

City of Aurora  
PLANNING COMMISSION MEETING  
Tuesday, February 3, 2009, 7:00 p.m.  
Council Chambers  
21420 Main Street N.E., Aurora, Oregon

**Planning Commissioners Present:** Nick Kaiser, Jonathan Gibson, Gary Lovell,  
Bud Fawcett, Jason Sahlin

**Planning Commissioners Absent:** None

**Staff Present:** Kelly Richardson, Administrative Assistant

**Staff Absent:** Laurie Boyce, City Recorder

**Visitors:** Renata Wakeley, City Planner  
Jim Meirow, Mayor

**1. Call to Order of Planning Commission Meeting**

The regularly scheduled Planning Commission was called to order by Commissioner Sahlin at 7:05 p.m.

**2. Consent Agenda**

Commissioner Kaiser made a motion to approve the consent agenda.  
Commissioner Lovell seconded the motion. Motion Passed Unanimously.

### 3. Visitors

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

No one spoke during this time period.

### 4. Public Meeting

**Discussion and approval on the Public Meeting for Clifford Bixler's subdivision application of four lots ranging in size from 20,526 to 32, 518 square feet (this property is located on Highway 99E down by the Aurora Post Office, which is in the Gateway District) – Commissioner Sahlin called the Public Meeting to order at 7:10 p.m.**

Commissioner Sahlin turned the Public Meeting over to Renata Wakeley, City Planner for her to explain the Staff Report. Wakeley stated that the Public Comment period ended as of February 2, 2009, and the letter explaining the Public Comment period went out to the City Engineer and to the Aurora Rural Fire Protection District. Wakeley stated that she did not receive any public comments, except from the City Engineer.

Wakeley stated that the process for holding the Public Hearing is as follows:

1. The City Planner will explain the Staff Report.
2. The applicant will have the opportunity to discuss their application.
3. The staff will summarize the written comments, which the City Planner has none.
4. There will be a chance to ask for clarification, if needed.

Wakeley stated that in the past, she has worked with the City on subdivision applications, in which the Planning Commission has asked for a Public Hearing instead of a Public Meeting. Wakeley stated that the Aurora Municipal Code calls for a Public Meeting and it was advertised as a Public Meeting for people to be able to submit any written comments that they may have.

Wakeley stated that she will read the Staff Report for Clifford Bixler's request for a tentative subdivision application for a commercial subdivision of four lots ranging in size from 20,526 to 32,518 square feet, and the property is located at the Northwest corner of the intersection of Highway 99E and Ottaway Road. Wakeley stated that the property is currently two lots, Lot Number 1500, which is 1.78 acres or approximately 77,537 in square footage, and Lot Number 2002 - .057 acres, or 24,829 approximately in square footage. Wakeley stated that this property is zoned commercial with the Gateway Property Overlay.

Wakeley stated that she would like to enter into the record the comments from the Aurora Rural Fire Protection District's Fire Chief, Rod Yoder. Yoder's comments are as follows:

- The plans submitted to us appear to provide adequate water supply for fire and access for fire protection.

Wakeley stated that the Aurora Rural Protection District is only commenting on just the subdivision application only.

Wakeley stated that she is entering into the record a section of the current Transportation System Plan, page 3-2 and the copy of the 1998 Street Inventory. Wakeley stated that the reason that these sections of the Transportation System Plan are included as part of the record is because they are referenced in the Staff Report. Wakeley went out to say that in the Transportation System Plan, Ottaway Road is referred to as a "Collector" road, and the other section which refers to Ottaway Road as a "Local Street." Wakeley stated that she would like to include a copy of the Development Agreement for the record, as well.

Wakeley stated that the City has until April 17, 2009 to approve, modify and approve, or deny this proposal, unless the applicant agrees to an extension of waiver of the 120-day review requirement. Wakeley stated that any appeals go to the City Council, and any appeal of the Planning Commission's decision must be in writing to the City Council, within 15 days of the Planning Commission's final written decision.

Wakeley stated that Lot Number 2002 has street frontage on both Highway 99E and Ottaway Road, and Lot Number 1500 has frontage on Highway 99E. Ottaway Road west of Highway 99E is classified as a Collector in the Aurora Transportation System Plan and Highway 99E is classified as a State Highway.

Wakeley stated that in the Commercial Zone does not specify minimum lot or parcel sizes or minimum lot width or depth. Wakeley went onto say that the Aurora Municipal Code does not specify the minimum side or rear setback requirements except as required for buffering a residential zone. The buffer zone is required between abutting uses. Abut is defined in the Aurora Municipal Code as two or more lots joined by a common boundary line or point. The subject parcels do not abut a residential zone as Highway 99E serves as a buffer between uses. Wakeley stated that there is no front yard setback requirement, except was required for buffering of off street parking.

Wakeley stated that the property is located in the Gateway zone, which requires no minimum front setback requirement for a commercial use and a maximum ten (10) foot landscaped front setback. No rear or side yard setbacks are specified. Proposed setback review and approval is required as part of Site Development Review. Wakeley stated that staff finds that these conditions are met.

Wakeley stated that on page 5, second paragraph needs to be discussed. Wakeley stated that Ottaway is identified as a collector road in the Transportation System Plan Update, and one portion of Ottaway Road, which is west of Highway 99 as a collector, but the rest of Ottaway Road is classified as a local street. Wakeley stated that this issue was missed by Staff as part of the Site Design Review, which there is a discrepancy in the code. Wakeley stated that the City of Aurora had a Pre-Application Meeting with the applicant, and that was something that I noticed. Wakeley stated that the Aurora Municipal Code does state that “at any time that you have conditions or have a discrepancy in your code, the one that has the most restrictive standards is the one that would apply.”

Wakeley stated that looking at the access spacing standards as identified in the Transportation System Plan, which there is a difference between a local street, and staff has identified Ottaway Road as a local street in the Site Development Review Application. Wakeley stated that Ottaway Road should be classified as a collector street not a local street.

Wakeley stated that the current application cannot meet the access spacing standards as identified in the Transportation System Plan, and in order to address this, the Planning Commission may require the applicant to submit a revised access spacing that meets the spacing standards or require that the applicant submit an application for Variance of the access spacing standards and receive Variance approval. Wakeley stated that staff recommends as a condition of approval that the applicant be required to submit and receive Variance approval to the access spacing standards.

Wakeley stated that the current Transportation System Plan states that there is a minimum spacing between driveways and / or streets on collector streets shall be seventy five (75) feet, and the submitted plans currently show the spacing between the access driveway to the west and the proposed developed driveway to be approximately 45 feet. Wakeley stated that this distance falls short of the minimum spacing requirements outlined in the Transportation System Plan, and the minimum driveway spacing requirements are developed to preserve the overall traffic flow capacity of the roadway.

Wakeley stated that she sees nothing on the individual lots for trash enclosure space. Wakeley stated that the proposed trash enclosure is part of this subdivision, but it is on the property owner’s property that is located to the west of this proposed subdivision. Wakeley stated that she could see no provisions included in the subdivision application for the proposed trash enclosure since this would be located on the property owner’s property to the west. Wakeley stated that she is recommending that the City see kind of easement for the use of the trash enclosure or having the trash enclosure moved.

Wakeley stated that the criteria number 2, on page 6 for a subdivision is the proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92.090 (1). Wakeley stated that she doesn’t think that the developer needs to name the subdivision. Wakeley stated that ORS #92.090 states subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor; the County Assessor will approve the subdivision plat name. Wakeley stated that staff was unable to determine a plat name as proposed by the applicant.

Wakeley stated that criteria number 3, page 6, the streets and roads are laid out so as to conform to the plats of the subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern. Wakeley stated that the only item that the applicant is not meeting is for the access spacing standards, and there are three options for the Planning Commission. The three options are as follows:

1. In order to address this, the Planning Commission can deny the application, because the applicant does not meet the access spacing requirements.
2. The Planning Commission can require the applicant to submit a revised access spacing that meets the spacing standard.
3. The Planning Commission can require the applicant to submit an application for a Variance to the access spacing standards and receive Variance approval as a condition of approval of this application.

Wakeley stated that criteria number 4, page 7; all public improvements comply with Chapter. 16.34. Wakeley stated that the City Engineer has provided his comments on the public improvement requirements. Wakeley stated that the applicant will be required to follow the public improvements that have been described in the City of Aurora Public Works Construction Standards, plus the requirements of the Aurora Municipal Code, and where the Public Works Construction Standards are silent, the Marion County Public Works Standards shall apply, followed by the Oregon APWA/ODOT Standards.

Wakeley stated that the Aurora Municipal Code, Section Number 16.34.070 refers to: “The applicant has not proposed dedication of a parcel of land for public purposes. The System Development Charges shall be applied to the project at the time of issuance of a building permit. This is included as a condition of approval.”

Wakeley stated that on page 9, under Conclusions and Recommendations that the proposed development is compatible with the existing development within the area, and based upon the staff responses and compliance with the conditions of approval, staff finds the development meets the required standards. Wakeley stated that based on the findings in the staff report, staff recommends approval of the Tentative Subdivision 08-02 (SUB-08-02) subject to the conditions of approval 1 through 36.

Commissioner Kaiser stated that the plans show four lots, but is there anything that would show the structural information, as it relates to the water and sewer connections. Commissioner Kaiser asked the City Planner if this is the appropriate time to discuss the parking issues. Wakeley stated that the Planning Commission can discuss the parking issues to make sure that there is access to all four proposed buildings. Wakeley stated that all four buildings are getting access from Ottaway Road.

Wakeley stated that on Condition of Approval Number 13 the developer shall submit to the City of Aurora and to the County for review and approval of engineered sanitary sewer plan conforming to the Aurora Public Works Standards and meeting the requirements of DEQ, and that separate sewer service for each building is required.

Commissioner Sahlin stated that he would like to know if this application covers the Reciprocal Access Agreement. Wakeley stated that there are a couple of conditions that address the Reciprocal Access Agreement, with the first being that the recommended Condition of Approval Number 1, says that all requirements of Site Design Review-07-01 which has a Development Agreement which runs with these lots shall apply to all parcels. Wakeley stated that if someone wanted to develop these lots in a different way that was approved by the previous Site Design Review, then they would have to apply for a Site Design Review to get approval for the new proposed building. Wakeley stated that the Conditions of Approval that the Planning Commission approved during the Site Design Review Approval will be covered over to these four newly created lots unless they were voided by the applicant.

Wakeley stated on Condition of Approval Number 17, she has already forwarded the draft of the Irrevocable Reciprocal Access and Maintenance Agreement to the City Attorney for their review and approval, as well as, the draft of the Declaration of Restrictions.

Wakeley stated that on Condition of Approval Number 18, the Shared Access Easement Agreement has been forwarded to the City Attorney for their review and approval, as well.

Wakeley stated that on Condition of Approval Number 19 that all private utilities shared amongst each lot will need to be included in the common access and utility areas within the development and clearly identified in the Declaration of Restrictions and Grant of Easements. Wakeley stated that specific system operation and maintenance requirements will also need to be clearly identified in the Declaration of Restrictions and Grant of Easements and reviewed and approved by the City of Aurora prior to recording.

Wakeley stated that there is an error that needs to be corrected on Condition of Approval Number 27 states: **Prior to building permit approval**, any and all construction on the subject parcels shall be subject to the Site Development Review requirements of the Aurora Municipal Code. Commissioner Kaiser asked the question of whose responsibility is it to approve the building permit applications. Wakeley stated that she has the opportunity to review the building permit applications for setback requirements and design standards, and on this property there would be a lot more items that would need to be checked, but the City Engineer and the Aurora Public Works Department would need to be involved in this proposed project. Wakeley stated that it is the City Recorder's responsibility to make sure that the other departments within the City are involved in the building permit process. Kelly Richardson, Administrative Assistant stated that there is a process in which Laurie Boyce, City Recorder follows to make sure that all the appropriate departments have signed off on the building permit.

Wakeley stated that she doesn't think that the land that is accessed by the private lane will be developed into a local city street, and that this private lane will be used for emergency access only. Commissioner Lebens is concerned about not allowing for adequate passage way and creating a safety hazard to this particular property that is using the private lane. Commissioner Sahlin stated that the developer would have to meet all the criteria of the lane widths and parking. Commissioner Sahlin stated that the Reciprocal Access Agreement would require each parcel to have unrestricted access to lot #1, lot #2, lot #3, and lot #4 on the subject property.

Wakeley stated that the staff has some concerns about the private lane, but because the applicant is not proposing to use the private lane, except for emergency access only it is my understanding that the City can not force the applicant to improve the private lane to a local street standard for the following reasons:

1. The private lane is only to be used for emergency access only. The private lane is not a local improved city owned street.
2. This private lane is not in the City of Aurora's Transportation System Plan so the City has no way of enforcing the applicant to improve this private lane.

Clifford Bixler, 91 Country Estates Drive, Santa Cruz, California, stated that the reason that he is trying to subdivide the property into four separate tax lots is because it would be easier for him to get the financing for this proposed building project. Bixler stated that he is going to comply with the existing terms and conditions of the Development Agreement.

Commissioner Lebens stated that the way he reads the Development Code is that this private lane would be considered a local city owned street, which requires the street to be upgraded during the land division. Commissioner Lebens went onto say that the reason for this is to prevent conflicts down the road.

Commissioner Lebens was concerned that the recommendations from the City Engineer would not be included in the Staff report and that they would get lost in the process. Wakeley stated that all of John Ashley's Sub-Contract City Engineer's recommendations are incorporated into the staff report.

Ersel Christopherson, owner of the Pacific Northwest Hazelnut Candy Factory and he is concerned with the proposed street width would come too close to my business. Commissioner Sahlin stated that the developer can not take any land from Ersel Christopherson, because that property that is not owned by Clifford Bixler. Wakeley stated that Mr. Bixler's access driveway is very close to the property line.

Alex Stout, Veddle Surveying Engineering Company, stated that the current Transportation System Plan calls Ottaway Road a local street, and we feel that it should be classified as a local street than as a collector street. Alex stated that all the way from Highway 99E to the east is listed as a local street, so we feel that the classification is backwards. Alex stated that Ottaway Road does not go west bound and is a dead-end road. Commissioner Sahlin stated that currently Ottaway Road is a dead-end street, but in the updated Transportation System Plan Ottaway Road is proposed to be a through street to connect back onto Highway 99E.

Alex Stout, Veddle Surveying Engineering Company asked the Planning Commission to remove the Condition of Approval, which is Item Number 10, for a Variance for the Access Spacing Standards, and not have the applicant apply for a Variance. The reason for asking the Planning Commission to remove the Condition of Approval, Item Number 10 it seems like everything won't be pushed through.

Commissioner Kaiser stated that for the record if the applicant is not going to follow the Aurora Municipal Code for what ever reason, the applicant needs to list those reasons for the record. Wakeley stated that it would be protection for the applicant, if the language for a Variance was left in the staff report. Wakeley stated that for a minor variance, which are dimensional standards is \$300.00, and there would be additional fees for sending out notices (the property owners would need to be notified that there is a variance application).

Clifford Bixler wanted to be on the record stating that perhaps instead of doing a variance application, perhaps we could do a minor modification to the lot for the reason being, is the applicant would eliminate the metal roof. Bixler stated that he has a drawing of the building that he would like to show to the Planning Commission. It was the consensus of the Planning Commission to discuss the land use application tonight. Wakeley stated that the Variance would not process a change in the Site Development Review.

Commissioner Kaiser made a motion to accept the site development subdivision as presented with the Conditions of Approval with changes 1) Condition of Approval Number 9 – Prior to final plat approval, the applicant shall sign a development agreement with the City of Aurora containing the conditions of approval, and Exhibits D and E in full, shall record the signed development agreement with Marion County and shall pay any outstanding fees. 2) Condition of Approval Number 27 – and delete the words “and all other.” Also to add Condition Number 38 to state: The city shall require the applicant to record a Non-Remonstrance Agreement to the 50 foot Access Easement, applicable at such time that the private lane became a local street. Commissioner Sahlin seconded the motion. Motion Carries. Commissioner Lebens abstained from voting, because he is not sure whether to call this access drive a private lane, and that the Aurora Municipal Code would call that access a street.

## 5. Public Meeting

**Discussion on the Aurora Vision Action Plan that has been discussed at the Planning Commission level** – Commissioner Sahlin wanted to know how people received notice of the Public Meeting that is being held this evening on the Aurora Vision Action Plan. Kelly Richardson, Administrative Assistant stated that there were memos that went out to the City Council, Traffic Safety Commission, and the Historic Review Board in regards to the Public Hearing on the Aurora Vision Action Plan. Richardson also stated that the agenda was posted at The General Store, the Aurora Post Office, and on the bulletin board. Commissioner Lebens stated that he sent out an email to the stakeholders' group inviting them to the Public Hearing this evening.

Commissioner Sahlin opened the Public Hearing at 8:40 p.m. Mayor Meirow stated that he has a couple of concerns regarding the Aurora Vision Action Plan.

Commissioner Sahlin closed the Public Hearing at 8:44 p.m.

Commissioner Kaiser stated that he has two items that he would like to discuss and they are as follows:

1. Meirow Mayor has a concern about the Urban Growth Boundary on page 10, under guiding principal 3.2, "Encourage a balance between of residential, commercial, and light industrial growth in appropriate areas." On 3.2 (b) states: "Consider economic needs of Aurora community through appropriate UGB expansion and zoning of new lands within the UGB." Commissioner Kaiser stated that he would like to insert the following language: "To evaluate residential, commercial, and industrial." It was the consensus of the Planning Commission to add the words "for all zones".
2. Page 13, under guiding principal 3.5 "Create a 'main street' feel along 99E through appropriate commercial and mixed uses and appropriate gateway standards." Please take a look at Action Item Number 3.5 A – Gateway Standards. Commissioner Kaiser stated that the Planning Commission would like to improve the Gateway Standards not make them stricter.

Commissioner Kaiser stated that he would like to suggest that the Planning Commission remove the word "Strengthen" and replace this word with "Improve". Commissioner Kaiser stated that Action Item Number 3.5A would read as follows: "Improve gateway standards, increase transition areas to retain identity, yet avoid replicating historic architectural styles on new buildings, and view ways to meet the standards without over charging the project."

Betsy Imholt would like to discuss Action Item 1.1B on page 2, states: “Update policies to promote development that increases social interaction among community members.” Imholt was questioning what exactly is the responsibility of the Parks Committee on this particular action item, and Wakeley stated that she has received comments back from Imholt. Wakeley went on to read a comment that Imholt had drafted regarding this particular action item, and Imholt stated that the Parks Community has no plans at this time to develop any kind of policies.

Commissioner Sahlin made a motion to adopt the Vision Action Plan as stated with a few minor changes that were discussed. Commissioner Lovell seconded the motion. Motion Passed Unanimously.

It was the consensus of the Planning Commission to circulate the revised Aurora Vision Action Plan one more time to allow people to get their comments in.

## **6. Unfinished Business**

**Discussion on the proposed Code Amendments that have been compiled by Commissioner Sahlin** – Commissioner Sahlin handed out a list of proposed Code Amendments that he has compiled the language for. It was the consensus of the Planning Commission to table this discussion until the March Planning Commission Meeting. Wakeley stated that this project has been funded with a grant from Rural Investment Fund Grant, and the City has until June 30, 2009 to complete this grant.

Wakeley stated that she has talked with people who administer the Rural Investment Fund Grant, and the grant can be extended beyond the June 30, 2009 deadline, if the Planning Commission needs the extension. Commissioner Kaiser stated that if the grant was to be carried over into the next fiscal year’s budget, then this grant would need to be listed on the proposed budget. It was the consensus of the Planning Commission to have the City Recorder schedule a work session for March 11, 2009 at 6:00 to 8:00 p.m.

**Discussion on the Storm Water Master Plan – (Please see memo from the City Recorder-** This was tabled until the March Planning Commission Meeting.

**Update on the city maps** – Wakeley stated that she is waiting to hear back from the City Attorney on whether the property that is owned by Maxine Beyer’s is actually in the city limits or if the property is still in the jurisdiction of Marion County. This issue will be resolved by the next planning commission meeting in March. Wakeley stated that the City Zone Maps are finished and there will not be any more changes made to the City Zone Maps. Wakeley stated that Mid-Willamette Valley Council of Governments now has the City Zone Maps electronically in GIS.

**Discussion on the Comprehensive Plan Map** – Wakeley stated that since the City Zone Maps are completed it is time to talk about updating the City Comprehensive Maps. Wakeley stated that she has a few black and white copies of the Comprehensive Plan Map that she is requesting comments back on from the Planning Commission. Wakeley stated that she will email out an electronic copy of the Comprehensive Plan Map for their review.

## 7. New Business

**Discussion and approval of the Executive Summary for the Water Master Plan Update** – John Ashley, Sub-Contract City Engineer, stated that he has not received a letter back yet from Department of Human Services. It was the consensus of the Planning Commission to table the approval of the Water Master Plan until March.

**Discussion and approval of the Transportation and Growth Management Grant Opportunity** – It was the consensus of the Planning Commission to look at the area south of the city limits. Commissioner Kaiser made a motion to have Renata Wakeley, City Planner develop the application for the Transportation and Growth Management Grant and submit the grant. Commissioner Sahlin seconded the motion. Motion Passed Unanimously. Wakeley stated that at the March City Council meeting she is going to need a resolution for the City Council to adopt the Transportation and Growth Management Grant, and she will work with the Laurie Boyce, City Recorder to make sure that this is on the agenda.

**Discussion on the Aurora Airport Intergovernmental Agreement – (Please see the memo from the City Recorder)** – This was tabled until the March Planning Commission meeting.

**Discussion on the Draft Urban Renewal District Feasibility Study** – Wakeley stated that there will be another draft of the Urban Renewal District Feasibility Study going out to the Planning Commission within the next couple of weeks. Commissioner Kaiser stated that tables through the Urban Renewal District Feasibility Study are not correct.

## 8. Commission Action/Discussion

- A. City Planning Activity Sheet in Your Packets  
Status of Development Projects within the City

Wakeley handed out an updated planning activity sheet and she briefly went into some detail on each items.

## 9. Adjourn

There being no further business; Commissioner Sahlin made a motion to adjourn. Commissioner Lovell seconded the motion. Motion Passed Unanimously.

The meeting adjourned at 10:59 p.m.

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Jason Sahlin, Chairman

**ATTEST**

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Laurie Boyce, City Recorder