

AGENDA

Aurora Planning Commission Meeting
Tuesday, November 1, 2016, 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 – October, 2016
- b) City Council Minutes – September, 2016
- c) Historic Review Board Meeting Minutes – September, 2016

4. CORRESPONDENCE –

- a) DLCD Agenda

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) None

7. OLD BUSINESS

- a) Discussion or Action on Possible Code Updates.
- b) Discussion and or Action on Airport UGB Update.

8. Commission Action/Discussion

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

9. ADJOURN



Meeting Notice and Agenda Land Conservation and Development Commission



Meeting:
Thursday,
November 17, 2016
8:30 a.m.
Redmond
Deschutes County
Fairgrounds Expo Center
North Sister Main Hall
3800 SW Airport Way
Redmond, OR 97756
www.expo.deschutes.org

Regional Tour:
Thursday,
November 17, 2016
1:35 p.m.
Commission Roundtable:
4:00 p.m.
Deschutes County
Fairgrounds Expo Center
North Sister Main Hall

Meeting:
Friday,
November 18, 2016
8:00 a.m.
Redmond
Deschutes County
Fairgrounds Expo Center
North Sister Main Hall
3800 SW Airport Way
Redmond, OR 97756
www.expo.deschutes.org

Video conferencing will be available at the department's office in Salem (for more information, see section on video conferencing information at the end of this agenda).

Thursday, November 17, 2016, 8:30 a.m.

Executive Session-Director's Evaluation-Closed to the Public

The Land Conservation and Development Commission will now meet in executive session for the purpose of reviewing and evaluating the performance of the director. The executive session is held pursuant to ORS 192.660(2)(i).

*Representatives of the news media and designated staff shall be allowed to attend the executive session. * All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, the commission will return to open session and welcome the audience back into the room.*

** LCDC may choose to allow other specified persons to attend the executive session.*

Thursday, November 17, 2016, 9:15 a.m.

Convene Meeting

Item 1 Approve Agenda

Item 2 Public Comment

This part of the agenda is for comments on topics not scheduled elsewhere on the agenda. The chair may set time limits (usually three minutes) for individual speakers. The maximum time for all public comments under this agenda item will be limited to 30 minutes. If you bring written summaries or other materials to the meeting please provide the commission assistant with 20 copies prior to your testimony. The commission is unable to take action, at this meeting, on items brought to their attention in this forum.

Item 3 Rulemaking – Affordable Housing Pilot Program Update

Department staff will provide the commission with an update on the UGB affordable housing pilot program required by HB 4079 (2016), including progress made by a rulemaking advisory committee. Staff from the University of Oregon, Community Service Center will present findings from the research it has conducted on contract for the department to inform the rulemaking and increase knowledge of housing market dynamics in Oregon, barriers to affordable housing, cost contributors to housing, and tools to address barriers to affordable housing.

Staff contact: [Gordon Howard](#), Urban Planning Specialist

Public testimony will be accepted

Briefing. The commission will not be asked to take an action during this item

Item 4 Central Oregon Housing Update

A panel of housing professionals will provide the commission with information and perspective on housing issues in Central Oregon. The panel will provide an overview of past trends and future projections related to changing demographics, population growth, and housing needs and affordability; a description of a local non-profit's efforts to address the need for affordable housing; and a prospective from builders on the challenges of keeping costs down in a rapidly growing region.

Staff contact: [Scott Edelman](#), Regional Representative

Public comment will be accepted

Briefing. The commission will not be asked to take an action on this item

12:20 p.m. – Lunch

Item 5 Central Oregon Region and Regional Solutions Team Updates

The commission will receive a briefing by department staff and members of the Central Oregon Regional Solutions Team (RST). Department staff will provide an update on department specific projects and initiatives around the region followed by an overview from RST representatives on other regionally significant projects with a land use element.

Staff contact: [Scott Edelman](#), Regional Representative

Public comment will be accepted

Briefing. The commission will not be asked to take an action on this item

1:35 p.m. – Regional Tour

4:00 p.m. – Commission Roundtable and Reception

Friday, November 18, 2016, 8:00 a.m.

Item 6 Rulemaking – Goal 5 Historic Resources

The commission will hold a public hearing regarding proposed permanent rule amendments to Oregon Administrative Rule 660-023-0020, “Historic Resources,” a rule implementing part of Statewide Planning Goal 5, “Natural Resources, Scenic and Historic Areas, and Open Spaces.” The purposes of the proposed rule amendments are to (1) clarify minimum requirements for local protection of sites listed on the National Register of Historic Places, (2) align state and federal requirements regarding National Register sites, and (3) provide a definition of “property owner” to provide clarity for implementation of owner consent statutes. Department staff will be accompanied by Ian Johnson, Associate Deputy State Historic Preservation Officer, OPRD.

Staff contact: [Rob Hallyburton](#), Community Services Division Manager

Public testimony will be accepted

Possible Action. The commission will not be asked to take an action on this item

Item 7 Rulemaking – Periodic Review Replacement

The commission will hold a public hearing and consider adoption of proposed permanent rule amendments to Oregon Administrative Rule chapter 660, division [s 25 and 38](#) (Simplified Urban Growth Boundary Method). The purpose of these proposed amendments is to develop an alternative to periodic review for cities that amended their urban growth boundary using the new simplified method in Oregon Administrative Rules chapter 660, division 38.

Staff contact: [Rob Hallyburton](#), Community Services Division Manager

Public testimony will be accepted

Possible Action. The commission may take action on this item

Item 8 Sage Grouse Central Registry Update

The commission adopted OAR 660-023-0115 (the “sage-grouse rule”) in July 2015. The rule directed DLCD to maintain a central registry to track anthropogenic disturbance in core sage-grouse habitat. The commission will receive a briefing regarding the form and function of the central registry and a projection for its completion.

Staff contact: [Jon Jinings](#), Community Services Specialist

Public comment will be accepted

Briefing. The commission will not be asked to take action on this item

11:55 a.m. – Lunch

Item 9 Best Practices Scorecard

The commission will consider preliminary results of the Best Practices Assessment Scorecard completed by each commissioner prior to the commission meeting. The final determinations made at this meeting will provide the commission’s annual response to the Best Practices Key Performance Measure and summarized in the upcoming Annual Performance Progress Report.

Staff contact: [Teddy Leland](#), Administrative Services Manager

Public comment will be accepted

Action. The commission will be asked to take action on this item

Item 10 Rulemaking – Metropolitan Transportation Planning

Department staff will brief the commission on the work of an advisory committee considering two issues regarding transportation planning in metropolitan areas:

- Amendments to sections of the Transportation Planning Rules ([OAR 660-012](#)) to streamline requirements to increase transportation choices and integrate voluntary greenhouse gas reduction efforts.
- Amendments to Metropolitan Greenhouse Gas Reduction Targets ([OAR 660-044](#)) to set targets for the years 2040 through 2050.

Staff contact: [Matt Crall](#), Planning Services Director

Public testimony will be accepted

Briefing. The commission will not take action on this item

Item 11 Commission Business

The commission will receive a Budget and Management subcommittee report and other commission business.

Staff contact: [Teddy Leland](#), Administrative Services Division Manager

No public comment will be accepted

Action. The commission will be asked to take an action during this item

Item 12 Director's Report

The commission will receive an update by the director on recent matters concerning the department.

Staff contact: [Jim Rue](#), Director

No public comment will be accepted

Briefing. The commission will not be asked to take an action on this item

Item 13 Request to Appeal

State law requires commission approval of a DLCD director's decision to seek review of a local government land use decision. Only the director or department staff on the director's behalf, the applicant, and the affected local government may submit written or oral testimony concerning commission approval of a director's recommendation to file or pursue an appeal, or intervention in an appeal, of a land use decision, expedited land division, or limited land use decision. This item is scheduled as a placeholder as the department does not anticipate making such a request.

Staff contact: [Carrie MacLaren](#), Deputy Director

No public testimony will be accepted, except as explained above

Placeholder/Possible Action. The commission may be asked to take an action on this item

Item 14 Other Business

The commission reserves this time, if needed, for other business.

Adjourn

The Land Conservation and Development Commission

Oregon's seven-member Land Conservation and Development Commission, assisted by the Department of Land Conservation and Development, adopts state land use goals, assures local plan compliance with the goals, coordinates state and local planning and manages the coastal zone program. Commissioners are unpaid citizen volunteers appointed by the Governor and confirmed by the Senate. Commissioners are appointed to four-year terms and may not serve for more than two consecutive terms. The statute establishing the commission, ORS chapter 197, also directs that members be representative of the state. The commission meets approximately every two months to conduct its business and direct the work of the department.

Commissioners:

Melissa Cribbins (Coos Bay)

Bart Eberwein (Portland)

Sherman Lamb (Talent)

Jerry Lidz, Vice-chair (Eugene)

Robin McArthur (Portland)

Greg Macpherson, Chair (Lake Oswego)

Catherine Morrow (Bend)

The meeting location is accessible to persons with disabilities. To request an interpreter for the hearing impaired or for other accommodations for persons with disabilities, please make requests at least 48 hours before the meeting to Amie Abbott at (503) 934-0045, amie.abbott@state.or.us, or by TTY: Oregon Relay Services (800) 735-2900.

Guidelines for Public Testimony:

The commission places great value on testimony from the public. The commission welcomes public comment and testimony for those items so indicated on the agenda.

Persons who wish to testify are requested to:

- Complete a Testimony Sign Up Form, provided at the meeting handout table
- Provide a written summary in advance to amie.abbott@state.or.us (March 4 is the deadline to submit advance testimony). If you are unable to supply materials in advance, please bring 20 copies to the meeting for distribution to the commission, staff and members of the public
- Recognize that substance, not length, determines the value of testimony
- Endorse, rather than repeat, testimony of other witnesses with whom you agree

Video conferencing Option

The commission has added the option of testifying by videoconference when the commission is holding a travelling meeting. The videoconferencing will be available at the department's office in Salem: Basement Hearing Room, 635 Capitol Street NE, Salem, Oregon 97301. Please note that the quality of video technology is not guaranteed. In addition, written testimony will only be provided electronically. Therefore, if your testimony is critical, please plan to attend the meeting in person.

Those testifying by videoconference are asked to follow the above “Guidelines for Public Testimony.”

Because of the uncertain length of time needed, the commission may address an item at any time in the meeting. Anyone wishing to be heard on an item without a set time should arrive when the meeting begins to avoid missing an item of interest. Topics not on the agenda may be introduced and discussed during the Director’s Report, Commission Business and Reports, or Other.

Minutes
Aurora Planning Commission Meeting
Tuesday, October 4, 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: Bob Smets, Aurora
Corine Celco,
Tyler Mesker, Aurora
Chris Green,
Mary Hellake, Aurora

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Chairman Schaefer at 7:01 pm

2. CITY RECORDER DOES ROLL CALL

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

3. CONSENT AGENDA

- a) Planning Commission Minutes – September, 2016
- b) City Council Meeting Minutes – August, 2016
- c) Historic Review Board Minutes – NA

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) FEMA NFIP_ESA_Consultation in Oregon, Chair Schaefer explains that this is what we have been discussing regarding flood plain issue this power point should help to explain it better.

April 2018 hopefully major remapping should take place however not sure if they have funding yet.

- b) Letter from Defazio 4th District regarding flood plains and construction projects with issues. Section 9 you need review and approval for NIMS. Along 99E we would send info to ODOT and then they might ask us to do this or say nothing. Defazio district 6-7 UGB grant projects funding from Federal dollars and he is getting an earful from local jurisdictions regarding lag time to get permits approved.

5. VISITORS

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

6. PUBLIC HEARING, OPENS AT 7:07PM

- a) Discussion and or Action on Legislative Amendment LQ-16-01 Application for Lavena Green Farms. Chair Schaefer reads into the record the legal overview of the meeting. Nothing is declared. Staff Wakeley reads her staff report into the record,

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

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

TELEPHONE: (503)588-6177

FAX: (503)588-6094

TO: Aurora Planning Commission
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 2016-01 (LA-16-01)
DATE: September 27, 2016

REQUESTED ACTION

The Planning Commission's options for taking action on Legislative Amendment 16-01 include the following:

- A. Adopt the findings in the staff report and recommend that the City Council adopt Legislative Amendment 16-01:
 - 1. As presented by staff; or
 - 2. As amended by the Planning Commission (stating revisions).

- B. Recommend that the City Council take no action on Legislative Amendment 16-01.

- C. Continue the public hearing:
1. To a time-certain, or
 2. Indefinitely.

BACKGROUND

In January 2016, the Aurora City Council adopted Ordinance 480 amending the Commercial and Industrial zone codes to adopt reasonable time, place, and manner restrictions on marijuana related businesses, including a restriction on marijuana grow sites and/or processing sites requiring a 1000-foot buffer between other marijuana businesses (established at the time of initial permit application).

The public hearings and staff reports related to the adoption of Ordinance 480 can be found in file #LA-2015-01.

On August 18, 2016, the City of Aurora received an application to amend the Industrial zone code (Section 16.16) to remove the 1,000-foot buffer requirement between marijuana businesses (See Exhibit B).

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

- 16.16 Industrial

Legislative Amendment 16-01 includes the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold** and ~~strike through~~ format for review purposes (see Exhibit A).

FINDING OF FACT AND CONCLUSIONS

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

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on September 12, 2016, 23-days prior to the first evidentiary hearing and 30-days prior to the tentative City Council hearing on October 11, 2016.
2. Amendments to the Aurora Municipal Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Staff finds the application is subject to section 16.80.020 as a Legislative Amendment as the applicant proposes a change to the Industrial zone code for all industrial properties within the City of Aurora that applies to a broad class of people and a variety of factual situations and any change would be an expression of local government policy rather than a closely circumscribed factual situation or a relatively small number of impacted parties. As such, legislative

amendment application shall be processed in accordance with the procedures and standards set forth in AMC 16.74-Procedures for Decision Making-Legislative. A legislative application may be approved or denied.

3. AMC 16.74.030 outlines notice requirements. At least ten days prior to the first public hearing, the City shall publish notice in a newspaper of general circulation. The notice of the planning commission and city council hearings was published in the Canby Herald on September 21, 2016, at least 10 days prior to the scheduled October 4, 2016 Planning Commission hearing. In addition, owners of industrially zoned properties within the Aurora urban growth boundary were mailed notice of the pending application on September 21, 2016.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the Planning Commission and the decision by the City Council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.
6. The Planning Commission will review the proposed legislative amendments at a October 4, 2016 public hearing. If applicable, the City Council will hold a public hearing on the Planning Commission recommendation for LA-2016-01 at a tentatively scheduled hearing on October 11, 2016.

FINDINGS

In accordance with 16.74.060.A., the recommendation by the Planning Commission and the decision by the Council shall be based on consideration of the following factors:

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

FINDINGS: Goal 1, Citizen Involvement: A public hearing on the proposed amendments is scheduled before the Planning Commission on October 4, 2016 and a second hearing is scheduled before the City Council on October 11, 2016. Notice was posted at City Hall and published in the Canby Herald. Owners of industrially zoned properties within the Aurora urban growth boundary were mailed notice of the pending application on September 21, 2016. The staff report was available for review one week prior to the Planning Commission and City Council hearings. This is consistent with City procedures. Staff finds Goal 1 is met.

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

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

Goal 5, Open Spaces, Natural Resources, and Historic Areas: The proposed amendments do not

affect regulations within the Aurora Historic District nor does it affect open spaces or natural resources. Staff finds Goal 5 does not apply.

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

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

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

Goal 9, Economic Development: The draft code amendments responds to an application received from a tenant on an industrially zoned property. According to the applicant, the removal of the 1000-foot buffer from other marijuana related businesses would benefit the City's economic development by increasing potential city revenue via increased business and potential taxation and would promote employment and business opportunities in the industry. Staff finds Goal 9 is met.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 resources.

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

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

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

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues as the proposed code amendment applies to existing industrially zoned properties within the City limits and permissible uses within these zones.

ORS 197 does not include specific notice requirements for legislative processes but the City met all noticing requirements under AMC for Legislative Amendments. ORS 227.186, more commonly known as Measure 56 notice, does not apply as the proposed amendment does not reduce permissible uses of properties in the affected zones. Owners of industrially zoned properties within the Aurora urban growth boundary were mailed notice of the pending application on September 21, 2016.

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

FINDINGS: Staff finds the adoption actions are consistent with Oregon Revised Statute 197.610(1) for notice to the Department of Land Conservation and Development. Measure 56 notice was not required as the proposed amendments do not reduce permissible uses on industrial lands. Notice of the proposed code amendment was mailed to all industrial zoned property within the urban growth boundary.

Beyond the State-imposed and regulated standards for marijuana related facilities, jurisdictions are permitted to adopt reasonable time, place and manner restrictions to meet the intent of their development code and comprehensive plans. Proposed amendments to address these new regulations and to further clarify the locations of specific facilities were adopted via Ordinance 480 and include buffers from schools and daycares; prohibiting marijuana related businesses from being adjacent to residential zones, parks or churches; limiting hours of operation; and requiring a conditional use permit application and approval.

According to the applicant, the additional requirement for a 1000-foot buffer between marijuana related businesses is unnecessary as it does not provide additional protections against security threats nor does it maintain higher livability standards for residents. The applicant also states the AMC already contains fair and thoughtful provisions to safeguard the City's livability and limits the marijuana industries footprint upon the City via other conditional use permit criteria and because of the State of Oregon's existing security standards, the AMC buffer requirement is unnecessary.

Staff finds the City may amend the Industrial zone code to remove the 1000-foot buffer requirement and still meet applicable state statutes related to marijuana grow and processing sites and this criterion is met.

3. The applicable comprehensive plan policies and map; and

The applicable Aurora Comprehensive Plan Goals align with the Statewide Planning Goals and associated policies as outlined under FINDINGS, subsection A.1 above. Staff finds the proposed amendment to the industrial zone code can meet this criteria, as outlined under subsection A.1 above.

4. The applicable provisions of the implementing ordinances.

FINDINGS: The draft code amendment responds to request from a property owner and tenant of industrially zoned property. The proposed code amendment is not found to deter employment or business opportunity but rather to clarify locations of a permitted conditional use in the industrial zone and allow for greater economic uses of industrial properties while maintaining the permitted and conditional uses in the zone, and the zone development and design standards.

Staff finds the proposed code amendment can be adopted in compliance with the implementing ordinances as the proposed code amendment does not proposed to amend the development or design standards of the applicable zone or other requirements of the Aurora Municipal Code. Staff finds this criterion is met.

In accordance with 16.74.060.B., consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

FINDINGS: Staff does not find a change in circumstance, mistake or inconsistency in the comprehensive plan or implementing ordinances. Rather, the proposed code amendment is a result of an application for zone text amendment from Lovena Green Farms. In accordance with AMC 16.74.020.A.5, an owner of property or contract purchaser may apply for a zone code text amendment. The application is signed by the property owner of record. Staff finds this criterion does not apply.

EXHIBIT A Aurora Municipal Code (AMC) section 16.16- Industrial zone code proposed amendments

EXHIBIT B Zoning Ordinance Amendment application

Following the staff report there are various questions from the Commissioners for staff

- McNamara asked if the 1000 foot buffer aligned with other cities and Chair Schaefer stated no not really this is unique to Aurora.
- Commissioner Fawcett wanted to know if we could amend the text to stop/amend the hours of operation at the same time as this application. As it is clear it's really difficult and really not applicable to monitor hours.

Opens Testimony,

Applicant Corrine Celko, Emerge Law Group along with Chris Green and fiancée with Lavena Green Farms, thanks staff for outlining the process and for complete information given in the staff report. The applicant goes on to explain in brief their application and that it meets all of the criteria as needed in goal 9. Applicant points out in their opinion the benefits to the city for taxes and growth. Applicant ends with the fact that the State highly regulates these types of businesses and feels it would be very safe and in the correct zone to be a benefit. Applicant references the Kohl memo and gives a brief explanation.

No one else speaks for or against at this time.

Chair Schaefer closes the public hearing at 7:37 pm.

Commissioners briefly discuss the testimony given and clarify that it is only for the industrial zone.

A motion to approve and recommend to Council the findings in the staff report as presented is made by Commissioner Weidman and is seconded by Commissioner Fawcett. Schaefer Opposed, McNamara, Fawcett, Weidman, Gibson, Feely Approved. Motion Approved.

7. NEW BUSINESS

a) NA

8. OLD BUSINESS

a) Discussion Regarding Code Revision List,

- Airport overlay concern, Schaefer I do not see where we are in the airport flight path and do not think it is necessary to have height restrictions however we need to verify before we propose any changes.
- Potential vacation of a portion of 2nd street at the dead end area by museum. Several blocks were platted that way so wagons could make u-turns without any problems. When I travel on 2nd street I see a lot of gravel. Schaefer proposes narrowing the area 15 feet on each side and allowing the property owners to maintain the area and have less street space.
- Storm water and ponds along with drainage, Schaefer the Orchard view situation is a perfect example I think that requiring each subdivision to have these items and maintain them on their own is the best path. Currently the city is working on The Storm Water Master Plan.
- Code enforcement, issues have traditionally been handled casually, we do have a process for staff to follow what we don't have is bringing them into compliance through Planning Commission and land development issues. We need to have a plan. I think if you need application they should apply for all at the same time. Code enforcement if you need 3 you need to apply for all three. Problem is that we cannot hold up one for the other so we need them to apply for all at the same time.
- A development agreement written as a contract and it would be great to have a check list.
- Final plat requirements, current language if you get preliminary plot agreement completed submit within 2 years. We propose all of the conditions have to been met within the 2 years and moving along.
- Code provision single family residence in commercial zone and then go back to a residence. Argument if it's in commercial zone you shouldn't allow it to go back to a residence. Gibson I think there needs to be a balance and to lean towards the current need at the time. Wakeley currently you allow residence on 2nd floor. Liaison Heitmanek how often is this issue, it's not like a mass would become residence. Schaefer with residential going so high you could see more. Schaefer we could potentially have measure 49 claim situation let's talk about this further next month.
- land division. Housekeeping to abide with state.
- Remove reference to off premise signage we cannot regulate content.
- Annexation by voter approval is no longer legal for contiguous properties.
- 1658020 G not required to SDR propose to strike.
- Minor and major amendments to land use action, we see plans and then they talk to bank or investor and then maybe later or time goes on they decide well this little section doesn't comply so they change it. We need to have a process for minor or major change.
- Remove recording requirement for a development agreement approval, Aurora landuse approval issued those are the conditions of approval and historically the city has

required a development agreement be recorded. Wakeley thinks there the same. Schaefer says landuse is approval and agreement is a contract. Schaefer I think it should remain. Wakeley to strike. Schaefer there is a debate before landuse or after landuse. big advantage for both by getting a contract you have more certainty. Wakeley how do you get comments from Engineers, PWS. Look at ORS 94.504 Threshold per projects.

- Hours of operation to remove hours of operation from zone code for industrial zone concerning marijuana businesses.

9. COMMISSION/DISCUSSION

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

10. ADJOURN

Chair Schaefer adjourned the October 4, 2016 Aurora Planning Commission Meeting at 8:35 P.M.

Chair Schaefer

ATTEST:

Kelly Richardson, CMC
City Recorder

Minutes
Aurora City Council Meeting
Tuesday, September 13, 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
Mary Lambert, Finance Officer
Darrel Lockard, Public Works Superintendent
Officer Bell, Marion County
Eleanor Beatty, Kaiser Law
Linda Kendrick, Kaiser law

STAFF ABSENT: Dennis Koho, City Attorney has resigned

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 William Graupp- Present
Councilor Jason Sahlin - Present
Councilor Kris Sallee-Present
Councilor Robert Southard-Present
Councilor Tom Heitmanek - Present

3. CONSENT AGENDA

- a) City Council Meeting Minutes – August, 2016
- b) Planning Commission – July, 2016
- c) Historic Review Board Meeting – July, 2016

ACTION ITEM: NA

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

4. CORRESPONDENCE –

- a) Congratulations letter from Oregon State Parks and Recreation Regarding the CLG Grant For Historic Properties.

Action Item: NA.

Councilor Sallee at this time asks for the process and procedure for addressing visitors concerns that are brought up during a meeting. She is concerned because they are not on the agenda for this month for council to discuss them. During a lot of discussion and clarification it was the consensus of the council that staff would address the issues in the form of a report to the council at which point council would decide if it needed to be on the agenda as an agenda item.

During this time council also discuss the procedure for new business to be brought to the council for discussion. The request would need to be in writing to the recorder's office at least 10 day prior in order for staff to respond. At which point it would go on agenda as correspondence at which point council would then decide if it needs to become a new business item on the agenda at the next month's meeting.

A motion is made by Councilor Southard and seconded by Councilor Sahlin to have citizen concerns brought to council during visitors section as a staff report item as a bullet when it will be discussed. Passed by All.

Councilor Sahlin makes a motion and is seconded by Councilor Heitmanek to have information in the city newsletter at least twice a year informing citizens where to look for information. Passed by all.

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 one speaks at this time.

6. REPORTS

- a) Mayor Bill Graupp informs council he has been teaching some Economic Development classes on the general fund budgeting process, additionally going to teach some on civics for a class of 3rd graders on if I were Mayor for a day and how a name gets on the ballot. The

PAM meeting went well that is Positive Airport Meeting, with Marion County, the sheriff's office and airport owners. There were really no agenda items other than an update however the FAA did comments on the possible 3 violations regarding vehicles on a taxiway. Also discussed was the accident on Butteville Rd and how that is close to Airport Rd issues which resulted in discussion of additional traffic studies.

Council discussed. NA

ACTION ITEM: NA

- b) Planning, there was a public hearing regarding the new building proposal for the Historic Society. There was discussion regarding upcoming code revisions. Councilor Sallee did question as to whom is responsible when it is a tenant property it is always the property owner's responsibility. There is also a discussion regarding pg 11 of the Planning minutes referencing the conditions of approval.

ACTION ITEM: NA

- c) Public Safety, Officer Bell introduces to council the Sergeant in charge of contracts that took Bill Sherburn place. His name is Don Parise who is in charge of the following contracts;

- City of Aurora - **Full time**
- City of Sublimity - **Full time**
- City of Jefferson - **Full time**
- City of Donald - **Part time**
- City of St. Paul - **Part time**
- City of Detroit - **Part time**

- Office Bell informs Councilors that he has been seeing a lot more transient activity in the area and is keeping an eye on the situations.
- Mayor Graupp informs councilors he had learned that if a car is parked in front of a mail box they will not leave the mail that day. City Recorder Richardson explains that there are a lot of issues regarding the mail which at some point council may need to look into. The most recent was an issue on Main Street and the discussions with the property owner went very well. Councilor Sallee had no topics to discuss.

Council discussed, NA

ACTION ITEM: NA

- d) Finance,
- Report attached is going well normal activity.

- Report on citizen Sallee do you have any questions. Moving forward it is agreed that citizen concerns be a bullet during the Departments report area on the agenda so the public is aware there concern is being addressed or at least spoken about.

Council discussed the need for a disclaimer on the decision notice that would inform the public there could be additional invoices received. They also discuss the relevance of providing back up documents with the billing invoices.

A motion is made by Councilor Sallee that a disclaimer be a part of the staff report/decision that indicates there could be additional billings and to check with the city and is seconded by Councilor Sahlin. Passed by All.

ACTION ITEM: NA

e) Public Works

- Report is attached Lockard informs council that contracted services is almost exhausted because of the amount of leaks that have been repaired.
- Councilor Sahlin asks for update on the Storm Water Master Plan there is continued work being done.
- More discussion regarding tree removal in and around the park.

Council discussed, the recent application received and approved for a restaurant along 99E and the impacts that could cause regarding city services. What system development charges are and how they can be used. Also discussed is the fact that there is no water currently supplied to the park shelters.

ACTION ITEM:

f) Parks Committee

Councilor Sahlin really doesn't have a lot to say other than the bases for the ball field have been put away.

ACTION ITEM: Tennis nets.

g) City Recorder

- Report as attached currently 2 pending records requests

Council discussed, contact cards and city council emails in the newsletter.

ACTION ITEM: Update the contact cards, and put the elected officials email address in the city newsletter.

h) City Attorney

- City Attorney report, Dennis Koho has resigned as the city attorney.

- Nothing has been filed as of yet from Ross RV Cart.
- Mr. Bixler had requested that his performance bond be released and it was the consensus of the council to move in that direction at the successful closing of the property.

Council discussed Whether or not they should go out for bid for City Attorney since Linda Kendrick had been working so closely with Dennis the past 6 months they Mayor felt we were still in good hands. Some of the other councilors thought it a good idea but there was no movement at this time to start the process. They did agree to discuss it at the next council meeting.

ACTION ITEM: NA

7. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- a) Discussion and or Action on Resolution Number 715 A Resolution to Increase Garbage Disposal Rates.

Motion to approve Resolution Number 715 and accept the proposed disposal rate change is made by Councilor Sahlin and is seconded by Councilor Heitmanek. Motion Passed by all.

8. NEW BUSINESS

- a) Discussion and or Action on Republic Services Rate Increase, Jason Jordon, Therese McClain, and Republic Services rate increase presentation, Marion County rate increase 29.6 at the burner, asking for disposal increase, 11.8 percent cost inflation. County has speared a subcommittee for waste disposal concerns. Mayor Graupp for the burner what is a ratio of 57% for recycle. This is really a pass through increase because of the increase that Marion County has imposed.
- b) Discussion and or Action on AMC Chapter 8 Noxious Vegetation. (old business for next month)

9. OLD BUSINESS

- a) Discussion and or Action on Employee Manual
- b) Discussion and or Action on Council Procedures.

10. ADJOURN,

Mayor Graupp adjourned the February 09, 2016 Council Meeting at 10:00 PM.


Bill Graupp, Mayor

ATTEST:


Kelly Richardson, CMC
City Recorder

Proposed Code Update Discussion – 2016

- Airport Overlay Concerns- Remove definitions of what the airport overlay and how to define it; 16.24.050.B.
- Discussion on vacation of portions of 2nd Street near Christ Lutheran Church- ROW is approximately 90 feet wide, no longer complies with TSP, and is wider than will be developed in the future. (Still need a fire turnaround and comments from fire district on narrowing the street; existing sidewalk concerns- would property owners be willing to “fix” since they are getting additional land?)
- Storm water (AMC 16.34)– Discussion on storm water ponds and PC concerns regarding ongoing maintenance. Feedback from public works and city engineer required to update public works design standards as well. Require underground storm water detention (tanks) and/or city owned larger ponds? Comments needed from City Engineer
- AMC 16.82.010 Enforcement. It shall be the duty of the City Recorder, or other designee of the City Council, to enforce this title. All city and county staff vested with the duty or authority to issue permits shall conform to the provisions of this title and shall issue no permit, certificate or license for any use, building, property or purpose (unless you apply for everything to bring the property into compliance), which violates or fails to comply with conditions or standards imposed by this title or conditions of approval adopted in compliance with this title. Any permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be void. (Add a compliance agreement requirement as part of submission of all land use applications?)

OR

require an application completeness provision in code sections: Application submission requirements- for SDR, SUB, etc. add, “If there are any unauthorized activities occurring on the property, any land use application must be accompanied by all land use applications necessary to bring property into compliance for all existing and proposed uses on the property.”

Morrow County Code Enforcement Ordinance provides the following: Impact on other Permits: No building permit, sanitation permit or other permit or license may be issued, or any work continued under such permits while a stop work or stop use order is in effect.

Multnomah County: § 37.0560 CODE COMPLIANCE AND APPLICATIONS. Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would

cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

- AMC 16.72.060 “Application submission requirements--Final plat. Unless otherwise provided in Section 16.72.020, the applicant shall submit final plat and two copies to the planning director within two years which complies with the approved tentative plan”. Make sure this means conditions of approval of the tentative subdivision plat approval need to be met within those two years. 16.78.150B. states, “The approval for a property line adjustment, partition or subdivision shall lapse if: 1.A property line adjustment map or final plat has not been signed and recorded with the County within a two-year period”
- AMC 16.62.050.A. Discontinuance states, “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”.
- Add language on expedited land divisions in partition and subdivision sections in compliance with new Oregon Revised Statute 197.360.
- AMC 16.44 – remove references to “off-premise” signage in compliance Oregon LUBA and 1st Amendment cases.
- Check annexation rules (charter amendment) for voter approved annexation and remove this requirement.
- AMC 16.58.020.G. remove reference to, “Any proposed development which has a valid conditional use approved through the conditional use permit application process” shall not be required to under Site Development Review.
- Establish procedures under 16.72, 16.74, and 16.76 to define/allow minor and major amendments to all land use actions. For example, under SDR 16.58.070: Minor modification(s) to approved plans or existing development. (Gearhart might have a good template)
- Remove the requirement for recording of development agreements after a Notice of Decision is filed? Does this add anything legally to the decision? Just seems like an extra step and expense to the applicant.

Comment [r1]: One negative of this is that you might find vacant structures as the commercial demand cannot be met. Joseph wonders if this would open us up to M49 claims and he will do some research on this

Comment [r2]: Joseph does not agree and will bring language from ORS 94.504 on why it is important (at least on SUB and SDR/larger expense applications) Business OR might have some templates for us to use

94.504 Development agreements; contents; duration; effect on affordable housing covenants. (1) A city or county may enter into a development agreement as provided in ORS 94.504 to 94.528 with any person having a legal or equitable interest in real property for the development of that property.

(2) A development agreement shall specify:

(a) The duration of the agreement;

(b) The permitted uses of the property;

(c) The density or intensity of use;

(d) The maximum height and size of proposed structures;

(e) Provisions for reservation or dedication of land for public purposes;

(f) A schedule of fees and charges;

(g) A schedule and procedure for compliance review;

(h) Responsibility for providing infrastructure and services;

(i) The effect on the agreement when changes in regional policy or federal or state law or rules render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy;

(j) Remedies available to the parties upon a breach of the agreement;

(k) The extent to which the agreement is assignable; and

(L) The effect on the applicability or implementation of the agreement when a city annexes all or part of the property subject to a development agreement.

(3) A development agreement shall set forth all future discretionary approvals required for the development specified in the agreement and shall specify the conditions, terms, restrictions and requirements for those discretionary approvals.

(4) A development agreement shall also provide that construction shall be commenced within a specified period of time and that the entire project or any phase of the project be completed by a specified time.

(5) A development agreement shall contain a provision that makes all city or county obligations to expend moneys under the development agreement contingent upon future appropriations as part of the local budget process. The development agreement shall further provide that nothing in the agreement requires a city or county to appropriate any such moneys.

(6) A development agreement must state the assumptions underlying the agreement that relate to the ability of the city or county to serve the development. The development agreement must also specify the procedures to be followed when there is a change in circumstances that affects compliance with the agreement.

(7) A development agreement is binding upon a city or county pursuant to its terms and for the duration specified in the agreement.

(8) The maximum duration of a development agreement entered into with:

(a) A city is 15 years; and

(b) A county is seven years.

(9) ORS 94.504 to 94.528 do not limit the authority of a city or county to take action pursuant to ORS 456.270 to 456.295. [1993 c.780 §1; 2005 c.315 §1; 2007 c.691 §7]

Note: 94.504 to 94.528 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 94 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

SECTION 13.092 MODIFICATIONS TO APPROVED PLANS

A. Modifications - Purpose

The purpose of this section is to provide an efficient process for modifying land use decisions and approved development plans in recognition of the cost and complexity of land development and need to conserve City resources.

B. Modifications – Applicability

This section applies to all development applications approved including those listed below. This section does not apply to Comprehensive Plan amendments, land use district changes, text amendments, annexations, temporary use permits, or other permits not listed below.

1. Land Use Review approvals
2. Subdivisions, Partitions, and Property Line Adjustments
3. Conditional Use Permits;
4. Master Planned Developments; and
5. Conditions of approval on any of the above permit types.

C. Major Modifications

Major Modification Defined. The City Administrator or his/her designee shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;
2. An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
3. A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
4. A change in the type and/or location of access-ways, drives or parking areas affecting off-site traffic;
5. An increase in the floor area proposed for non-residential use by more than 15 percent where previously specified;
6. A reduction of more than 10 percent of the area reserved for common open space; or
7. A change to a condition of approval, or a change similar to items 1-6, that could have a detrimental impact on adjoining properties. The City Administrator or his/her designee shall have discretion in determining detrimental impacts warranting a major modification.

D. Major Modification Application Approval Criteria. An applicant may request a Major Modification as follows:

1. Upon the City Administrator determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The City may require other relevant information, as necessary, to evaluate the request.
2. The application shall be subject to the same review procedure, decision-making body, and approval criteria used for the initial project approval.
3. The decision making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria.

E. Minor Modification

- A. Minor Modification Defined. Any modification to a land use decision or approved development plan that is not within the description of a major modification.
- B. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the City Administrator or his/her designee who shall determine the appropriate review procedure based on the following criteria:
 1. Minor modifications that involve only clear and objective code standards may be reviewed and approved by the City Administrator;
 2. Minor modifications that involve one or more discretionary standards or unclear standards shall be reviewed by the Planning Commission utilizing the same procedure as the original application.
 3. Minor Modification Applications. An application for minor modifications shall include an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The City may require other relevant information, as necessary, to evaluate the request.

F. Minor Modification Approval Criteria. The City Administrator or his/her designee shall approve, deny or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Zoning Code and conditions of approval on the original decision, and the modification is not a major modification.