

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, February 5, 2008, 7:00 p.m.
Council Chambers
21420 Main Street N.E., Aurora, Oregon

Commissioner's Present: Nick Kaiser, Jonathan Gibson, Jason Sahlin, Heidi Torian, Bob Lebens, and Gary Lovell

Commissioner's Absent: None

Staff Present: Laurie Boyce, City Recorder
Bob Southard, Public Works Superintendent

Others Present: Renata Wakeley, City Planner
Clifford Bixler, Public Hearing Applicant
John Ashley, Sub-Contract Engineer
Curt Trojan, Mildren Design Group
Rod Yoder, Aurora Fire Chief
Bob Thuemmel, Historic Review Board
Gene Mildren, Mildren Design Group
John Smets, SMETCO
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1. Call to Order of Planning Commission Meeting

Chairman Sahlin called the regularly scheduled meeting of the Aurora Planning Commission to order at 7:02 p.m.

2. Consent Agenda

Commissioner Lebens made a motion to accept the consent agenda. Commissioner Kaiser seconded the motion. Motion Passed Unanimously.

3. Visitors

Bob Thuemmel, 14962 Bobs Avenue, would like to address the Planning Commission in regards to the Bixler Property, because the Historic Review Board has some comments. Thuemmel concerns were addressed during the public comment section for Clifford Bixler's Public Hearing for the Site Design Review Application.

John Smets, SMETCO, would like to know how the Bixler's proposed building project would affect the sewer easement that he has granted to the city. Chairperson Sahlin stated that this issue will be addressed during the Public Hearing portion of the meeting for Clifford Bixler.

4. **Public Hearing**

Discussion on a Site Design Review for Clifford Bixler, 21099 Highway 99E N.E., Aurora, Oregon – Chairperson Sahlin stated that this is Public Hearing is for a Site Design Review for Clifford Bixler, 21099 Highway 99E N.E., Aurora, Oregon. Renata Wakeley, City Planner, stated that the process for the Public Hearing tonight is for me to present the Staff Report, hear opponents, and hear proponents.

Chairperson Sahlin opened the Public Hearing at 7:31 p.m.

Wakeley presented the Staff Report and explained the new Exhibits that were on the table for the Planning Commissioner's review. Wakeley stated that the Planning Commission held a Public hearing in October of 2007, at which time the Planning Commission decided to continue the Public Hearing until such time as the applicant's engineers made the suggested changes to the buildings, landscaping, and took under consideration the Aurora Rural Fire Department's requirements.

Wakeley stated that there was a Pre-Construction Conference that was held on December 13, 2007, between the applicant and the applicants engineer's, the Public Works Department, the City Engineer, the City Planner, and the City Recorder. Wakeley stated that the 120 day rule has been stopped back in October of 2007, because the City was waiting for a new Site Design Review Application. Wakeley stated that once the City has received the new revised Site Design Review Application, the 120 day rule has started again.

Wakeley stated that she feels that the applicant, at this time, has not met the requirements for the primary roof line breaks for the Gateway District Standard, which the applicant will explain the building plans a little later that may clarify the primary roof line breaks. Wakeley stated that the applicant did meet the primary roof line breaks for the Gateway District Standards the first time the plans were submitted to the Planning Commission. Wakeley stated that the applicant has gables that may help break up the primary roof line.

Wakeley stated that the applicant has submitted a revised Site Plan for the project to meet criterion I under "Gateway Standards" that states: "except for residential uses allowed under the base zoning, parking shall not be located between Highway 99 or Ehlen Road right-of-way and a structure", and as you can see, the applicant has reoriented those two buildings so that parking no longer separates the buildings, and the right-of-way.

Wakeley stated that she is recommending that the applicant includes Codes, Covenants, and Restrictions that will be recorded for both tax lots for the signage, which the signage needs to comply with the Gateway Standards So that future tenants or potential leasers or purchases are made aware of some of the special conditions and restriction, including the parking requirements.

Wakeley stated that she is requesting that the applicant submit an exterior lighting plan, because based on the information that she had at the time, she could not clearly decipher that the exterior lighting will not have negative affects on the residential properties to the south of the proposed building project. Wakeley stated that upon the time that the applicant submits for building permit approval, the applicant will need to submit an exterior lighting plan for approval, as well. Wakeley stated that the lighting plan will need to show how the lighting will come down onto the site.

Wakeley stated that she would like to address the parking issues at this time. Wakeley stated that there are two separate tax lots with this proposed building project, which are part of this application. Wakeley stated that with the information that the applicant has provided there will be 30 percent office space, 67 percent service repair, and 3 percent caretaker's residence. Wakeley stated that she would like to read a portion of the Aurora Municipal Code "In the event that several uses occupy a single structure or parcel of land the total requirements of the several uses should be figured separately." Wakeley stated that if the applicant is claiming that 30 percent is going to be office retail, then the Planning Commission can require that 30 percent must meet the parking standard of that square footage. Wakeley stated that staff is recommending that parking restrictions be placed on both of these tax lots, including a Reciprocal Parking and Loading Space and Maintenance Agreement. Wakeley stated so that if all the building areas were sold that the total parking spaces must be shared with all four buildings.

Wakeley stated that the Aurora Fire Department has not yet finished their review. Wakeley stated that ODOT may require a Traffic Impact Study.

Wakeley stated that she would suggest that the Planning Commission approve the Conditions of Approval. Commissioner Kaiser stated that he has a problem with CC&R's, because someone needs to manage them or keep track of them. Wakeley stated that any future sales of the property and or tenants would be aware of the Special Restrictions and or Conditions of this property.

Chairperson Sahlin stated that he does not see anything in the Conditions of Approval that the Access Way needs to be paved. Wakeley read portion of the Aurora Municipal Code 16.34.030 (C) (3), requires private streets to be improved in accordance with the Public Works Standards and shall be a minimum of twenty feet with a minimum paved width of eighteen feet.

Gene Mildren, Mildren Design Group, the applicant's engineer introduced Curt Trojan. Curt Trojan went over the revised Site Plan. Trojan stated that each building now has parking in and around the buildings. Trojan stated that there is one larger building in the rear of the development, which is partially shaded with the three smaller buildings. Trojan stated that Mildren Design Group has raised the buildings up so that the buildings are street level, which required the proposed buildings to be two-story. Trojan stated that the first building is longer than forty-five feet, but it is broken up with gables.

Trojan stated that Building 3 is a bungalow style building. Trojan stated that they have combined more of the craftsman-bungalow style feel to it. Trojan stated that there is a solid stucco base to this building, and the plan shows period lighting. Trojan stated the period lighting will need to be coordinated with ODOT.

Trojan stated that the back building is Building 1, which is basically tight to the property line. Trojan stated that access to Building 1 would be to the front of the building. Trojan stated that this building will have the stucco base to it, as well.

Gene Mildren, Mildren Design Group, addressed Item Number 11, which is in regards to the building permit approval, applicant shall record Codes, Covenants, and Restrictions (CC&R's) on both tax lots to include Gateway Property Development Standards AMC 16.56; Sign Standards AMC 16.44; the Reciprocal Parking and Loading Space and Maintenance Agreement; and shall include a requirement that the owner provide to all potential lessee or tenants of the need to demonstrate adequate off-street parking is available. The Reciprocal Parking and Loading Space and Maintenance Agreement shall be approved by the City Attorney prior to recording with Marion County Clerk's Office.

Gene Midren, Design Group, addressed Item Number 17, which is the exterior lighting. Mildren wasn't sure exactly what kind of lighting plan that the City of Aurora would be requiring. Is this a photometric Lighting Plan? Mildren stated that this project has tried to use the same style of light that is located on Highway 99E in the newer residential district.

Mildren stated that there is an issue with stating "ADA" Requirements for this proposed building project. Mildren stated that there is an International Building Codes, as adopted by the State of Oregon, which is included in Chapter 7.

Mildren stated that the City has requested that the applicant install a garbage receptacle area with a locked gate enclosed, which this will be constructed prior to the building permit approval.

Mildren stated that the last thing that he would like to address is the roof-line. Mildren stated that the roof line break is only about 8 inches. Mildren handed out a handout with an alternate roof design that complies with the Guidelines. Mildren stated that we have brought up the gables higher and the maximum lengths on these gables are 45 feet. Mildren stated that he has presented two options for Building Number 2, which he would recommend that the Planning Commission approve Option Number 1 fir Building Number 2.

John Smets, 14633 Ottaway Road, SMETCO, stated that when we bought this property we were professionally advised to install five hydrants, which we paid for and the street improvements that go back to SMETCO. Smets stated that they have a 30 foot easement with a gate that goes across the front of the property. Smets stated that they only access their property through Ottaway Road. Smets stated that he has sold the City an Easement for a force-main.

Clifford Bixler, property owner, stated that he didn't realize that he would be requested to extend the 10-inch water main, but we can tap into the 10-inch water line off of Ottaway Road. Bixler stated that he would like to be reimbursed for part of the cost of future hook-ups to the north of his proposed building project.

Commissioner Kaiser stated that he would like to address the water connection issue. Gene Mildren stated that there will be one master water meter connection to the Aurora Business Association (the property owner's), and the Business Association (the property owner's) would then divide up the water bill amongst the businesses that are part of this business complex. Mildren stated that each business would pay their fair share of the water bill, user fee, the sewer rate, and the street light fee, which the City would charge this Business Association for 13 different user fees, sewer rates, and street light fee connections.

John Ashley, Sub-Consultant, City Engineer addressed the water flow issues for this proposed project. Ashley stated that the Fire Marshall will state how many fire hydrants will be needed and where the fire hydrants need to be placed.

Chairperson Sahlin closed the public hearing at 8:40 p.m.

Wakeley went over the revised corrections from the Staff Report, which is included as follows: (Please see the revised Staff Report attached to the minutes).

- **Criteria Number 24 through Criteria Number 28 has been added.**

Commissioner Lebens stated that his understanding is there is a CAT bus stop near this proposed building project. Commissioner Lebens stated that he would like to see a bus shelter installed for this particular CAT bus stop.

Commissioner Lebens stated that there are some private people that use this particular private street, and there needs to be an agreement between all the property owners that uses this private driveway. Commissioner Lebens stated that he has some concerns with the current property owners needing access to their property. Commissioner Lebens stated that the properties that are located on this private street are zoned "Commercial." Clifford Bixler stated that ODOT does not allow the other property owner's to use the existing private street. Bixler stated that he does not have anything in writing from ODOT stating that they can not use this private street as access to the existing property.

Wakeley stated that the property owner has sketched in a pathway to the bus shelter. Wakeley stated that the Aurora Municipal Code does allow for the Planning Commission to require the applicant to install a bus shelter. Chairperson Sahlin stated that it would be ODOT's call if they would allow a turn out for the bus shelter, if the applicant agrees to give up a parking strip close to Highway 99E.

John Ashley stated that there is not enough traffic to require a Traffic Impact Study. Commissioner Kaiser stated that there have been some complaints from citizens about the amount of traffic in that area already.

Wakeley stated that the City has access to the Pump Station via this private street access, and John Ashley has confirmed that the City still has access to this Pump Station. John Ashley stated that he would require that the Storm Water Retention Line that is located in the middle of the property needs to remain in the Conditions of Approval to control the Storm Water Run-Off.

Commissioner Kaiser stated that he would like to know who over sees that all the Conditions of Approval have been met before Marion County Building Inspection signs off with the Final Building Inspection. Bob Southard stated that he will meet with Laurie Boyce, City Recorder to address some of these issues and bring these recommendations back to the Planning Commission. Chairperson Sahlin stated that he would suggest that the City Recorder works with the City Engineer and the City Planner to make sure that all the Conditions of Approval of been met, and that the Punch List Items have been completed. It was the consensus of the Planning Commission to have the City Recorder schedule a meeting with Marion County Building Inspection to discuss our concerns and to improve the communication between the City and Marion County Building Inspection.

John Ashley stated that there is going to be a Building Permit Approval, Lighting Plan, Sidewalk, Curbs, and Gutters, Tenant Improvement Permit, ODOT Permit, and there are going to be other permits that need to be obtained along the way. Ashley stated that the Performance Bond needs to be in place prior to construction beginning.

Wakeley stated that the City Attorney will have a chance to review the CC&R's before they are reviewed by the Planning Commission, and be recorded with the Marion County Clerk's Office. Wakeley stated that the proposed building project can not be approved, because the City does not currently have an application on file for a Tenant Improvement Permit. Chairperson Sahlin stated that the Planning Commission would need to approve the Tenant Improvement Permit Application Forms before these permit applications are to be used. **(NOTE:** The City Recorder and the Public Works Superintendent with the help of our City Engineer will come up with a set of guidelines, procedures, fees, and the actual Tenant Improvement Permit Application to have the Planning Commission Approve these forms).

Bob Thuemmel, Historic Review Board, stated that the Historic Review Board doesn't have jurisdiction here. Thuemmel did not like the way the buildings are perpendicular, but the Historic Review Board understands now why these buildings are situated in the way they are. Thuemmel stated that the Historic District does not like the word "Stucco", but it does not sound like it is a big issue. Thuemmel stated that the Historic Review Board would like to see more natural wood products than "Stucco."

It was the consensus of the Planning Commission to approve Option 2 for Buildings 2 and 3. Wakeley went over the proposed changes to the Staff Report that was presented to the Planning Commission.

Commissioner Torian made a motion to approve the Site Design Review application as presented by Staff with the following noted revisions:

- **Criteria Number 11**, would be changed to "Prior to issuance of Certificate of Completion, applicant shall record Codes, Covenants, and Restrictions (CC&R's) on both tax lots to include Gateway Property Development Standards AMC 16.56; Sign Standards AMC 16.44; the reciprocal parking and loading space and maintenance agreement; and shall include a requirement that the owner provide notice to potential lessee or tenants of the need to demonstrate adequate off-street parking is available. The document shall be approved by the City Attorney prior to recording.
- **Criteria Number 13** would be changed to "Prior to building permit approval, the applicant shall dedicate any additional right-of-way as requirement by the Oregon Department of Transportation (ODOT) along the frontage of Highway 99E. (The original Criteria Number 13 from the Staff Report dated January 30, 2008 has been deleted, because the applicant has addressed the elevation of the buildings on the revised site plan).
- **Criteria Number 14** would be changed to "Prior to building permit approval, the applicant shall dedication additional right-of-way radii as needed for the curb and sidewalk improvements at the intersection of Ottaway Road and 99E. Unless otherwise indicated by

ODOT, the minimum curv radii required at the intersection of Ottaway Road to Highway 99E shall be 30 feet (collector to arterial).

- **Criteria Number 15** would read as “Prior to building permit approval, the applicant shall demonstrate compliance with the City of Aurora and ODOT lighting standards as per AMC 16.56.030 (k). Applicant shall provide any necessary intersection and driveway access street lights as approved by the City and ODOT prior to construction.”
- **Criteria Number 16**, would read as “Prior to building permit approval, applicant shall submit a photometric lighting plan showing the type, spacing, and location of site lighting be approve by the City meeting the requirements as set forth in AMC 16.58. (I) (3) and 16.58 (I) (4). Lighting plan shall include the proposed parking lot and all exterior building light fixtures.
- **Criteria Number 17** would read as “Prior to issuance of Certificate of Completion, the applicant shall install curb rails at least four inches in height, and at least three free from the lot line to all outer boundary parking per AMC 16.42.050(F).
- **Criteria Number 18**, would read as “Prior to issuance of Certificate of Completion, applicant shall furnish and install all landscaping as determined by the city as required by AMC 16.38”
- **Criteria Number 19** would read as “Prior to issuance of Certificate of Completion, applicant shall demonstrate compliance with APWA and International Building Code requirements.”
- **Criteria Number 20** would read as “Prior to issuance of Certificate of Completion, applicant shall furnish and install “No Parking” signs along the portion of Ottaway and along the private street to ensure adequate emergency access. A stop sign with private street name shall be installed at the private street intersection with Highway 99E. Signs shall be installed in accordance with the City Standard Specifications and the most recent edition of the Manual of Uniform Traffic Control Devices.”
- **Criteria Number 21** would read as “Prior to issuance of Certificate of Completion, applicant shall construct improvements to Highway 99E as required by ODOT and as submitted with this application.
- **Criteria Number 22**, would read as “Prior to issuance of Certificate of Completion, applicant shall construct improvements to curb, gutter, and sidewalks along the entire unimproved frontage of Ottaway Road. A five (5) foot wide sidewalk will be needed along the frontage and shall tie into the existing walk to the west.
- **Criteria Number 23** would read as “Applicant shall develop the subject properties in accordance with plans approved by the city. Site Design Review approval shall be effective for a period of two (2) years from the date of approval. If substantial completion of the approved plan has not been completed with a two-year period, the approval shall expire. If construction on the site is a departure from the approved plan, the Site Design Review approval shall be voided immediately.

- **Criteria Number 24** would read as “Local Fire District and State Fire Code may have additional requirements that affect this project. You are advised to contact the Fire District before you proceed. Contact Aurora RFPD at 503-678-5966 or ryoder@aurorafire.org. Evidence of compliance with Local Fire District and State Fire Code, if any, shall be submitted to the City of Aurora prior to building permit approval.
- **Criteria Number 25** would read as “Prior to issuance of a building permit, complete a traffic impact study to determine the impacts of the proposed development on Highway 99E, if required by ODOT.
- **Criteria Number 26** would read as “With building permit approval, applicant to submit to city for final review and approval a site plan showing secured trash enclosures and screening.
- **Criteria Number 27** would read as “Prior to Certificate of Completion” applicant shall install a bus shelter on Highway 99E as approved by the city pending ODOT review and approval.
- **Criteria Number 28** would read as “Prior to Certificate of Completion, applicant shall install a bus turnout on Highway 99E pending ODOT review and approval.

And approve Option Number 2 and to have the City Recorder attend a meeting with Marion County Building Inspection to see how these Conditions of Approval can be met. Chairperson Sahlin seconded the motion. Motion Passed Unanimously.

5. **Unfinished Business**

Discussion on the Updated City Maps – This discussion was tabled until the March Planning Commission Meeting.

Discussion on the Water Master Plan Update – This discussion was tabled until the March Planning Commission Meeting.

Discussion on the Storm Water Master Plan – This discussion was tabled until the March Planning Commission Meeting.

Review of all the short term and long term changes needed for the Comprehensive Plan and the Aurora Municipal Code – (Discussion on the Aurora Vision – Comprehensive Plan and the Development Code – suggested changes to make the Vision Document, the Development Code, and the Comprehensive Plan more consistent with each other). – This discussion was tabled until the February Planning Commission Workshop. It was the consensus of the Planning Commission to have the City Recorder send out an email to schedule a workshop to go over the Comprehensive Plan Amendments.

6. **New Business**

Discussion on a letter to Marion County Planning Division dated January 16, 2008 in regards to the Zone Change for Ralph Netter and Quinn Collett – This discussion was tabled until the March Planning Commission Meeting.

Discussion on an Aurora Airport IGA Agreement – (Commissioner Kaiser) – This discussion was tabled until the March Planning Commission Meeting.

Discussion and update on the meeting with Georgi Cam, the City, and Maxine Beyers in regards to the construction of the sidewalks along Ottaway Road – This discussion was tabled until the March Planning Commission Meeting.

Discussion on the Aurora Vision Action Plan that was submitted by Commissioner Lebens – This discussion was tabled until the March Planning Commission Meeting.

Discussion and approval of the 2007-2009 Biennium Planning Assistance Grant in the amount of \$1,000.00 – It was the consensus of the Planning Commission to go ahead and have the City Recorder apply for the grant.

7. **Commission Action/Discussion**

- A. City Planning Activity Sheet in Your Packets
Status of Development Projects within the City – Renata Wakeley went over the Land Use Application Update List with the Planning Commission.

8. **Adjourn**

They're being no further business; Commissioner Lovell made a motion to adjourn. Commission Torian seconded the motion. Motion Passed Unanimously.

The meeting adjourned at 10:30 p.m.

Jason Sahlin, Chairman

ATTEST

Laurie Boyce, City Recorder