



**Oregon**  
Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150  
Salem, OR 97301-2540  
(503) 373-0050  
Fax (503) 378-5518  
[www.lcd.state.or.us](http://www.lcd.state.or.us)



**NOTICE OF ADOPTED AMENDMENT**

07/11/2011

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** City of Aurora Plan Amendment  
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Thursday, July 28, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Reneta Wakeley, City of Aurora  
Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative  
Thomas Hogue, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

## Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DEPT OF

JUL 08 2011

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

Jurisdiction: **City of Aurora**

Local file number: **LA-11-01**

Date of Adoption: **6/14/2011**

Date Mailed: **July 7, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/18/2011

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☒ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Aurora Municipal Code Sections 16.14- Commercial; 16.22- Historic Commercial Overlay; and 16.34- Public Improvements to allow for the use of sidewalks for outdoor seating and display related to fronting commercial business.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/a**

to: **N/a**

Zone Map Changed from: **N/a**

to: **N/a**

Location: **All Commercially zoned properties**

Acres Involved: **0**

Specify Density: Previous: **N/a**

New: **N/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☒ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☒ No

DLCD File No. 001-11 (18760) [16701]



**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Renata Wakeley, City Planner**

Phone: (503) 588-6177 Extension:

Address: **105 High Street SE**

Fax Number: **503-588-6094**

City: **Salem**

Zip: **97301**

E-mail Address: **renatac@mwvcog.org**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

**ORDINANCE # 464**  
**AN ORDINANCE AMENDING THE CITY OF AURORA MUNICIPAL CODE**

**WHEREAS**, the City of Aurora received an application to amend the Aurora Municipal Code (AMC) to permit outdoor seating and display on public sidewalks in relation to fronting commercial establishments; and

**WHEREAS**, the City of Aurora deemed it necessary to amend the Aurora Municipal Code; and

**WHEREAS**, the Aurora Planning Commission held a public hearing on the proposed amendments to the City of Aurora Municipal Code on May 3, 2011, at which time the public was given full opportunity to be present and heard on the matter;

**WHEREAS**, the Aurora City Council held a public hearing on the proposed amendments to the City of Aurora Municipal Code on May 10, 2011, at which time the public was given full opportunity to be present and heard on the matter;

**WHEREAS**, proper notice of the said public hearings was given to the public pursuant to applicable state statutes; and

**NOW THEREFORE; The people of the City of Aurora ordain as follows;**

**SECTION 1. Adoption.** The amendment to the City of Aurora Municipal Code attached hereto and marked Exhibit A, B, and C is hereby adopted.

**SECTION 2. Emergency.** The Council desires and deems it necessary for the preservation of the health, peace, and safety of the City of Aurora that this ordinance take effect at once, and therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed by this Council this 23 day of June, 2011 by the following vote:

AYES: 3

NAYS: 0

Approved by the Mayor this 24 day of June, 2011

ATTEST: Kelley A. Richardson  
City Recorder

[Signature]  
Mayor



Chapter 16.14  
C COMMERCIAL ZONE

Sections:

- 16.14.010 Purpose.
- 16.14.020 Permitted uses.
- 16.14.030 Conditional uses.
- 16.14.040 Development standards.
- 16.14.050 Open inventory display.

16.14.010 Purpose.

The commercial zone (C) is intended to provide areas for retail and service commercial uses. (Ord. 415 § 7.60.010, 2002)

16.14.020 Permitted uses.

In the commercial zone, except as specifically stated in Section 16.14.050 activities shall be conducted within an enclosed building or structure and are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted outright:

1. Auction house, auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or church;
2. Bed and breakfast inn, hotel or motel;
3. Bicycle sales or repair;
4. Cultural exhibits and library services;
5. Day care facility licensed by state;
6. Dwelling units located on the second floor of the commercial structure;
7. Eating and drinking establishments;
8. Financial, insurance and real estate offices;
9. General retail and convenience sales, except adult bookstores;
10. Indoor and outdoor recreation and entertainment facilities, except adult

entertainment or adult motion picture theaters;

11. Laundry or dry cleaning establishments;

12. Medical or dental services including labs;

13. Mini storage, with or without a caretaker dwelling;

14. Minor impact utilities;

15. Motor vehicle, farm implement, boat or trailer rental, sales or services including body repairs when repairs are conducted wholly within an enclosed structure;

16. Mortuary, funeral home, crematorium or taxidermy;

17. Nurseries, greenhouses, and landscaping supplies not requiring outside storage for items other than plant materials including wholesale or retail;

18. Parking structure or lot or storage garage;

19. Printing or publishing plant;

20. Professional and administrative offices;

21. Public safety and support facilities;

22. Public transportation passenger terminal or taxi stand;

23. Repair services for household and personal items, excluding motorized vehicles;

24. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;

25. Schools;

26. Service station, retail vehicle fuel sales or car wash when not located adjacent to a residential zone.

27. Single-family residence, provided it is an accessory use and cannot be sold separately;

**Exhibit**   M

28. Studios, including art, photography, dance, and music. (Ord. 415 § 7.60.020, 2002)

16.14.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the planning commission:

A. Adult bookstore, adult entertainment or adult motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five (35) feet from any property line and shall be screened and buffered in accordance with Section 16.38.040. In addition, location shall be at least one thousand five hundred (1,500) feet, measured in a straight line, from any of the following:

1. Residential district,
2. Public or private nursery, preschool, elementary, junior, middle or high school,
3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital,
4. Public library,
5. Community recreation,
6. Church,
7. Historic district or historic structure;

B. Home occupations (Type II) subject to Chapter 16.46;

C. Major impact utilities, including telecommunications facilities subject to Chapter 16.50, provided that a ten (10) foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property;

D. Retail or wholesale business with not more than fifty (50) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly incidental to the primary business conducted on the premises;

E. Wholesaling, storage and distribution. (Ord. 415 § 7.60.030, 2002)

16.14.040 Development standards.

A. There is no minimum size for lots or parcels served by municipal sewer. Minimum lot sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.

B. There is no minimum lot width or depth.

C. Unless otherwise specified, the minimum setback requirements are as follows:

1. There is no minimum front yard setback except as required for buffering of off street parking in accordance with Section 16.38.050;

2. On corner lots and the rear of through lots the minimum setback for the side facing the street shall be ten (10) feet;

3. No side or rear yard setback shall be required except twenty (20) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district;

D. No building shall exceed forty-five (45) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.

E. Parking shall be in accordance with Chapter 16.42.

Exhibit A2



F. Landscaping shall be in accordance with Chapter 16.38.

G. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

H. Additional requirements shall include any applicable section of this title. (Ord. 415 § 7.60.040, 2002)

16.14.050 Open inventory display.

A. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading;
2. Drive-through windows;
3. Display, for sale purposes, of large on road vehicles which could not be reasonably displayed wholly within a building; specifically automobiles, boats, logging equipment, farm machinery, heavy machinery and trucks. Such displays shall be limited to a maximum of five vehicles which shall be movable at all times and cannot be deemed as discarded or dismantled. All vehicles displayed for sale must be located on a paved surface;
4. Displays for sale purposes of small merchandise in relation to the fronting business shall be removed to the interior of the business after business hours;
5. Display, for sale purposes in relation to the fronting business, of live

trees, shrubs and other plants, flowers, or produce; and

6. Outdoor seating in relation to a permitted eating or drinking establishment subject to 16.34.060.D.

B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances. (Ord. 415 § 7.60.050, 2002)

Exhibit AB

Chapter 16.22  
HC HISTORIC COMMERCIAL  
OVERLAY

Sections:

- 16.22.010 Purpose.
- 16.22.020 Permitted uses.
- 16.22.030 Conditional uses.
- 16.22.040 Development standards.

16.22.010 Purpose.

The purpose of the historic commercial overlay is to implement the City of Aurora for Historic District Properties while providing for a concentrated, central commercial, office and retail goods and services area with opportunities for employment and business and professional services in close proximity to residential services. (Ord. 415 § 7.74.010, 2002)

16.22.020 Permitted uses.

In the historic commercial zone, activities shall be conducted within an enclosed structure or building and are subject to Chapter 16.58, and shall require a certificate of appropriateness approved by the historic review board. Only the following uses and their accessory uses are permitted outright:

- A. Auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or church;
- B. Bed and breakfast inn, hotel or motel;
- C. Bicycle sales or repair;
- D. Community recreation facilities;
- E. Cultural exhibits and library services;
- F. Day care facility licensed by state;
- G. Dwelling units located on the second floor of the commercial structure;

H. Eating and drinking establishments;

I. Financial, insurance and real estate offices;

J. General retail and convenience sales, except adult bookstores;

K. Medical or dental services including labs;

L. Parking structure or lot;

M. Professional and administrative offices;

N. Public safety and support facilities;

O. Public transportation passenger terminal or taxi stand;

P. Repair services for household and personal items, excluding motorized vehicles;

Q. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;

R. Schools;

S. Single-family residence, provided it is an accessory use and cannot be sold separately;

T. Studios, including art, photography, dance, and music;

U. Vehicle fuel sales. (Ord. 415 § 7.74.020, 2002)

16.22.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 16.60, a certificate of appropriateness approved by the historic review board, other relevant sections of this title and any conditions imposed by the planning commission:

A. Home occupations (Type II) subject to Chapter 16.46;

B. Retail or wholesale business with not more than fifty (50) percent of the

Exhibit Am



floor area used for the manufacturing, processing or compounding of products in a manner which is clearly incidental to the primary business conducted on the premises. (Ord. 415 § 7.74.030, 2002)

16.22.040 Development standards.

A. There is no minimum lot size for lots served by municipal sewer. Minimum lot sizes for lots without municipal sewer shall be as determined by the county sanitarian.

B. There is no minimum lot depth.

C. Minimum lot width shall be fifty (50) feet.

D. No front setbacks shall be permitted, except as necessary to maintain visual clearance areas at unsignalized intersections. No rear or side setbacks are required.

E. No building shall exceed thirty-five (35) feet in height.

F. Parking shall be in accordance with Chapter 16.42 except as specifically exempted by Chapter 16.28, and should be located to the rear of the building. The planning commission may approve parking to the side of the building where parking to the rear is not feasible.

G. Signs shall be in accordance with the requirements of Chapter 16.44, and the City of Aurora Design Guidelines for Historic Properties.

H. Landscaping shall be in accordance with the requirements of the City of Aurora Design Guidelines for Historic Properties, Chapter 16.38, and the Aurora Downtown Improvement Plan.

I. All properties, uses and structures in the historic commercial overlay shall be subject to the requirements of Title 17, Historic Preservation, and any

applicable section of this title. (Ord. 415 § 7.74.040, 2002)

J. Open inventory display.

A. All business, service, repair, storage or merchandise displays shall be conducted wholly within an enclosed building except the following:

1. Off-street parking or loading;

2. Displays for sale purposes of small merchandise in relation to the fronting business shall be removed to the interior of the business after business hours;

3. Display, for sale purposes in relation to the fronting business, of live trees, shrubs and other plants, flowers, or produce; and

4. Outdoor seating in relation to a permitted eating or drinking establishment subject to 16.34.060.D and Historic Review Board review and approval.

B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances.

**Exhibit**   A5

## **Chapter 16.34**

### **PUBLIC IMPROVEMENT AND UTILITY STANDARDS**

#### **Sections:**

- 16.34.010 Purpose.**
- 16.34.020 General provisions.**
- 16.34.030 Streets.**
- 16.34.040 Blocks and lots.**
- 16.34.050 Easements.**
- 16.34.060 Sidewalks.**
- 16.34.070 Public use areas.**
- 16.34.080 Sanitary sewers.**
- 16.34.090 Storm drainage.**
- 16.34.100 Water system.**
- 16.34.110 Bikeways.**
- 16.34.120 Utilities.**
- 16.34.130 Noise, dust and visual barriers.**
- 16.34.140 Performance guarantee.**
- 16.34.150 Monuments.**
- 16.34.160 Installation/technical review fee.**
- 16.34.170 Improvement procedures.**
- 16.34.180 Plan checking required.**
- 16.34.190 Acceptance of improvements.**
- 16.34.200 Engineer's certification required.**
- 16.34.210 Pedestrian Circulation**

#### **16.34.010 Purpose.**

The purpose of this chapter is to inform applicants of general design standards for street and utility improvements and maintain consistency between this title, the Aurora transportation system plan and the public works design standards and specifications.

#### **16.34.020 General provisions.**

A. The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements within the City shall occur in accordance with the standards of this title, the public works design standards, the transportation system plan and county or state standards, including but not limited to the Uniform Fire Code, where applicable.

B. The City Engineer may require changes or supplements to the standard specifications consistent with the application of engineering principles.

C. All applications for development shall conform to the standards established by this chapter.

#### **16.34.030 Streets.**

A. No development shall occur unless the development has frontage on or approved access to a public street:

1. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of land division. Any new street or additional street width shall be dedicated and improved in accordance with this title, the Aurora transportation system plan and the public works design standards and specifications.

**Exhibit** Ab



### Street Design Standards<sup>(1)</sup>

Classification	Pavement Width (ft)	Sidewalks Width (ft)	Planting Strips (ft)	Bikeway Width (ft)	Parking	ROW (ft) <sup>(2)</sup>
Local Residential <sup>(3)(4)</sup>	32	5	5	None	2 sides	54
Collector <sup>(4)</sup>	36	6	7.5	None <sup>(4)</sup>	2 sides <sup>(4)</sup>	65
Minor Arterial (County) <sup>(4)(6)(7)</sup>	36	6	8	6	None	68
Principal Arterial (County) <sup>(7)(8)</sup>	50	6	9.5	6	None	84
Principal Arterial (State) <sup>(9)</sup>	48-50	8	6	6	None	84
Alleys	16	None	None	None	None	16

**Notes:**

(1) Street Design Standards for roadways within the National Historic District are subject to historic review board approval on a case-by-case basis.

(2) Additional right-of-way and roadway improvements may be required at major intersections to provide for turn lanes and for corner radii.

(3) Planter strips are required unless approved otherwise by the City. Planting strips should be at least 4 feet wide to accommodate tree plantings. In commercially zoned areas, the City may require wider sidewalks which encroach into the planting strip area.

(4) Collectors serving residential areas and historic commercial areas can accommodate on-street parking and shared use of road space by bicyclists and motor vehicles. These shared roadways will be designated with "sharrows." "Sharrows" are markings painted directly onto the road to promote the awareness that the road is a shared traffic lane to be used by both motorists and bicyclists. Collector Streets which serve primarily a mix of commercial and industrial properties will have bike lanes in lieu of on-street parking.

(5) On an interim basis, two 6-8 foot protected shoulders may be installed adjacent to two 12-foot travel lanes, on a case-by-case basis as approved by the County.

(6) City standards are advisory to Marion County on Marion County-owned roadways

(7) On an interim basis, a multi-use path, separated from the roadway, and on-street bike lanes may be allowed instead of sidewalks and planting strips on a case-by-case basis as approved by the County.

(8) City standards are advisory on ODOT managed roadways

2. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements if the following conditions exist:

a. A partial improvement creates a potential safety hazard to motorists or pedestrians; or

b. Due to the nature of existing development on adjacent properties it is

unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.

3. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept a payment in lieu of street improvements. To propose a payment in lieu of street improvements, the applicant shall prepare an engineering

FEB 10, 2010

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estimate for the costs of engineer, design and construction of the required frontage improvements. City staff will review and approve the engineering cost estimate and calculate the payment in lieu of street improvements. The payment in lieu of street improvements will generally be set at two-thirds of the estimated cost. Payment in lieu of street improvement funds collected by the City will be used to pay for improvements within public rights of way within the Aurora city limits.

4. New structures that are proposed to be constructed on lots abutting an existing public street that does not meet the minimum standards for right of way width shall provide setbacks sufficient to allow for the future widening of the right of way. Building permits shall not be issued unless yard setbacks equal to the minimum yard requirements of the zoning district plus the required minimum additional right of way width is provided.

B. Rights-of-way shall normally be created through the approval of a final partition or subdivision plat.

1. The Council may approve the creation of a street by deed of dedication if any establishment of a street is initiated by the council and is found to be essential for the purpose of general traffic circulation, and partitioning of subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use.

2. All deeds of dedication shall be in a form prescribed by the City and shall name "the City of Aurora, Oregon" or "the public," whichever the City may require, as grantee.

3. All instruments dedicating land to public use shall bear the approval by the

mayor accepting the dedication prior to recording.

4. No person shall create a street or road for the purpose of partitioning an area or tract of land without the approval of the city.

C. Subject to AMC 16.78, the Planning Commission may approve a private street established by deed for a subdivision containing no more than five total lots or for a partition provided such an approval is the only reasonable method by which a lot large enough to develop can develop when all of the following criteria are satisfied:

1. Private streets shall serve no more than five dwellings and the city shall require legal assurances for the continued access and maintenance of private streets, such as a reciprocal access and maintenance agreement recorded with Marion County.

2. Private streets which exceed one hundred fifty (150) feet shall be improved in accordance with the Uniform Fire Code.

3. Private streets shall be improved in accordance with the public works design standards, and shall be a minimum of twenty (20) feet in width with a paved width of eighteen (18) feet.

4. If the establishment of a building site requires the creation of a private street for access, the total area of the street will not be applicable to the square footage requirements of the lot.

D. When location is not shown in the Aurora transportation system plan, the arrangement of the streets shall either:

1. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or conform to a plan for the neighborhood approved by the Planning Commission to meet a particular situation where topographical

Exhibit

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or other conditions make continuance or conformance to existing street impractical. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

2. New streets shall be laid out to provide reasonably direct and convenient routes for walking and cycling within neighborhoods and accessing adjacent development.

E. Street right-of-way and roadway widths shall be as shown in the Aurora transportation system plan, except all streets constructed in the National Historic District shall require approval by the historic review board and shall be constructed consistent with the Aurora downtown improvement plan and Title 17, Historic Preservation. Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-way may be accepted. If necessary, slope easements may be required.

F. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in those cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

G. Except for extensions of existing streets, no street name shall be used which will duplicated or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the

City and shall be subject to the approval of the Planning Commission.

H. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than eighty (80) degrees, unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred (100) feet of tangent adjacent to the intersection, unless topography requires a lesser distance. Other streets, except alleys, shall have at least five hundred (500) feet of tangent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than eighty (80) degrees, or which include an arterial street, shall have a minimum corner radius sufficient to allow for a roadway radius of twenty (20) feet and maintain a uniform width between the roadway and right-of-way line. Ordinarily, the intersection of more than two streets at any point will not be approved.

I.(1) Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the site when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when adjoining property is divided or developed. Whenever a half street is adjacent to a tract to be divided or developed, the other half of the street shall be provided within such tract. Reserve strips and street plugs pursuant to subsection E of this section may be required to preserve the objectives of half streets.



(2) Where a half street improvement is otherwise acceptable, and additional development and/or redevelopment is expected to result in completion of the remaining half street sometime in the future, three-quarter street improvements are required in lieu of half street improvements.

J. A cul-de-sac shall be as short as possible, shall have a maximum length of four hundred (400) feet and shall serve building sites for not more than eighteen (18) dwelling units. A cul-de-sac shall terminate with a circular turnaround.

K. Grades shall not exceed six (6) percent on arterials, ten (10) percent on collector streets, or twelve (12) percent on other streets. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on secondary arterials, or one hundred (100) feet on other streets and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide building sites, the Planning Commission may accept steeper grades and sharper curves. In no case shall a grade exceed sixteen (16) percent. In flat areas, allowance shall be made for finished street grades having a minimum slope of at least one-half of one percent.

L. Wherever the proposed land division or development contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance

required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

M. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the City Engineer and approved by the Planning Commission.

N. Where a land division or development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential development design shall provide adequate protection for residential properties, and to afford separation of through and local traffic.

O. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than twelve (12) feet.

P. Concrete vertical curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards in the City's public works design standards as required by the Aurora transportation system plan. Driveways shall be asphalt or concrete, not less than four inches deep or two inches of asphalt on four inches of three-fourths-inch minus

gravel, or other hard durable and dustless surfaces such as cobblestone, unit masonry, scored and colored concrete, grasscrete, or combinations of the above. Driveway width shall be 12' minimum and 24' maximum for two-car garages and up to 36' for three-car garages, unless otherwise approved by the City.

Q. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be established or re-established, protected and recorded.

R. The developer shall install all street signs, relative to traffic control and street names, as specified by the Public Works Director for any development. The cost of signs shall be the responsibility of the developer.

S. The location of traffic signals shall be noted on approved street plans, and

where a proposed street intersection will result in an immediate need for a traffic signal, a city-approved signal shall be installed. The cost shall be included as a condition of development.

T. Street lights shall be installed in accordance with the City's public works design standards and shall be consistent with AASHTO standards. Street lights shall be served from an underground source of supply. Street lighting shall be subject to review and approval of the Oregon Department of Transportation and Marion County as to location and style, where applicable.

U. Within six (6) months of developing frontage improvements, two (2) inch caliper trees shall be installed in planting strips in accordance with the City of Aurora's street tree list. Prior to adoption of a street tree list, the City of Aurora's City Engineer will approve the street tree selection.

V. (1) Access spacing standards for streets and driveways are:

Spacing Requirements for Accesses on State, County, and City Roadways

Functional Classification	Distance <sup>(1)</sup>
Principal Arterial (State)	<sup>(2)</sup>
Principal Arterial (County)	400 from any intersection with Oregon 99E or Airport Road 300 feet from any other intersection of private access
Minor Arterial (County)	400 feet from the intersection with Ehlen Road 300 feet from any other intersection of private access
Collector	75 feet
Local Residential	16 feet

Notes:

(1) Distances are measured from inside edge of roadways and driveways, excluding driveway aprons.

(2) For access spacing requirements on Oregon 99E, consult Oregon Administrative Rules 734-051

Where spacing standards cannot be satisfied, joint and cross access and shared driveways are encouraged pursuant to 16.34.030(V) (2) & (3).

Exhibit   A11

(2) Where access spacing standards cannot be satisfied, a shared driveway serving no more than two residences may be permitted with a recorded reciprocal access and maintenance agreement.

(3) Where access spacing standards cannot be satisfied, adjacent non-residential properties are encouraged to develop a system of joint use driveways and crossover easements for vehicles and pedestrians. Pursuant to this section, property owners developing a system of joint use driveways and crossover easements shall:

(a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive

(b) Record an agreement with the City of Aurora stating that pre-existing driveways will be closed and eliminated after construction of the joint-use driveway

(c) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners

(4) New property access shall not be permitted within fifty (50) feet of an intersection unless no other reasonable access to property is available. Where no other alternatives exist, the City may allow construction of an access connection at a point less than 50 feet from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only)

#### W. Traffic Operations Standards

Roadway Functional Classification <sup>1,2</sup>	Intersection Type	Operations Standards
Local Residential	Signalized, All-way Stop & Roundabout	LOS D
	Unsignalized	LOS E
Collector	Signalized, All-way Stop & Roundabout	LOS D
	Unsignalized	LOS E
Minor Arterial (County) <sup>3</sup>	Signalized, All-way Stop & Roundabout	LOS D
	Unsignalized <sup>4</sup>	.85 V/C
		LOS E
Principal Arterial (County) <sup>3</sup>	Signalized, All-way Stop & Roundabout	.90 V/C
		LOS D
	Unsignalized <sup>4</sup>	.85 V/C
		LOS E
Principal Arterial (State) <sup>5</sup>	Regional Highway	5
	Regional Highway (STA)	5

#### Notes:

- 1) For intersections where state owned roadways cross city or county owned roadways, state traffic operations standards are used in place of city and/or

Exhibit A12



county standards. Where county owned roadways cross local roadways, county operations standards are used in place of city standards.

- 2) For intersections where two roadways owned by the same jurisdiction cross, the traffic operations standards of the street with the higher functional classification are used (Collector is higher than Local Residential and Principal Arterial is higher than Minor Arterial)
- 3) Source: Marion County Regional Transportation System Plan
- 4) LOS F may be allowed at county-owned unsignalized intersections if the movement has relatively low volume (as determined by County staff) and there is no indication that a safety problem will be created
- 5) Oregon Department of Transportation operations standards apply to Oregon 99E within the City of Aurora. Within the City, Oregon 99E has two designations, each with its own operations standard, the portion of Oregon 99E from Liberty Street to 4<sup>th</sup> Avenue is a Regional Highway with Special Transportation Area designation. The remaining portion of Oregon 99E is a Regional Highway.

**16.34.040 Blocks and lots.**

A. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width, and shall recognize the limitations of the topography.

B. No block shall be more than one thousand (1,000) feet in length between street corner lines unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is one thousand eight hundred (1,800) feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies the exception.

C. Through lots and parcels shall not be permitted except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages or topography and orientation. A planting screen easement at least ten (10) feet wide, and across which there shall be no right of access, shall be required along the line of building sites abutting such a traffic artery or other incompatible use. The planting screen easement shall be landscaped in accordance with the requirements for screening in Chapter 16.38.

D. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

E. Subject to AMC 16.78, the Planning Commission may approve the creation of a flag lot for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing existing internal platted lots with access to a residential street, meeting the desired density standards for the zone, or preserving natural or historic resources, when all of the following criteria are satisfied:

1. The depth of the existing legal lot of record is equal to or more than two times the lot depth required by the zone;

2. The result would not increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials;

3. No more than one lot shall be permitted per deeded access flag;

4. All affected driveways shall meet the access spacing standards found in 16.34.030(V)(1) except where flag lots on adjacent properties share a common property line and the driveway for each flag lot is constructed immediately adjacent to the common property line and functions as a shared driveway with a recorded reciprocal access and maintenance agreement; and

5. The flag access shall have a minimum width of twenty (20) feet and a maximum width of twenty five (25) feet. (Ord. 419)

6. The flag driveway shall have a minimum paved width of twelve (12) feet; and

7. In no instance shall flag lots constitute more than two lots in a partition or a subdivision; and

8. The lot area for a flag lot shall comply with the lot area requirements of the applicable zoning district and shall be provided entirely within the building site area exclusive of any accessway.

**16.34.050 Easements.**

Exhibit AM

Easements for sewers, drainage, water mains, electric lines or other public utilities shall be granted wherever necessary. The easements shall be at least twelve (12) feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six feet in width. The property owner proposing a development shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

B. If a tract is traversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

C. When desirable for public convenience, a pedestrian or bicycle way may be required to connect a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provided appropriate circulation.

#### **16.34.060 Sidewalks.**

A. On public streets, sidewalks are required except as exempted by the Aurora transportation system plan and shall be constructed, replaced or repaired in accordance with the City's public works design standards, Appendix A Illustrations 10, 11 and 12 set out at the end of this title. If properties are located in the historic commercial or historic residential overlay, sidewalks shall be constructed in accordance with the Aurora downtown improvement plan and the City of Aurora Design Guidelines for Historic Properties, set out in the Appendix to this code.

B. Maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.

C. The City may accept and record a non-remonstrance agreement for the required sidewalks from the applicant for a building permit for a single-family residence when the Public Works Director determines the construction of the sidewalk is impractical for one or more of the following reasons:

1. The residence is an in-fill property in an existing neighborhood and adjacent residences do not have sidewalks;
2. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical.

#### **D. Sidewalk Seating and Displays**

##### **1. Definitions**

"Accessible route" means a sidewalk at least four (4) feet in width which has seven (7) feet of vertical clearance.

"Adjacent sidewalk" means that portion of a public sidewalk between the curb line and the property line demarcated by extending the side building lines of the premises until they intersect the curb.

"Clearances" as referenced in this section are measured horizontally from the outside edge of the sidewalk seating and/or display delineation to any obstruction on the ground greater than one-half inch in height, or to an adjacent projection such as tree limbs, tree wells, banners, signs, bike racks, lamp posts or any other fixtures. Accessible routes



clearances shall be no less than four (4) feet in width and no less than seven (7) feet in height for the entire length of the accessible route. Radiuses along an accessible route shall be no less than four (4) feet in width.

"Liability Insurance" as reference in this section requires a signed statement that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers and employees for any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, liquor liability, food products liability, and property damages insurance as will protect permittee and city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therein. Such insurance shall provide coverage or not less than the amount of municipal tort liability under the Oregon Tort Claims Act. The permittee shall name the City of Aurora as an additional insured by attaching an endorsement to the certificate of insurance (provided by the city). Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured by city, its officers, and employees, and shall further provide that the policy shall not terminate or be canceled prior to expiration of the permit without 30 days written notice to the city.

#### 2. Permitted Uses.

All business, service, repair, storage of merchandise displays shall be conducted wholly within the property line of the subject parcel except the following:

- A. Displays for sale purposes of small merchandise in relation to the fronting business shall be removed to the interior of the business after business hours;
- B. Displays, for sale purposes in relation to the fronting business, of live trees, shrubs and other plants, flowers, or produce; and
- C. Outdoor seating in relation to a permitted eating or drinking establishment subject to the criteria below.

#### 3. Application submission requirements:

A. Required information may be combined on one map. Site plan(s) shall include the following information, as appropriate:

- 1. Evidence of Liability Insurance;
- 2. A vicinity map showing the proposed site and surrounding properties;
- 3. The site size and its dimensions;
- 4. The location and dimension of all proposed:
  - a. Entrances and exits on the site,
  - b. Loading and services areas, where applicable,
  - c. Proposed placement of outdoor seating and location of tables and related material to be placed within the public right-of-way.

B. Businesses which intend to serve alcoholic beverages must additionally submit the following application requirements:

- 1. Verification of a valid Oregon Liquor Control Commission permit.
- 2. Except for glasses, bottles, pitchers, and carafes that are being served to customers. No taps, kegs, coolers, or other alcoholic beverage storage devices are allowed on the sidewalk.
- 3. Signage at the access/exit point prohibiting the removal of alcoholic beverages from the licensed seating area.

#### 4. Approval Standards and Criteria:

Exhibit Att

A. The City Recorder or designee shall review the application for compliance with the following criteria:

1. The outdoor seating shall be located such that there is a minimum of four (4) feet of clear and unobstructed accessible route to a height of seven (7) feet measure vertically from grade between the seating and tree limbs, bike racks, lamp posts, sign posts and any other fixtures or obstructions.
2. The location of the outdoor seating shall be approved by the City Recorder or designee.
3. The operation of a outdoor seating requires that trash containers be provided on site and removed at the end of business hours.
4. All materials, with the exception of tables and seating, shall be removed at the end of each business day.
5. Seating and permit is limited to the area adjacent to the subject business.
6. No signage shall be attached to any furniture or any other structure related to the operation of the business.
7. No use of city fixtures shall be permitted.
8. Outdoor seating shall correspond with the operation of business hours.

**16.34.070 Public use areas.**

A. If the City has an interest in acquiring a portion of a proposed subdivision or development for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portion of the subdivision or development be reserved for public acquisition for a period not to exceed one year at a cost not to exceed the value of the land prior to the subdivision or development or such land shall be released to the property owner.

B. Within or adjacent to a subdivision, a parcel of land may be set aside and dedicated to the public by the subdivider. The size of this parcel shall be determined by the distance from the existing city parks and the number of people to be housed by the subdivision. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and recreation areas. The developer may be eligible for credit on parks systems development charges for such a dedication.

CITY OF AURORA  
NOTICE OF FINAL DECISION  
APPLICATION FOR LEGISLATIVE AMENDMENT  
File No. LA 11-01

APPLICANT/  
OWNER:

Carl McKnight

APPLICATION:

The applicant requested approval of legislative amendments to revise portions of the Aurora Municipal Code (AMC), specifically Title 16 Land Development. The sections of Title 16 addressed as part of the application included: 16.14 Commercial, 16.22 Historic Commercial Overlay, and 16.34 Public Improvements in order to permit outdoor seating on public sidewalks in relation to fronting commercial establishments.

PUBLIC HEARING:

Amendments to the Municipal Code are processed as Legislative Amendments, conducted in accordance with Chapter 16.74 of the AMC.

**I. APPLICABLE CRITERIA:**

A. Aurora Municipal Code (AMC) 16.74, Legislative Amendments

**II. FINDINGS OF FACT:**

The Aurora City Council, 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 March 18, 2011, which was 45-days prior to the first evidentiary hearing on May 3, 2011.
2. Amendments to the Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Legislative Amendments shall be made 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. 10 days prior to the first evidentiary hearing, the City sent written notice of the hearing to the applicant and affected neighborhood planning organizations. At least seven (7) days prior to the first public hearing, the City published notice in a newspaper of general circulation.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action, not a quasi-judicial 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.

Exhibit B1



5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.
6. The Planning Commission reviewed the proposed legislative amendments at the May 3, 2011 public hearing and recommended approval of the amendment with changes. The Aurora City Council reviewed the proposed legislative amendments at the May 10, 2011 public hearing.

### III. AGENCY AND PUBLIC NOTICE:

Amendments to the Municipal Code can be processed as Legislative or Quasi-Judicial amendment applications. Legislative amendments are conducted as stated in Chapter 16.74 of the AMC.

The final application was received on February 29, 2011. The application was determined complete by Staff on March 17, 2011. Notice was mailed to the Department of Land Conservation and Development, neighborhood planning organizations, the property owners and was published in a newspaper of general circulation in the city.

### IV. REVIEW CRITERIA AND EVALUATION

The decision by the Aurora City Council is based on consideration of the following factors, as outlined in AMC 16.74- Legislative Amendments:

#### FINDINGS

- 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 was held before the Planning Commission on May 3, 2011 and a second hearing was held by the City Council on May 10, 2011. Notice was posted at City Hall, published in the Canby Herald, and provided to the Historic Review Board. The staff report was available for review one week prior to the Planning Commission hearing and six days prior to the City Council hearing. This is consistent with City procedures. 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. Goal 2 generally supports clear and thorough local procedures. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal does not address Goal 5 resources.

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

Exhibit 52

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 respond to a need identified within the business community. The proposed code amendments are not found to deter employment or business opportunities. Goal 9 is met.

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

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

Goal 12, Transportation: The draft code amendment encourages economic development in the commercial core and a pedestrian friendly atmosphere. The code amendments attempt to provide a system that is safe for pedestrians while encouraging ADA compliant sidewalks. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

ORS 197 does not include specific notice requirements for legislative processes but the City met all notice 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 zone.

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 Commercial lands. The 2010 Oregon Structural Specialty Code requires a minimum of 36 inches for curb ramps and a minimum clear width of 36 inches for single wheelchair passage and 60 inches for two wheelchairs to pass. The AMC and 2009 Transportation System Plan identified a sidewalk width of five (5) feet for Local and Residential streets; six (6) feet for Collectors and County Minor/ Principal Arterials, and eight (8) feet for State Principal Arterials. Sidewalk widths in the Historic Commercial zone vary between five (5) feet and eight (8) feet. Sidewalk widths in the Commercial zone varies between five (5) to six (6) feet. The text, as submitted, calls for the provision of an accessible route or aisle width of not less four (4) feet or 48 inches. Staff finds this criterion is met.

3. The applicable comprehensive plan policies and map; and

The following Comprehensive Plan Goals and associated policies were found to be applicable to this application:

*Goal 1- Citizen Participation: Develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

Exhibit B3

FINDINGS: A public hearing on the proposed amendments was held before the Planning Commission on May 3, 2011 and a second hearing was held by the City Council on May 10, 2011. Notice was posted at City Hall, published in the Canby Herald, and provide to the Historic Review Board. The staff report was available for review one week prior to the Planning Commission hearing and six days prior to the City Council hearing. This is consistent with City procedures. Staff finds this condition is met.

*Goal 2- Planning Process: Establish a land use planning process and policy framework document (comprehensive plan) as a basis for all decisions and actions related to use of land and ensure and adequate factual base for such activities.*

FINDINGS: Adoption actions are consistent with the acknowledged AMC. Staff finds this condition is met.

*Goal 9- Economic Policies*

1. *Foster commercial and industrial activities to meet the expressed needs of City residents.*

FINDINGS: The draft code amendments respond to a need identified within the business community. The proposed code amendments are not found to deter employment or business opportunities. Staff finds this condition is met.

*Goal 12- Transportation Policies*

2. *Encourage transportation improvements which support the community's economic development and create a pedestrian friendly atmosphere.*
3. *Establish a street system which is consistent with orderly growth, minimizes conflicts with adjacent land uses, and provides a circulation system which is safe and efficient for both vehicles and pedestrians.*

FINDINGS: The draft code amendments respond to a need identified within the business community and encourage a pedestrian friendly atmosphere by allowing for the provision of outdoor seating and display. The proposed code amendments meet ADA accessibility standards. Staff finds this condition is met.

4. The applicable provisions of the implementing ordinances.

FINDINGS: The Commercial zone and Historic Commercial Overlay are intended to provide areas for retail and services commercial uses and the provision of outdoor seating and display. The purpose of the code revision is to permit and encourage sidewalk display and seating related to the adjacent business and encourage a pedestrian oriented environmental that creates a visually attractive atmosphere and promotes commerce. Staff finds the proposed code amendments can be established in compliance with the development requirements of the Aurora Municipal Code.

- 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. This criterion does not apply.

**V. DECISION:**

Exhibit B1



On May 10, 2011, the Aurora City Council **approved** the Legislative Amendment application (File #LA-11-01) based upon the findings in the staff report. The ordinance was adopted at the June 14, 2011 City Council meeting.

*Any party with standing may appeal the final decision to LUBA in accordance with ORS 197.830 to 197.845 as included in the attached DLCD Notice of Adoption. The 21-day appeal period to the Oregon Land Use Board of Appeals begins on the day the City posted this mailed notice in the U.S. Post Office and the appeal period expires at 5:00 pm on June 7, 2011.*

*Notice of Decision and Staff Report prepared by Renata Wakeley, City Planner, with the Mid-Willamette Valley Council of Governments.*

Exhibit B5

Chapter 16.14  
C COMMERCIAL ZONE

Sections:

- 16.14.010 Purpose.
- 16.14.020 Permitted uses.
- 16.14.030 Conditional uses.
- 16.14.040 Development standards.
- 16.14.050 Open inventory display.

16.14.010 Purpose.

The commercial zone (C) is intended to provide areas for retail and service commercial uses. (Ord. 415 § 7.60.010, 2002)

16.14.020 Permitted uses.

In the commercial zone, except as specifically stated in Section 16.14.050 activities shall be conducted within an enclosed building or structure and are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted outright:

1. Auction house, auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or church;
2. Bed and breakfast inn, hotel or motel;
3. Bicycle sales or repair;
4. Cultural exhibits and library services;
5. Day care facility licensed by state;
6. Dwelling units located on the second floor of the commercial structure;
7. Eating and drinking establishments;
8. Financial, insurance and real estate offices;
9. General retail and convenience sales, except adult bookstores;
10. Indoor and outdoor recreation and entertainment facilities, except adult

entertainment or adult motion picture theaters;

11. Laundry or dry cleaning establishments;

12. Medical or dental services including labs;

13. Mini storage, with or without a caretaker dwelling;

14. Minor impact utilities;

15. Motor vehicle, farm implement, boat or trailer rental, sales or services including body repairs when repairs are conducted wholly within an enclosed structure;

16. Mortuary, funeral home, crematorium or taxidermy;

17. Nurseries, greenhouses, and landscaping supplies not requiring outside storage for items other than plant materials including wholesale or retail;

18. Parking structure or lot or storage garage;

19. Printing or publishing plant;

20. Professional and administrative offices;

21. Public safety and support facilities;

22. Public transportation passenger terminal or taxi stand;

23. Repair services for household and personal items, excluding motorized vehicles;

24. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;

25. Schools;

26. Service station, retail vehicle fuel sales or car wash when not located adjacent to a residential zone.

27. Single-family residence, provided it is an accessory use and cannot be sold separately;

Exhibit C1

28. Studios, including art, photography, dance, and music. (Ord. 415 § 7.60.020, 2002)

16.14.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the planning commission:

A. Adult bookstore, adult entertainment or adult motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five (35) feet from any property line and shall be screened and buffered in accordance with Section 16.38.040. In addition, location shall be at least one thousand five hundred (1,500) feet, measured in a straight line, from any of the following:

1. Residential district,
2. Public or private nursery, preschool, elementary, junior, middle or high school,
3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital,
4. Public library,
5. Community recreation,
6. Church,
7. Historic district or historic structure;

B. Home occupations (Type II) subject to Chapter 16.46;

C. Major impact utilities, including telecommunications facilities subject to Chapter 16.50, provided that a ten (10) foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property;

D. Retail or wholesale business with not more than fifty (50) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly incidental to the primary business conducted on the premises;

E. Wholesaling, storage and distribution. (Ord. 415 § 7.60.030, 2002)

16.14.040 Development standards.

A. There is no minimum size for lots or parcels served by municipal sewer. Minimum lot sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.

B. There is no minimum lot width or depth.

C. Unless otherwise specified, the minimum setback requirements are as follows:

1. There is no minimum front yard setback except as required for buffering of off street parking in accordance with Section 16.38.050;

2. On corner lots and the rear of through lots the minimum setback for the side facing the street shall be ten (10) feet;

3. No side or rear yard setback shall be required except twenty (20) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district;

D. No building shall exceed forty-five (45) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.

E. Parking shall be in accordance with Chapter 16.42.

Exhibit C2



F. Landscaping shall be in accordance with Chapter 16.38.

G. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

H. Additional requirements shall include any applicable section of this title. (Ord. 415 § 7.60.040, 2002)

**16.14.050 Open inventory display.**

A. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading;
2. Drive-through windows;
3. Display, for resale purposes, of large on road vehicles which could not be reasonably displayed wholly within a building; specifically automobiles, boats, logging equipment, farm machinery, heavy machinery and trucks. Such displays shall be limited to a maximum of five vehicles which shall be movable at all times and cannot be deemed as discarded or dismantled. All vehicles displayed for sale must be located on a paved surface;
4. Displays for resale purposes of small merchandise **in relation to the fronting business** which shall be removed to the interior of the business after business hours;
5. Display, for resale purposes **in relation to the fronting business**, of

live trees, shrubs and other plants, flowers, or produce; and

**6. Outdoor seating in relation to a permitted eating or drinking establishment subject to 16.34.060.D.**

B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances. (Ord. 415 § 7.60.050, 2002)

Chapter 16.22  
HC HISTORIC COMMERCIAL  
OVERLAY

Sections:

- 16.22.010 Purpose.
- 16.22.020 Permitted uses.
- 16.22.030 Conditional uses.
- 16.22.040 Development standards.

16.22.010 Purpose.

The purpose of the historic commercial overlay is to implement the City of Aurora for Historic District Properties while providing for a concentrated, central commercial, office and retail goods and services area with opportunities for employment and business and professional services in close proximity to residential services. (Ord. 415 § 7.74.010, 2002)

16.22.020 Permitted uses.

In the historic commercial zone, activities shall be conducted within an enclosed structure or building and are subject to Chapter 16.58, and shall require a certificate of appropriateness approved by the historic review board. Only the following uses and their accessory uses are permitted outright:

- A. Auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or church;
- B. Bed and breakfast inn, hotel or motel;
- C. Bicycle sales or repair;
- D. Community recreation facilities;
- E. Cultural exhibits and library services;
- F. Day care facility licensed by state;
- G. Dwelling units located on the second floor of the commercial structure;

H. Eating and drinking establishments;

I. Financial, insurance and real estate offices;

J. General retail and convenience sales, except adult bookstores;

K. Medical or dental services including labs;

L. Parking structure or lot;

M. Professional and administrative offices;

N. Public safety and support facilities;

O. Public transportation passenger terminal or taxi stand;

P. Repair services for household and personal items, excluding motorized vehicles;

Q. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;

R. Schools;

S. Single-family residence, provided it is an accessory use and cannot be sold separately;

T. Studios, including art, photography, dance, and music;

U. Vehicle fuel sales. (Ord. 415 § 7.74.020, 2002)

16.22.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 16.60, a certificate of appropriateness approved by the historic review board, other relevant sections of this title and any conditions imposed by the planning commission:

A. Home occupations (Type II) subject to Chapter 16.46;

B. Retail or wholesale business with not more than fifty (50) percent of the

Exhibit cl

floor area used for the manufacturing, processing or compounding of products in a manner which is clearly incidental to the primary business conducted on the premises. (Ord. 415 § 7.74.030, 2002)

16.22.040 Development standards.

A. There is no minimum lot size for lots served by municipal sewer. Minimum lot sizes for lots without municipal sewer shall be as determined by the county sanitarian.

B. There is no minimum lot depth.

C. Minimum lot width shall be fifty (50) feet.

D. No front setbacks shall be permitted, except as necessary to maintain visual clearance areas at unsignalized intersections. No rear or side setbacks are required.

E. No building shall exceed thirty-five (35) feet in height.

F. Parking shall be in accordance with Chapter 16.42 except as specifically exempted by Chapter 16.28, and should be located to the rear of the building. The planning commission may approve parking to the side of the building where parking to the rear is not feasible.

G. Signs shall be in accordance with the requirements of Chapter 16.44, and the City of Aurora Design Guidelines for Historic Properties.

H. Landscaping shall be in accordance with the requirements of the City of Aurora Design Guidelines for Historic Properties, Chapter 16.38, and the Aurora Downtown Improvement Plan.

I. All properties, uses and structures in the historic commercial overlay shall be subject to the requirements of Title 17, Historic Preservation, and any

applicable section of this title. (Ord. 415 § 7.74.040, 2002)

**J. Open inventory display.**

A. All business, service, repair, storage or merchandise displays shall be conducted wholly within an enclosed building except the following:

1. Off-street parking or loading;

2. Displays for sale purposes of small merchandise in relation to the fronting business shall be removed to the interior of the business after business hours;

3. Display, for sale purposes in relation to the fronting business, of live trees, shrubs and other plants, flowers, or produce; and

4. Outdoor seating in relation to a permitted eating or drinking establishment subject to 16.34.060.D and Historic Review Board review and approval.

B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances.

Exhibit CS



## **Chapter 16.34**

### **PUBLIC IMPROVEMENT AND UTILITY STANDARDS**

#### **Sections:**

- 16.34.010 Purpose.**
- 16.34.020 General provisions.**
- 16.34.030 Streets.**
- 16.34.040 Blocks and lots.**
- 16.34.050 Easements.**
- 16.34.060 Sidewalks.**
- 16.34.070 Public use areas.**
- 16.34.080 Sanitary sewers.**
- 16.34.090 Storm drainage.**
- 16.34.100 Water system.**
- 16.34.110 Bikeways.**
- 16.34.120 Utilities.**
- 16.34.130 Noise, dust and visual barriers.**
- 16.34.140 Performance guarantee.**
- 16.34.150 Monuments.**
- 16.34.160 Installation/technical review fee.**
- 16.34.170 Improvement procedures.**
- 16.34.180 Plan checking required.**
- 16.34.190 Acceptance of improvements.**
- 16.34.200 Engineer's certification required.**
- 16.34.210 Pedestrian Circulation**

#### **16.34.010 Purpose.**

The purpose of this chapter is to inform applicants of general design standards for street and utility improvements and maintain consistency between this title, the Aurora transportation system plan and the public works design standards and specifications.

#### **16.34.020 General provisions.**

A. The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements within the City shall occur in accordance with the standards of this title, the public works design standards, the transportation system plan and county or state standards, including but not limited to the Uniform Fire Code, where applicable.

B. The City Engineer may require changes or supplements to the standard specifications consistent with the application of engineering principles.

C. All applications for development shall conform to the standards established by this chapter.

#### **16.34.030 Streets.**

A. No development shall occur unless the development has frontage on or approved access to a public street:

1. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of land division. Any new street or additional street width shall be dedicated and improved in accordance with this title, the Aurora transportation system plan and the public works design standards and specifications.

### Street Design Standards<sup>(1)</sup>

Classification	Pavement Width (ft)	Sidewalks Width (ft)	Planting Strips (ft)	Bikeway Width (ft)	Parking	ROW (ft) <sup>(2)</sup>
Local Residential <sup>(3)(4)</sup>	32	5	5	None	2 sides	54
Collector <sup>(4)</sup>	36	6	7.5	None <sup>(4)</sup>	2 sides <sup>(4)</sup>	65
Minor Arterial (County) <sup>(4)(6)(7)</sup>	36	6	8	6	None	68
Principal Arterial (County) <sup>(7)(8)</sup>	50	6	9.5	6	None	84
Principal Arterial (State) <sup>(9)</sup>	48-50	8	6	6	None	84
Alleys	16	None	None	None	None	16

**Notes:**

(1) Street Design Standards for roadways within the National Historic District are subject to historic review board approval on a case-by-case basis.

(2) Additional right-of-way and roadway improvements may be required at major intersections to provide for turn lanes and for corner radii.

(3) Planter strips are required unless approved otherwise by the City. Planting strips should be at least 4 feet wide to accommodate tree plantings. In commercially zoned areas, the City may require wider sidewalks which encroach into the planting strip area.

(4) Collectors serving residential areas and historic commercial areas can accommodate on-street parking and shared use of road space by bicyclists and motor vehicles. These shared roadways will be designated with "sharrows." "Sharrows" are markings painted directly onto the road to promote the awareness that the road is a shared traffic lane to be used by both motorists and bicyclists. Collector Streets which serve primarily a mix of commercial and industrial properties will have bike lanes in lieu of on-street parking.

(5) On an interim basis, two 6-8 foot protected shoulders may be installed adjacent to two 12-foot travel lanes, on a case-by-case basis as approved by the County.

(6) City standards are advisory to Marion County on Marion County-owned roadways

(7) On an interim basis, a multi-use path, separated from the roadway, and on-street bike lanes may be allowed instead of sidewalks and planting strips on a case-by-case basis as approved by the County.

(8) City standards are advisory on ODOT managed roadways

2. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements if the following conditions exist:

a. A partial improvement creates a potential safety hazard to motorists or pedestrians; or

b. Due to the nature of existing development on adjacent properties it is

unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.

3. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept a payment in lieu of street improvements. To propose a payment in lieu of street improvements, the applicant shall prepare an engineering

estimate for the costs of engineer, design and construction of the required frontage improvements. City staff will review and approve the engineering cost estimate and calculate the payment in lieu of street improvements. The payment in lieu of street improvements will generally be set at two-thirds of the estimated cost. Payment in lieu of street improvement funds collected by the City will be used to pay for improvements within public rights of way within the Aurora city limits.

4. New structures that are proposed to be constructed on lots abutting an existing public street that does not meet the minimum standards for right of way width shall provide setbacks sufficient to allow for the future widening of the right of way. Building permits shall not be issued unless yard setbacks equal to the minimum yard requirements of the zoning district plus the required minimum additional right of way width is provided.

B. Rights-of-way shall normally be created through the approval of a final partition or subdivision plat.

1. The Council may approve the creation of a street by deed of dedication if any establishment of a street is initiated by the council and is found to be essential for the purpose of general traffic circulation, and partitioning of subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use.

2. All deeds of dedication shall be in a form prescribed by the City and shall name "the City of Aurora, Oregon" or "the public," whichever the City may require, as grantee.

3. All instruments dedicating land to public use shall bear the approval by the

mayor accepting the dedication prior to recording.

4. No person shall create a street or road for the purpose of partitioning an area or tract of land without the approval of the city.

C. Subject to AMC 16.78, the Planning Commission may approve a private street established by deed for a subdivision containing no more than five total lots or for a partition provided such an approval is the only reasonable method by which a lot large enough to develop can develop when all of the following criteria are satisfied:

1. Private streets shall serve no more than five dwellings and the city shall require legal assurances for the continued access and maintenance of private streets, such as a reciprocal access and maintenance agreement recorded with Marion County.

2. Private streets which exceed one hundred fifty (150) feet shall be improved in accordance with the Uniform Fire Code.

3. Private streets shall be improved in accordance with the public works design standards, and shall be a minimum of twenty (20) feet in width with a paved width of eighteen (18) feet.

4. If the establishment of a building site requires the creation of a private street for access, the total area of the street will not be applicable to the square footage requirements of the lot.

D. When location is not shown in the Aurora transportation system plan, the arrangement of the streets shall either:

1. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or conform to a plan for the neighborhood approved by the Planning Commission to meet a particular situation where topographical

Exhibit CG



or other conditions make continuance or conformance to existing street impractical. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

2. New streets shall be laid out to provide reasonably direct and convenient routes for walking and cycling within neighborhoods and accessing adjacent development.

E. Street right-of-way and roadway widths shall be as shown in the Aurora transportation system plan, except all streets constructed in the National Historic District shall require approval by the historic review board and shall be constructed consistent with the Aurora downtown improvement plan and Title 17, Historic Preservation. Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-way may be accepted. If necessary, slope easements may be required.

F. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in those cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

G. Except for extensions of existing streets, no street name shall be used which will duplicated or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the

City and shall be subject to the approval of the Planning Commission.

H. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than eighty (80) degrees, unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred (100) feet of tangent adjacent to the intersection, unless topography requires a lesser distance. Other streets, except alleys, shall have at least five hundred (500) feet of tangent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than eighty (80) degrees, or which include an arterial street, shall have a minimum corner radius sufficient to allow for a roadway radius of twenty (20) feet and maintain a uniform width between the roadway and right-of-way line. Ordinarily, the intersection of more than two streets at any point will not be approved.

I.(1) Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the site when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when adjoining property is divided or developed. Whenever a half street is adjacent to a tract to be divided or developed, the other half of the street shall be provided within such tract. Reserve strips and street plugs pursuant to subsection E of this section may be required to preserve the objectives of half streets.

Exhibit 29

(2) Where a half street improvement is otherwise acceptable, and additional development and/or redevelopment is expected to result in completion of the remaining half street sometime in the future, three-quarter street improvements are required in lieu of half street improvements.

J. A cul-de-sac shall be as short as possible, shall have a maximum length of four hundred (400) feet and shall serve building sites for not more than eighteen (18) dwelling units. A cul-de-sac shall terminate with a circular turnaround.

K. Grades shall not exceed six percent on arterials, ten (10) percent on collector streets, or twelve (12) percent on other streets. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on secondary arterials, or one hundred (100) feet on other streets and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide building sites, the Planning Commission may accept steeper grades and sharper curves. In no case shall a grade exceed sixteen (16) percent. In flat areas, allowance shall be made for finished street grades having a minimum slope of at least one-half of one percent.

L. Wherever the proposed land division or development contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance

required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

M. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the City Engineer and approved by the Planning Commission.

N. Where a land division or development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential development design shall provide adequate protection for residential properties, and to afford separation of through and local traffic.

O. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than twelve (12) feet.

P. Concrete vertical curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards in the City's public works design standards as required by the Aurora transportation system plan. Driveways shall be asphalt or concrete, not less than four inches deep or two inches of asphalt on four inches of three-fourths-inch minus

gravel, or other hard durable and dustless surfaces such as cobblestone, unit masonry, scored and colored concrete, grasscrete, or combinations of the above. Driveway width shall be 12' minimum and 24' maximum for two-car garages and up to 36' for three-car garages, unless otherwise approved by the City.

Q. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be established or re-established, protected and recorded.

R. The developer shall install all street signs, relative to traffic control and street names, as specified by the Public Works Director for any development. The cost of signs shall be the responsibility of the developer.

S. The location of traffic signals shall be noted on approved street plans, and

where a proposed street intersection will result in an immediate need for a traffic signal, a city-approved signal shall be installed. The cost shall be included as a condition of development.

T. Street lights shall be installed in accordance with the City's public works design standards and shall be consistent with AASHTO standards. Street lights shall be served from an underground source of supply. Street lighting shall be subject to review and approval of the Oregon Department of Transportation and Marion County as to location and style, where applicable.

U. Within six (6) months of developing frontage improvements, two (2) inch caliper trees shall be installed in planting strips in accordance with the City of Aurora's street tree list. Prior to adoption of a street tree list, the City of Aurora's City Engineer will approve the street tree selection.

V. (1) Access spacing standards for streets and driveways are:

Spacing Requirements for Accesses on State, County, and City Roadways

Functional Classification	Distance <sup>(1)</sup>
Principal Arterial (State)	<sup>(2)</sup>
Principal Arterial (County)	400 from any intersection with Oregon 99E or Airport Road 300 feet from any other intersection of private access
Minor Arterial (County)	400 feet from the intersection with Ehlen Road 300 feet from any other intersection of private access
Collector	75 feet
Local Residential	16 feet

Notes:

(1) Distances are measured from inside edge of roadways and driveways, excluding driveway aprons.

(2) For access spacing requirements on Oregon 99E, consult Oregon Administrative Rules 734-051

Where spacing standards cannot be satisfied, joint and cross access and shared driveways are encouraged pursuant to 16.34.030(V) (2) & (3).

Exhibit C11



(2) Where access spacing standards cannot be satisfied, a shared driveway serving no more than two residences may be permitted with a recorded reciprocal access and maintenance agreement.

(3) Where access spacing standards cannot be satisfied, adjacent non-residential properties are encouraged to develop a system of joint use driveways and crossover easements for vehicles and pedestrians. Pursuant to this section, property owners developing a system of joint use driveways and crossover easements shall:

(a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive

(b) Record an agreement with the City of Aurora stating that pre-existing driveways will be closed and eliminated after construction of the joint-use driveway

(c) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners

(4) New property access shall not be permitted within fifty (50) feet of an intersection unless no other reasonable access to property is available. Where no other alternatives exist, the City may allow construction of an access connection at a point less than 50 feet from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only)

#### W. Traffic Operations Standards

Roadway Functional Classification <sup>1,2</sup>	Intersection Type	Operations Standards
Local Residential	Signalized, All-way Stop & Roundabout	LOS D
	Unsignalized	LOS E
Collector	Signalized, All-way Stop & Roundabout	LOS D
	Unsignalized	LOS E
Minor Arterial (County) <sup>3</sup>	Signalized, All-way Stop & Roundabout	LOS D .85 V/C
	Unsignalized <sup>4</sup>	LOS E .90 V/C
Principal Arterial (County) <sup>3</sup>	Signalized, All-way Stop & Roundabout	LOS D .85 V/C
	Unsignalized <sup>4</sup>	LOS E .90 V/C
Principal Arterial (State) <sup>5</sup>	Regional Highway	<sup>5</sup>
	Regional Highway (STA)	<sup>5</sup>

#### Notes:

- 1) For intersections where state owned roadways cross city or county owned roadways, state traffic operations standards are used in place of city and/or

Exhibit C12

county standards. Where county owned roadways cross local roadways, county operations standards are used in place of city standards.

- 2) For intersections where two roadways owned by the same jurisdiction cross, the traffic operations standards of the street with the higher functional classification are used (Collector is higher than Local Residential and Principal Arterial is higher than Minor Arterial)
- 3) Source: Marion County Regional Transportation System Plan
- 4) LOS F may be allowed at county-owned unsignalized intersections if the movement has relatively low volume (as determined by County staff) and there is no indication that a safety problem will be created
- 5) Oregon Department of Transportation operations standards apply to Oregon 99E within the City of Aurora. Within the City, Oregon 99E has two designations, each with its own operations standard, The portion of Oregon 99E from Liberty Street to 4<sup>th</sup> Avenue is a Regional Highway with Special Transportation Area designation. The remaining portion of Oregon 99E is a Regional Highway.

**16.34.040 Blocks and lots.**

A. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width, and shall recognize the limitations of the topography.

B. No block shall be more than one thousand (1,000) feet in length between street corner lines unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is one thousand eight hundred (1,800) feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies the exception.

C. Through lots and parcels shall not be permitted except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages or topography and orientation. A planting screen easement at least ten (10) feet wide, and across which there shall be no right of access, shall be required along the line of building sites abutting such a traffic artery or other incompatible use. The planting screen easement shall be landscaped in accordance with the requirements for screening in Chapter 16.38.

D. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

E. Subject to AMC 16.78, the Planning Commission may approve the creation of a flag lot for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing existing internal platted lots with access to a residential street, meeting the desired density standards for the zone, or preserving natural or historic resources, when all of the following criteria are satisfied:

1. The depth of the existing legal lot of record is equal to or more than two times the lot depth required by the zone;
2. The result would not increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials;
3. No more than one lot shall be permitted per deeded access flag;
4. All affected driveways shall meet the access spacing standards found in 16.34.030(V)(1) except where flag lots on adjacent properties share a common property line and the driveway for each flag lot is constructed immediately adjacent to the common property line and functions as a shared driveway with a recorded reciprocal access and maintenance agreement; and
5. The flag access shall have a minimum width of twenty (20) feet and a maximum width of twenty five (25) feet (Ord. 419)
6. The flag driveway shall have a minimum paved width of twelve (12) feet; and
7. In no instance shall flag lots constitute more than two lots in a partition or a subdivision; and
8. The lot area for a flag lot shall comply with the lot area requirements of the applicable zoning district and shall be provided entirely within the building site area exclusive of any accessway.

**16.34.050 Easements.**

Exhibit C14



Easements for sewers, drainage, water mains, electric lines or other public utilities shall be granted wherever necessary. The easements shall be at least twelve (12) feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six feet in width. The property owner proposing a development shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

B. If a tract is traversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

C. When desirable for public convenience, a pedestrian or bicycle way may be required to connect a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provided appropriate circulation.

#### **16.34.060 Sidewalks.**

A. On public streets, sidewalks are required except as exempted by the Aurora transportation system plan and shall be constructed, replaced or repaired in accordance with the City's public works design standards, Appendix A Illustrations 10, 11 and 12 set out at the end of this title. If properties are located in the historic commercial or historic residential overlay, sidewalks shall be constructed in accordance with the Aurora downtown improvement plan and the City of Aurora Design Guidelines for Historic Properties, set out in the Appendix to this code.

B. Maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.

C. The City may accept and record a non-remonstrance agreement for the required sidewalks from the applicant for a building permit for a single-family residence when the Public Works Director determines the construction of the sidewalk is impractical for one or more of the following reasons:

1. The residence is an in-fill property in an existing neighborhood and adjacent residences do not have sidewalks;
2. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical.

#### **D. Sidewalk Seating and Displays**

##### **1. Definitions**

"Accessible route" means a sidewalk at least four (4) feet in width which has seven (7) feet of vertical clearance.

"Adjacent sidewalk" means that portion of a public sidewalk between the curb line and the property line demarcated by extending the side building lines of the premises until they intersect the curb.

"Clearances" as referenced in this section are measured horizontally from the outside edge of the sidewalk seating and/or display delineation to any obstruction on the ground greater than one-half inch in height, or to an adjacent projection such as tree limbs, tree wells, banners, signs, bike racks, lamp posts or any other

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fixtures. Accessible routes clearances shall be no less than four (4) feet in width and no less than seven (7) feet in height for the entire length of the accessible route. Radiuses along an accessible route shall be no less than four (4) feet in width.

"Liability Insurance" as reference in this section requires a signed statement that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers and employees for any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, liquor liability, food products liability, and property damages insurance as will protect permittee and city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therein. Such insurance shall provide coverage or not less than the amount of municipal tort liability under the Oregon Tort Claims Act. The permittee shall name the City of Aurora as an additional insured by attaching an endorsement to the certificate of insurance (provided by the city). Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured by city, its officers, and employees, and shall further provide that the policy shall not terminate or be canceled prior to expiration of the permit without 30 days written notice to the city.

#### **2. Permitted Uses.**

All business, service, repair, storage of merchandise displays shall be conducted wholly within the property line of the subject parcel except the following:

- A. Displays for sale purposes of small merchandise in relation to the fronting business shall be removed to the interior of the business after business hours;
- B. Displays, for sale purposes in relation to the fronting business, of live trees, shrubs and other plants, flowers, or produce; and
- C. Outdoor seating in relation to a permitted eating or drinking establishment subject to the criteria below.

#### **3. Application submission requirements:**

A. Required information may be combined on one map. Site plan(s) shall include the following information, as appropriate:

- 1. Evidence of Liability Insurance;
- 2. A vicinity map showing the proposed site and surrounding properties;
- 3. The site size and its dimensions;
- 4. The location and dimension of all proposed:
  - a. Entrances and exits on the site,
  - b. Loading and services areas, where applicable,
  - c. Proposed placement of outdoor seating and location of tables and related material to be placed within the public right-of-way.

B. Businesses which intend to serve alcoholic beverages must additionally submit the following application requirements:

- 1. Verification of a valid Oregon Liquor Control Commission permit.
- 2. Except for glasses, bottles, pitchers, and carafes that are being served to customers. No taps, kegs, coolers, or other alcoholic beverage storage devices are allowed on the sidewalk.

Exhibit C16

3. Signage at the access/exit point prohibiting the removal of alcoholic beverages from the licensed seating area.

4. Approval Standards and Criteria:

A. The City Recorder or designee shall review the application for compliance with the following criteria:

1. The outdoor seating shall be located such that there is a minimum of 4 feet of clear and unobstructed accessible route to a height of 7 feet measure vertically from grade between the seating and tree limbs, bike racks, lamp posts, sign posts and any other fixtures or obstructions.
2. The location of the outdoor seating shall be approved by the City Recorder or designee.
3. The operation of a outdoor seating requires that trash containers be provided on site and removed at the end of business hours.
4. All materials, with the exception of tables and seating, shall be removed at the end of each business day.
5. Seating and permit is limited to the area adjacent to the subject business.
6. No signage shall be attached to any furniture or any other structure related to the operation of the business.
7. No use of city fixtures shall be permitted.
8. Outdoor seating shall correspond with the operation of business hours.

**16.34.070 Public use areas.**

A. If the City has an interest in acquiring a portion of a proposed subdivision or development for a public purpose, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portion of the subdivision or development be reserved for public acquisition for a period not to exceed one year at a cost not to exceed the value of the land prior to the subdivision or development or such land shall be released to the property owner.

B. Within or adjacent to a subdivision, a parcel of land may be set aside and dedicated to the public by the subdivider. The size of this parcel shall be determined by the distance from the existing city parks and the number of people to be housed by the subdivision. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and recreation areas. The developer may be eligible for credit on parks systems development charges for such a dedication.

Exhibit C17



06  
MID - WILLAMETTE VALLEY  
COUNCIL OF GOVERNMENTS

105 High Street S.E.  
Salem, OR 97301-3667



**FIRST CLASS**

**DEPT OF**

**JUL 08 2011**

**LAND CONSERVATION  
AND DEVELOPMENT**

Attn: Plan Amendment Specialist  
DLCD  
635 Capitol St NE, Ste 150  
Salem OR 97301-2540