Minutes
Aurora Planning Commission Meeting
Tuesday, May 3, 2016, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT	Kelly Richardson, City Recorder Renata Wakeley, City Planner
STAFF ABSENT:	**NA**
VISITORS PRESENT:	Tom Heitmanek, Aurora Council Member

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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 Joseph Schaefer - Present
   Commissioner Craig McNamara- Present
   Commissioner Bud Fawcett - Absent
   Commissioner Jonathan Gibson - Present
   Commissioner Mercedes Rhoden-Feely - Present
   Commissioner Tara Weidman - Present
   Commissioner - OPEN

3. **CONSENT AGENDA**
   a) Planning Commission Minutes – May, 2015, City Recorder Richardson states that your copy of the minutes don't show the attendees however I have made the correction.
   b) City Council Meeting Minutes – April, 2015
   c) Historic Review Board Minutes – April, 2015

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

4. **CORRESPONDENCE –**

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.

   NA

NEW BUSINESS

a) Discussion and or Action on FEMA Flood Plain Regulations,

- The event that has taken place over the last month is the Marine Fishery service has published their biological opinion regarding salmon habitat. This is an issue for about the last 2 or 3 years now and we had a representative from DLCD Christine Shirley.
- Years ago a Environmental group sued FEMA claiming that there flood plain management harmed salmon and it harmed salmon by allowing people to build to close to the flood plain area. The suet was settled and FEMA agreed to do a better job in the flood plain management to insure suitable habitat for the endangered salmon. This litigation started in the Puget Sound area and 2008-2009 and the national marine service offered a biological opinion. It might be an overstatement to say it has the force of law but maybe not. Personally the call the shots and everyone else follows.
- So after that in 2008-2009 the plaintiffs in that case said well the salmon in Oregon deserve the same so FEMA what are you going to do about Oregon salmon? FEMA said well yes we will look into it and so 7-8 years later and the recession is behind us so the bio opinion states that it could harm salmon.
- Procedurally the city is not allowed to allow anything that would harm salmon without going through a lot of hoops. As regulatory and permitting agency if we were allow it would subject the city under the endangered species act. If you were to go through Oregon codes today you would not see language that you would not harm salmon but in the future we will see that.
- DLCD is talking about how to deal with this and come up with templates. Our code is already fairly tightly regulated regarding the flood zone.

They discuss briefly the fish that are on the list of endangered species and how it would or could affect the pudding river. Basically they are proposing a riparian buffer zone measuring 170 feet laterally from either side of a water course. When they say riparian buffer zone that essentially means no building of any kind however there will only be certain types of development. (287)

Gibson so this could impact the farming area near here, I (Schaefer) yes I believe so unless grandfathered. Pg 292.

They briefly discuss the grandfather situations that could arise.

Planner Wakeley I am not sure if it wouldn't impact the city the 170 foot buffer I am not sure if it aligns with Liberty or not. I hope they come out with a model ORD so we have something to go by.

There is also discussion regarding the definition of water course and how that applies. The possible affected areas if broad definition of water course then East side of Liberty and North side of Park.

b) Discussion and or action on DLCD Land Use Legislation Regarding Annexation and Code Requirements specific to SB 1573. Chair Schaefer there is kind of two parts to this one is the

regular legislature update that the DLCD sends out a few months after each session and that's in your packet.

- We want to pay particular attention to SB 1573, prohibits voter approved annexations for cities with a couple small exceptions. The local code will need to be changed to be in line with State code.
- Insert the list of Laws here and Chair Schaefer goes over each one individually as listed below.

Final Report on 2016 Land Use Legislation

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

The following bills relating to land use planning or similar topics have been enacted by the 2016 Oregon Legislature.

For questions about this report, contact Dan Eisenbeis, (503) 934-0020, dan.eisenbeis@state.or.us. For information about the Oregon Legislature, visit www.oregonlegislature.gov.

SB 1517 – Wetlands in EFU: This bill authorizes Tillamook County to establish a pilot program for applying conditional use review to wetland restoration in areas zoned for exclusive farm use (EFU). The bill also specifies a project-specific collaborative process for settlement of disputes, and directs Tillamook County as part of a pilot program to initiate a planning process to identify areas suitable for wetland restoration and priority areas for agriculture. The bill requires Tillamook County to report the progress of the pilot program to the legislature each biennium through 2025. The authorization for the pilot program will sunset in January 2027.
Effective: January 1st, 2017
Chapter 84, Oregon Laws 2016

(won't effect city)

SB 1533 – Inclusionary Zoning and Construction Excise Tax: This bill authorizes city and county use of inclusionary zoning to require that up to 20% of units in multifamily housing developments of at least 20 units be sold or rented at affordable rates, if the jurisdiction also offers developers certain incentives. The bill also requires a city or county that implements inclusionary zoning to provide the options for developers to pay an in-lieu fee. The bill also lifts the general preemption on city and county authority to impose new local construction excise taxes (which had previously been scheduled to sunset in 2018), subject to certain requirements to use the revenue for housing programs and incentives. The bill also removes the sunset on the preemption of new local construction excise taxes for purposes not specified in SB 1533.
Effective: June 2nd, 2016
Chapter 59, Oregon Laws 2016

(If we had a multi family inclusion we could essentially pass a law that would require 20% of them to be affordable.). We really don't have any to speak of however is we do then we need to have code to be in line with this. Also removes construction tax.

SB 1573 – Annexation in Cities with Voter Approval: This bill specifies that if all property owners in an area within a UGB and contiguous to a city boundary petition the city for annexation, the annexation is not subject to voter-approval, if the area is or will be subject to the

acknowledged comprehensive plan and the proposal conforms to all the other requirements of the city's ordinances.
Effective: March 15th, 2016
Chapter 51, Oregon Laws 2016

Discussion, Schaefer how we amend our charter, Wakeley explains it really doesn't matter if you amend your charter or not this is a must and you will follow it. Basically DLCD is advising you to amend your code it doesn't line up with this but you will follow this to comply. At some point it will need to be done.

Include notice to council as an FYI to council.

SB 1598 – Marijuana: This legislation includes provisions to clarify that both recreational and medical marijuana are a crop for purposes of "farm" and "farm use" in statute, and prohibits new dwellings, farm stands, and commercial uses in conjunction with a marijuana crop on land designated for exclusive farm use. The bill also allows existing medical marijuana grow sites registered with the Oregon Health Authority of 5,000 square feet or less outdoors and 1,250 square feet or less indoors to be exempt from the Oregon Liquor Control Commission licensing requirement to obtain a land use compatibility statement.
Effective: March 3rd, 2016
Chapter 23, Oregon Laws 2016

Last sentence allows existing grow cites to obtain a land use compatibility statement. Now they are going to require a LUX.

SB 5701 – State Budget: This bill amends the State budget for the 2015-17 biennium. Provisions affecting DLCD include administrative adjustments as well as an increase in the department's other funds expenditure limitation by $216,000 for a pre-disaster mitigation planning grant awarded by the Federal Emergency Management Agency to the Office of Emergency Management and DLCD.
Effective: March 29th, 2016
Chapter 82, Oregon Laws 2016

No affect to us.

HB 4014 – Marijuana: This bill makes a number of changes to statutes governing production, processing, sale, and use of marijuana. The provisions include requiring an applicant to obtain a land use compatibility statement from a city or county prior to receiving a license from OLCC, rather than the current requirement that OLCC request the land use compatibility statement after receiving an application for a license.
Effective: March 3rd, 2016
Chapter 24, Oregon Laws 2016

Affirmative that an applicant must obtain a LUX prior.

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HB 4018 – Annexation of Jackson County Industrial Lands: This bill extends the sunset from 2016 to 2026 on the annexation prohibition for certain unincorporated Jackson County industrial lands without the consent of the landowner.
Effective: April 7th, 2016
Chapter 121, Oregon Laws 2016

NA

HB 4039 – Rural Airport Definition / Through the Fence: This legislation revises the definition of rural airport for purposes of "through the fence" operations to include airports with an air traffic control tower. An air traffic control tower was constructed last summer at the Aurora airport, where "through the fence" operations have been allowed.
Effective: March 14th, 2016
Chapter 35, Oregon Laws 2016

Prior to this if you had air traffic control tower you were ineligible for through the fence program so now they have re done it so you can have it.

HB 4084 – Brownfield Redevelopment Tax Incentives: This legislation authorizes a city, county, or port to establish a local program to provide property tax incentives for brownfield remediation and redevelopment for a period of up to 10 years, and for up to an additional five years based upon locally established criteria. A program established by a city, county, or port only becomes effective with the agreement of taxing districts representing a combined 75 percent or more of the total rate of property taxation within the territory of the city, county, or port.
Effective: June 6th, 2016
Chapter 96, Oregon Laws 2016

HB 4079 – UGB Expansion for Affordable Housing Pilot Project: This legislation directs LCDC to create a pilot program for two cities, one with a population of 25,000 or less and one with a population of 25,000 or more, to expand their UGBs by up to 50 acres for affordable housing. The bill provides that the expedited UGB expansion process for the pilot sites may be established without regard to whether an UGB contains a 20-year land supply and requires a local government to protect a pilot project site for continued use as affordable housing for 50 years. The bill directs LCDC to develop rules for selecting projects nominated by a local government that demonstrate efforts to accommodate and encourage needed housing within its existing UGB. It also specifies that local governments in the following areas are not eligible to participate in the pilot program: Clackamas, Marion, Multnomah, Polk, and Washington counties, and the portion of Jefferson County served by the North Unit Irrigation District. HB 4079 allocates $100,000 to DLCD to implement the provisions of the bill and requires LCDC to complete rulemaking to implement the pilot program by July 1, 2017. It also requires LCDC to
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report on the progress of the pilot program to the Legislature three consecutive sessions and three consecutive interim periods beginning with the 2017 legislative session.

Effective: March 15th, 2016
Chapter 52, Oregon Laws 2016

UGB expansion for affordable housing pilot projects. If we wanted to expand our UGB then more affordable housing you could however even Marion County opted out from the program.

HB 4126 – UGB Rules Grandfather Clause: This bill conforms statute to recent UGB rule amendments adopted by the Land Conservation and Development Commission to make clear that a city outside Metro that initiated but did not complete, an UGB evaluation and amendment process prior to January 1, 2016 (the effective date of the rules) may choose to complete its UGB process under the old rules or under the new rules.

_ Chair Schaefer for the Airport I am proposing since we are a small community and sort of a prescriptive path we should go under the old rules.
Commissioner Weidman asks a what the differences are and Schaefer explains, Prescriptive path do things by certain procedure it's supposed to be easier or simpler however this law is 54 pages single space and the old rules I believe have more flexibility for a smaller agency. City Planner Wakeley concurs.

6. **OLD BUSINESS**

   a) None

7. **COMMISSION/DISCUSSION**

   a) City Planning Activity (in your packets) Status of Development Projects within the City.
      - Helping with code enforcement issues.
      - Notice has gone out to Warren Bean restaurant addition SDR.
      - Corcoran property the expansion didn't subject them to review.
      - Partition on Ehlen however currently incomplete, and doesn't come back to Planning Commission.

Chair Schaefer going back to the flood zone change items if we were to change our code tomorrow essentially we would have to send out measure 56 notices, which is basically a letter from the city informing people we intend to change code that could potentially affect their property. Schaefer thinks we should at the very least inform people of this potential change and of the due date provided by the federal government. Wakeley concern that if we notify them with a misinterpretation I would rather wait until we speak with Christine Shirley at DLCD for guidance. Schaefer I just want to make them aware more information the better.

Wakeley a measure 56 notice has very distinct language and that's not what I am hearing from the Mayor so I just need clarification on the language of the notice. Chair Schaefer they DLCD has drawn a line and if you own property within 170 feet of the water course then this will affect you in my mind. Wakeley only interpretation of what a notice 56 is and what is mailed out. Schaefer request is to prepare notice as soon as you can and send out to properties affected.

After various points and discussion it is determined to send notice to everyone within the city limits.

8. ADJOURN

Chair Schaefer adjourned the May 3, 2016 Aurora Planning Commission Meeting at 8:38 P.M.

Chair Schaefer

ATTEST:

Kelly Richardson, CMC
City Recorder