal 14 are not independent criteria. When the factors are
21 applied to compare alternative boundary locations and to determine the [UGB] **Metro Boundary**
22 location, **Metro**[~~a local government~~] must show that all the factors were considered and
23 balanced.

24 (4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the
25 UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the
26 vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

27 (5) If [~~a local government~~] **Metro** has specified characteristics such as parcel size, topography,
28 or proximity that are necessary for land to be suitable for an identified need, [~~a local~~
29 ~~government~~] **Metro** may limit its consideration to land that has the specified characteristics when
30 it conducts the boundary location alternatives analysis and applies ORS 197.298.

31 (6) The adopted findings for [UGB] **a Metro boundary** adoption or amendment must describe
32 or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the
33 analysis involves more than one parcel or area within a particular priority category in ORS
34 197.298 for which circumstances are the same, these parcels or areas may be considered and
35 evaluated as a single group.

1 (7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means
2 water, sanitary sewer, storm water management, and transportation facilities.

3 (8) The Goal 14 boundary location determination requires evaluation and comparison of the
4 relative costs, advantages and disadvantages of alternative [UGB] **Metro Boundary** expansion
5 areas with respect to the provision of public facilities and services needed to urbanize alternative
6 boundary locations. This evaluation and comparison must be conducted in coordination with
7 service providers, including the Oregon Department of Transportation with regard to impacts on
8 the state transportation system. "Coordination" includes timely notice to service providers and
9 the consideration of evaluation methodologies recommended by service providers. The
10 evaluation and comparison must include:

11 (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that
12 serve nearby areas already inside the [UGB] **Metro Boundary**;

13 (b) The capacity of existing public facilities and services to serve areas already inside the UGB
14 as well as areas proposed for addition to the [UGB] **Metro Boundary**; and

15 (c) The need for new transportation facilities, such as highways and other roadways,
16 interchanges, arterials and collectors, additional travel lanes, other major improvements on
17 existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

18 **660-024-0065**

19 **Establishment of Study Area to Evaluate Land for Inclusion in the UGB**

20

21 **Local governments outside of Metro shall comply with this rule and OAR 660-024-0067**
22 **when determining which lands to include within the urban growth boundary in response to**
23 **a deficit of land to meet long term needs.**

24 **(1) When evaluating lands for inclusion within the urban growth boundary, the local**
25 **government shall establish a study area that includes all land within:**

26 **(a) For cities under 10,000 – a distance that is at least **X** miles in all directions from the**
27 **acknowledged UGB.**

28 **(b) For cities over 10,000 – a distance that is at least **X⁺** miles in all directions from the**
29 **acknowledged UGB.**

30 **(2) After excluding areas described in section (3) of this rule, the study area must include**
31 **an amount of land that is at least 200 percent of the combined need deficiency for**
32 **residential, employment and other land determined under OAR 660-024-0050.**

33 **(3) A local government may exclude land from the study area if it determines that:**

1 **(a) It is impracticable to provide necessary public facilities or services to the land based**
2 **on the requirements of section (4) of this rule.**

3 **(b) The land is subject to significant development hazards, due to a risk of:**

4 **(A) Landslides: a landslide deposit or scarp flank is described and mapped on the**
5 **Statewide Landslide Information Database for Oregon (SLIDO) Release 3.2**
6 **Geodatabase published by the Oregon Department of Geology and Mineral**
7 **Industries (DOGAMI) December 29, 2014, provided that the deposit or scarp flank**
8 **in the data source is mapped at a scale of 1:40,000 or finer;**

9 **(B) Flooding: the land is within the Special Flood Hazard Area (SFHA) identified on**
10 **the applicable Flood Insurance Rate Map (FIRM);**

11 **(C) Inundation during storm surges: the land is as subject to storm surge**
12 **inundation and is within in the Special Flood Hazard Area (SFHA) identified on the**
13 **applicable Flood Insurance Rate Map (FIRM); or**

14 **(D) Tsunamis: the land is within a tsunami inundation zone established pursuant to**
15 **ORS 455.446.**

16 **(c) The long-term preservation of significant scenic, natural, cultural or recreational**
17 **resources requires limiting or prohibiting urban development of the land that contains**
18 **the following resources:**

19 **(A) Habitat that is described and mapped on an [adopted] Oregon Department of**
20 **Fish and Wildlife (ODFW) Inventory as either:**

21 **(i) Big game winter range or a big game migration corridor, or**

22 **(ii) Critical habitat for state or federal special status species (threatened,**
23 **endangered, candidate, or sensitive) such as Conservation Opportunity Areas.**

24 **(B) Aquatic areas subject to Statewide Planning Goal 16 that are in Natural or**
25 **Conservation management units designated in an acknowledged comprehensive**
26 **plan;**

27 **(C) Lands subject to acknowledged comprehensive plan provisions that implement**
28 **Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1; or**

29 **(D) Lands subject to acknowledged comprehensive plan provisions that implement**
30 **Statewide Planning Goal 18, Implementation Requirement 2.**

31 **(d) The land is owned by the federal government and managed primarily for rural uses.**

1 **(4) For purposes of subsection (3)(a), local governments may consider it impracticable to**
2 **provide necessary public facilities or services to the following lands:**

3 **(a) Contiguous areas of at least five acres where 75 percent or more of the land has a**
4 **slope of 25 percent or greater. Slope shall be measured as the increase in elevation**
5 **divided by the horizontal distance at maximum ten-foot contour intervals;**

6 **(b) Lands above a water service elevation limit established in an acknowledged**
7 **comprehensive plan policy, an acknowledged public facilities plan, an adopted**
8 **ordinance, or other written policy adopted by the service provider's governing body;**

9 **(c) Lands isolated from existing service networks by intervening physical barriers that**
10 **would significantly impede and increase the cost of providing public facilities and**
11 **services to such lands. Physical barriers that would significantly impede and increase**
12 **the cost of providing public facilities and services include, but are not limited to:**

13 **(A) Lands that are separated from the current UGB by major rivers or other water**
14 **bodies such that servicing the land would require one or more new bridge crossings**
15 **to serve planned urban development;**

16 **(B) Topographic features such as canyons, ravines or ridges with slopes exceeding**
17 **40 percent;**

18 **(C) Freeways, rail lines, or other restricted access corridors that would require one**
19 **or more new grade separated crossings to serve planned urban development; and**

20 **(D) Lands subject to existing measures to protect significant scenic, natural, cultural**
21 **or recreational resources that:**

22 **(i) Are set forth in an acknowledged comprehensive plan, implementing**
23 **regulations, or both; and,**

24 **(ii) Prohibit or substantially impede the placement or construction of necessary**
25 **public facilities and services;**

26 **(d) The land is within the corporate limits or the acknowledged UGB of another city.**

27
28 **OAR 660-024-0067**

29 **Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities**

30 **(1) When considering a UGB amendment, a local government outside of Metro must decide**
31 **which land to add to the UGB by evaluating all land in the study area determined under**
32 **OAR 660-024-0065 using criteria in section (8) of this rule, as follows:**

1 **(a) Beginning with the highest priority of land available, the local government must**
2 **determine which land in that priority is suitable to accommodate the need deficiency**
3 **determined under OAR 660-024-0050.**

4 **(b) If the amount of suitable land in the first priority category is not adequate to satisfy**
5 **the identified need deficiency, a local government must determine which land in the**
6 **next priority is suitable to accommodate the remaining need and proceed in this**
7 **manner until all the land need is accommodated.**

8 **(c) If the amount of suitable land in a particular priority category exceeds the amount**
9 **necessary to satisfy the need deficiency, a local government must choose which land in**
10 **that priority to include in the UGB by applying the criteria in section (9) of this rule.**

11 **(2) First Priority – Urban reserve, exception land, and nonresource land: The local**
12 **government shall evaluate land in the study area that meets the description in subsection**
13 **(a) - (c) of this section and select as much of the land as necessary to satisfy the need for**
14 **land using criteria in section (8) of this rule. Each of the areas described in in subsection (a)**
15 **- (c) of this section are of equal priority:**

16 **(a) Land designated as an urban reserve under OAR chapter 660, division 21, in an**
17 **acknowledged comprehensive plan;**

18 **(b) Land that is subject to an acknowledged exception under ORS 197.732; and**

19 **(c) Land that is nonresource land.**

20 **(3) Second Priority – Marginal Land: If the amount of land appropriate for selection under**
21 **section (2) is not sufficient to satisfy the need for land, the local government shall evaluate**
22 **the land within the study area that is designated as marginal land under ORS 197.247**
23 **(1991 Edition) in the acknowledged comprehensive plan and select as much of the land as**
24 **necessary to satisfy the need for land using criteria in section (8) of this rule.**

25 **(4) Third Priority – Farm or Forest land that is not predominantly high value farm land: If**
26 **the amount of land appropriate for selection under section (3) is not sufficient to satisfy the**
27 **amount of land needed, the local government shall evaluate land within the study area that**
28 **is designated for agriculture or forest uses in the acknowledged comprehensive plan that is**
29 **not predominantly high-value farmland, as defined in ORS 195.300, or that does not**
30 **consist predominantly of prime or unique soils, as determined by the United States**
31 **Department of Agriculture Natural Resources Conservation Service, and select as much of**
32 **that land as necessary to satisfy the need for land:**

33 **(a) Using criteria in section (8) of this rule; and**

1 (b) Using the predominant capability classification system or the predominant cubic site
2 class, as appropriate for the acknowledged comprehensive plan designation, to select
3 lower capability or cubic site class lands first.

4 (5) Fourth Priority – Agricultural land that is predominantly high value farmland: If the
5 amount of land appropriate for selection under section (4) is not sufficient to satisfy the
6 need for land, the local government shall evaluate land within the study area that is
7 designated as agricultural land in an acknowledged comprehensive plan and is
8 predominantly high value farmland and select as much of that land as necessary to satisfy
9 the need for land using criteria in section (8) of this rule. A local government may not select
10 land that is predominantly made up of prime or unique farm soils, as defined by the United
11 States Department of Agriculture Natural Resources Conservation Service, unless there is
12 an insufficient amount of other land to satisfy its land need.

13 (6) Notwithstanding section (5) of this rule, land that would otherwise be excluded from an
14 urban growth boundary may be included if:

15 (a) The land contains a small amount of resource land that is not important to the
16 commercial agricultural enterprise in the area and the land must be included to connect
17 a nearby and significantly larger area of land of higher priority for inclusion within the
18 urban growth boundary; or

19 (b) The land contains a small amount of resource land that is not predominantly high
20 value farmland or predominantly made up of prime or unique farm soils and the land is
21 completely surrounded by land of higher priority for inclusion into the urban growth
22 boundary.

23 (7) For purposes of sections (4) and (5) of this rule, when evaluating the agricultural or
24 forest capability of land within a study area, “land” means [definition under development].

25 (8) For purposes of this rule, “land suitable to accommodate the need deficiency
26 determined under OAR 660-024-0050 means buildable land that [to be defined]

27 (9) If the amount of suitable land in a particular priority category under sections (2)-(5)
28 exceeds the amount necessary to satisfy the need deficiency, a local government must
29 choose which land in that priority to include in the UGB by applying the location factors of
30 Goal 14 and applicable criteria in the acknowledged comprehensive plan and land use
31 regulations. The local government may not apply local plan criteria that contradict the
32 requirements of the Boundary Location Factors of Goal 14. The Goal 14 Boundary
33 Location Factors are not independent criteria; when the factors are applied to compare
34 alternative boundary locations and to determine the UGB location, a local government
35 must show that it considered and balanced all the factors.

1 **(10) For purposes of this rule, the term “public facilities and services” in Goal 14,**
2 **Boundary Location Factor 2 means water, sanitary sewer, and transportation facilities. In**
3 **applying Goal 14, Boundary Location Factor 2, to evaluate alternative locations, the local**
4 **government must compare relative costs, advantages and disadvantages of alternative UGB**
5 **expansion areas with respect to the provision of public facilities and services needed to**
6 **urbanize alternative boundary locations. The local government must conduct this**
7 **evaluation and comparison in coordination with service providers, including the Oregon**
8 **Department of Transportation with regard to impacts on the state transportation system.**
9 **“Coordination” includes timely notice to service providers and the consideration of**
10 **evaluation methodologies recommended by service providers. The evaluation and**
11 **comparison must include:**

12 **(a) The impacts to existing water, sanitary sewer, and transportation facilities that serve**
13 **nearby areas already inside the UGB;**

14 **(b) The capacity of existing public facilities and services to serve areas already inside**
15 **the UGB as well as areas proposed for addition to the UGB; and**

16 **(c) The need for new transportation facilities, such as highways and other roadways,**
17 **interchanges, arterials and collectors, additional travel lanes, other major**
18 **improvements on existing roadways and, for urban areas of 25,000 or more, the**
19 **provision of public transit service.**

20 **660-024-0070**

21 **UGB Adjustments**

22 (1) A local government may adjust the UGB at any time to better achieve the purposes of Goal
23 14 and this division. Such adjustment may occur by adding or removing land from the UGB, or
24 by exchanging land inside the UGB for land outside the UGB. The requirements of section (2) of
25 this rule apply when removing land from the UGB. The requirements of Goal 14, this division,
26 and **applicable provisions of either** ORS 197.298 **or ORS 197A.320** apply when land is added
27 to the UGB, including land added in exchange for land removed, **except as provided in**
28 **applicable provisions of OAR chapter 660, division 38.** The requirements of ORS 197.296
29 may also apply when land is added to a UGB, as specified in that statute. If a local government
30 exchanges land inside the UGB for land outside the UGB, the applicable local government must
31 adopt appropriate rural zoning designations for the land removed from the UGB before the local
32 government applies **applicable provisions of either** ORS 197.298 **or ORS 197A.320** and other
33 UGB location requirements necessary for adding land to the UGB.

34 (2) **Except as provided in OAR chapter 660, division 38,** a local government may remove land
35 from a UGB following the procedures and requirements of ORS 197.764. Alternatively, a local

1 government may remove land from the UGB following the procedures and requirements of
2 197.610 to 197.650, provided it determines:

3 (a) The removal of land would not violate applicable statewide planning goals;

4 (b) The UGB would provide a 20-year supply of land for estimated needs after the land is
5 removed, taking into consideration land added to the UGB at the same time;

6 (c) Public facilities agreements adopted under ORS 195.020 do not provide for urban services on
7 the subject land unless the public facilities provider agrees to removal of the land from the UGB;

8 (d) Removal of the land does not preclude the efficient provision of urban services to any other
9 buildable land that remains inside the UGB; and

10 (e) The land removed from the UGB is planned and zoned for rural use consistent with all
11 applicable laws.

12 (3) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange
13 of land may rely on its acknowledged population forecast, **consistent with OAR chapter 660,**
14 **division 32,** and land needs analysis, rather than adopt a new forecast and need analysis,
15 provided:

16 (a) The amount of buildable land added to the UGB to meet a specific type of residential need is
17 substantially equivalent to the amount of buildable land removed, or the amount of suitable and
18 developed employment land added to the UGB to meet a specific type of employment need is
19 substantially equivalent to the amount of suitable and developed employment land removed, and

20 (b) The local government applies the same comprehensive plan designations and, if applicable,
21 the same urban zoning to the land added to the UGB such that the land added is designated for
22 the same uses and at the same housing or employment density as the land removed from the
23 UGB.

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.

“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 persons 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.

"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.

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;
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; (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 buildings and accessory structures shall be designed to be complementary in appearance to adjacent structures of good design with regard to:

(1) Materials;

(2) Setbacks (for retail/commercial specifically);

(3) Rooflines;

(4) Height; and

(5) Overall proportions.

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 16.14

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;
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; (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)

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)

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.

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.

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)

16.36.050 Occupying recreational vehicles.

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 vehicle per lot shall be permitted.

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

C. (Ord. 415 § 7.94.050, 2002)

From: [Rindy, Bob](#)
To: [Abbott, Amie](#)
Cc: [MacLaren, Carrie](#); [Howard, Gordon](#)
Subject: FW: Chandler comments
Date: Monday, September 14, 2015 12:06:37 PM

It doesn't say whether Jon is looking at the RAC draft or the public draft but I'm pretty sure it's the RAC draft. Carrie has indicated today that we need to forward these to the RAC, even though they are late. I presume you and she will confer as to how to do that and word the email.

Bob Rindy | Senior Policy Analyst
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Office: (503) 934-0008 | Cell: (503) 881-0433
bob.rindy@state.or.us | www.oregon.gov/LCD

From: Jon Chandler [mailto:jchandler@oregonhba.com]
Sent: Saturday, September 12, 2015 8:53 AM
To: Rindy, Bob
Subject: 2254 rule

Bob - my apologies for these not only being tardy but incomplete (in other words, I'll reserve the right to make further comments), but I wanted to at least get some preliminary thoughts in while I had an opening in my calendar to do so. I'm out of town next week but will be around the week following if you'd like to discuss.

Generally, I think these are going in a positive direction and should result in faster and more fact-based UGB analyses. Of course, further discussion is going to be needed to flesh out the details, but by and large I'm encouraged with where things are going. The one over-arching concern that I have, which will be reflected in the comments below, is that these rules still don't seem to be using facts on the ground as a baseline, which I believe is critical. I do not object to aspirational planning per se, nor do I think that jurisdictions shouldn't be encouraged if not required to try to use their land more efficiently, but in several places we seem to be telling them to plan for development patterns or density levels that they haven't achieved, without a concomitant requirement that they provide some evidence of market reality.

With that said, I do have the following concerns/comments:

660-038-0030 - Residential Land Need

Subsection (6): On the one hand, I'm not sure why we would put a top-end cap on what a jurisdiction could assume for redevelopment if their current development patterns meet or exceed the percentages in the rule. Adding language such as is found in (c) of Subsection (7) would seem to be appropriate.

On the other hand, I'm quite uncomfortable with telling jurisdictions that they simply have to make up a number for redevelopment, particularly when the pretend number is pretty high, as it may well be for cities over 25,000. I understand and support the notion of prodding cities to make better use of their existing land supply through redevelopment, but telling a city that hasn't seen much if any redevelopment that they now have to assume 10 to 15% of their housing is going to take place in that fashion seems pretty arbitrary, and could well exacerbate housing shortages. I would suggest structuring this section so that the baseline is the city's current level of redevelopment (perhaps with a slight nudge upwards) and requiring that any city who picks a number greater than what they've done historically provide some analysis to support the premise that more redevelopment is likely to occur.

Subsection (7): It seems that one important piece is missing, and that is a requirement that cities amend their codes to allow for ADUs in the first place; I'm thinking of the city of Salem, but I know there are others, who simply don't allow ADUs, which would make any assumptions in these rules regarding same fairly meaningless.

Beyond that, I agree with one of the other commenters that there are probably a goodly number of illegal ADUs and therefore some level of assumption greater than 0 is probably appropriate, but as with the comments on the earlier subsection, I'm nervous about simply telling jurisdictions to make up numbers absent any showing that they're likely to be achieved.

Subsection (8) and (9): Perhaps I'm just getting lost in the equation that these would require, but I'm really struggling to see how this is supposed to work. Several points:

- How does "redevelopment expected to occur in residentially zoned areas", as specified in Subsection 7, differ from the ADUs called out for separate analysis under Subsection 8? It seems to me that an ADU is a form of redevelopment, and absent some clearer definitions or demarcations, a not-insignificant amount of double counting is probable if not guaranteed.
- Likewise, in Subsection (8) we tell jurisdictions that the number of units they're solving for is the product of deducting redevelopment and ADUs - which is fine - but then in Subsection (9)(a), we seem to be telling them to debit that which they've already debited. If the baseline dwelling unit need is net of redevelopment and ADUs, then (9)(a) seems to be repeating the calculations that should have already been done under Subsection (6), and I'm not sure why that's necessary. In short, the math they've done to get to Subsection 9 should have already taken into account redevelopment and ADUs, thereby making (9)(a) unnecessary.
- In Subsection (6), we are telling them to look at "projected redevelopment expected to occur in residentially zoned areas, and mixed use residential development expected

to occur in commercially zoned areas", but in Subsection (9)(a), we are apparently telling them to look at accommodating new units "on vacant and partially vacant residentially-zoned lands within the UGB". Assuming that both of these are intended to address the same sort of development - new residential units being built on land currently inside the UGB - I'm not sure why the phrasing is different.

660-038-0040 - Dwelling Unit Mix

In this section, again, we are telling jurisdictions to make up arbitrary numbers, which is troubling. They will have data from the American Community Survey that at least will indicate if not positively identify their current dwelling unit mix, and while I understand and am not necessarily opposed to encouraging them to do better, I do object to simply telling them to pick a different housing mix with higher density numbers without requiring any showing that the higher number is market realistic or even that they have code and approval provisions in place that would allow it to happen.

The only thing we know for certain in any city is what is currently on the ground in terms of density, type of housing, ratio of rented to owned, etc. That development pattern is a fact - it might be a fact that seems efficient and desirable or it might be a fact that seems to be the contrary - but it's a fact, nonetheless. And it's a fact that is the product of a host of factors: city codes, community desires and aspirations, historic legacies, availability of financing, market forces, proximity to other cities, and on and on...but when it's all said and done, you still have a set of facts, however derived, that should be the baseline. And any planning assumptions going forward that aren't based on these facts - at least in the sense that jurisdictions are required to show how they're going to change from X to X+ - are dangerous.

OAR 660-038-0060 - Buildable Lands Inventory

The vacant parcel definition of 3,000 square feet seems pretty aggressive; this may have been an argument I lost already, or perhaps it took place at a meeting which I didn't attend, but that's an awfully low bar. Ditto taking half of a half acre lot and calling it buildable land.

If there was some discount factor applied elsewhere in these rules, then low thresholds like this wouldn't be as problematic, but without that, I believe this is going to result in land supply shortages due to residents not being willing to plow up their gardens or de facto community parks.

OAR 660-038-0070 - Constrained Lands

Given the imminent issuance of a BiOp from NMFS on FEMA's flood insurance program, this entire section will likely need to be readdressed, but in any event, I would question the

wisdom of only applying a 50% reduction to development inside of SFHAs given where NMFS is obviously wanting to go.

With regard to deed restrictions, CC&Rs and the like, while I know it's a hassle for the cities, these sorts of restrictions can still present real barriers to increasing density, among other things, and it's important to adjust for that reality. I have no idea what purpose the last sentence serves; if a local government is given evidence that deed restrictions exist, why would we allow them to pretend that they don't know that?

OAR 660-038-0080 - Land Need to Land Supply

This looks pretty good to me, subject to the abovementioned caveat that I may well be misreading the equations that are implicit in the various charts.

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And unfortunately, Bob, that's all I have time for at the moment; I'm leaving in about an hour for Cycle Oregon and will be gone all next week (thereby missing the RAC) but I'll provide comments on the rest of the rule when I get back.

Apologies ... this has been a weird summer for all sorts of reasons, and I've started this review about a dozen times and gotten interrupted by various crises along the way. It's not that it isn't important, obviously, but scratching together the chunks of time necessary to do an adequate review has proved daunting.

See ya

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October 2015 Update

LAND USE APPLICATIONS

<u>Project</u>	<u>Status</u>
Building Permits/Correspondence	<ul style="list-style-type: none"> • 14936 3rd Street (Fence permit/SDR) • 15140 Park Avenue (accessory structure/addition) • Lot 15300 (G. Cam) • 21287 Hwy 99E (deck) • 21377 HWY 99E (continued use. See 16.62.050.A. below) • 21400 Main Street (temporary satellite dish)
Sign Permits	
Manufactured Home Permit	
Land Use Applications	<ul style="list-style-type: none"> • Variance application pending for November 10th meeting

ADDITIONAL PLANNING

<u>Project</u>	<u>Status</u>
Development Code updates	<ul style="list-style-type: none"> • 16.62.050.A. Discontinuance. Except for single-family residential uses which shall be continued by right, if a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property or structure shall be a conforming use, except as provided in subsection C of this section. • Draft container and RV storage amendments • Draft recreational marijuana amendments
Misc.	<ul style="list-style-type: none"> • Newsletter ideas?