



# 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



## NOTICE OF ADOPTED AMENDMENT

07/19/2011

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 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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, August 04, 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: Renata Wakely, City of Aurora  
Angela Lazarean, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative

<paa> YA

# Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person  electronic  mailed

DATE STAMP

**DEPT OF**  
**JUL 15 2011**  
**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Aurora**

Local file number: **LA-09-04**

Date of Adoption: **January 11, 2011**

Date Mailed: **July 14, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: November 8, 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 16.02-Introductory Provisions; 16.04-Definitions; 16.13 Accessory Buildings; 16.34 Public Improvements; 16.56 Gateway Properties; 16.58 Site Development Review; 16.62 Non-Conforming Uses; 16.78 Limited Land Use; and adoption of a new Appendix B- Gateway Property Development Standards.

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:

Acres Involved:

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

New: **N/a**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <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 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. 002-10 (18598) [16711]



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

None.

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Local Contact: **Renata Wakeley**

Phone: (503) 314-3865 Extension:

Address: **105 High Street SE**

Fax Number: **503-588-6177**

City: **Salem**

Zip: **97301**

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

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **[larry.french@state.or.us](mailto:larry.french@state.or.us)**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **[larry.french@state.or.us](mailto:larry.french@state.or.us)** - **Attention: Plan Amendment Specialist.**

Updated March 17, 2009

**ORDINANCE NUMBER 462**

**AN ORDINANCE RELATING TO THE AURORA MUNICIPAL CODE, TITLE 16-  
LAND DEVELOPMENT**

**WHEREAS**, the Aurora Planning Commission held a public hearing on the proposed amendments to the City of Aurora Municipal Code Title 16- Land Development on November 2, 2010, 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 Title 16- Land Development on July 9, 2010, at which time the public was given full opportunity to be present and heard on the matter; and

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

**NOW THEREFORE**, the City of Aurora Ordains as Follows:

**SECTION 1. Adoption.** The amendment to the City of Aurora Municipal Code attached hereto and marked Exhibit A 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 11 day of January, 2011, by the following vote:

AYES: 4

NAYS: 0

Approved by the Mayor this 11 day of January, 2011

  
\_\_\_\_\_  
Mayor

ATTEST: Keeney  
\_\_\_\_\_  
City Recorder



Chapter 16.02

INTRODUCTORY PROVISIONS

Sections:

- 16.02.010 Short title.
- 16.02.020 Purpose.
- 16.02.030 Compliance.
- 16.02.040 Pre-existing approvals.
- 16.02.050 Interpretation.
- 16.02.060 Right-of-way dedications and improvements.
- 16.02.070 Fees.
- 16.02.080 Exceptions for existing lots.
- 16.02.090 Projections into required setbacks.

16.02.010 Short title.

This title shall be known as the "Development Code of the City of Aurora" and shall be referred to herein as "this title." (~~Ord. 415 § 7.10.010, 2002~~)

16.02.020 Purpose.

It is the general purpose of this title to provide the principal means for the implementation of the Aurora comprehensive plan. This title is designed to regulate the division of land and to classify, designate and regulate the location of building, structures and land, and to divide the city into zones to carry out these regulations and provide for their enforcement. Further, it is the purpose of this title to assure that the initial division of land into lots meeting the minimum requirements for subsurface sewage disposal systems established by the state will also accommodate future re-division as public sewer service is extended.

This title also has the following special purposes: to promote coordinated, sound development with consideration for the city's natural environment, amenities, views, and the appearance of its buildings and open spaces; to achieve a balanced and efficient land use pattern, to protect and enhance real property values, to promote safe and uncongested traffic movement, and to avoid uses and development that might be detrimental to the stability and livability of the city; to safeguard and enhance the appearance of the city through the advancement of effective land use, architectural design and site planning; to aid in the rendering of fire and police protection; to provide adequate open spaces for light and air; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities; and, in general, to promote public health, safety, convenience and the general welfare. (~~Ord. 415 § 7.10.020, 2002~~)

16.02.030 Compliance.

Except as otherwise specifically provided by this title, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the city be commenced or changed after the effective date of the ordinance codified in this title, except in conformity with conditions prescribed for each of the several zones and

general regulations established hereunder. No person shall divide land without first complying with the provisions of this title and the laws of the state of Oregon. It is unlawful for any person to erect, establish, construct, move into, alter, enlarge, use, or cause to be used, any building, structure, improvement or use of premises located in any zone in a manner contrary to the provisions of this title. (~~Ord. 415 § 7.10.030, 2002~~)

16.02.040 Pre-existing approvals.

All development applications approved more than two years prior to the adoption of the ordinance codified in this title shall be considered void, unless the planning commission determines that the conditions of approval are substantially completed. All development applications approved less than two years prior to the adoption of said ordinance may occur according to such approvals. All development applications received by the city after the adoption of said ordinance shall be subject to review for conformance with the standards under this chapter or as otherwise provided by state law. (~~Ord. 415 § 7.10.050, 2002~~)

16.02.050 Interpretation.

A. An interpretation is a decision which is made under land use standards that require an exercise of policy or legal judgement. By definition, an interpretation does not include approving or denying a building permit issued under clear and objective land use standards or a limited land use decision.

B. Each development and use application and other procedure initiated under this title shall be consistent with the adopted comprehensive plan of the city as implemented by this title and applicable state and federal laws and regulations. All provisions of this title shall be construed in conformity with the adopted comprehensive plan.

C. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provision of this title or of any other ordinance, or resolution, the most restrictive or that imposing the higher standard shall govern.

D. The planning commission shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this title. All requests for interpretations shall be in writing and on forms provided by the city recorder. Upon receipt of such a request, the commission shall schedule the interpretation as a consideration item at the next regularly scheduled meeting.

If the person making the request disagrees with the commission's interpretation, they may appeal it to the city council. The council will hear the appeal as a consideration item at the next month's regularly scheduled meeting. The decision of the council shall be conclusive upon the parties.

E. When an interpretation is discretionary, notice shall be provided and the interpretation processed in accordance with the quasi-judicial process if specific property is involved or the legislative process if no specific property is involved.

F. The planning director may develop administrative guidelines to aid in the implementation and interpretation of the provisions of this title.

G. The city recorder shall keep a written record of all interpretations and shall make the record available for review on written request.



H. The city council may exempt special events from the provisions of this title. A special event is an activity lasting a total of seven contiguous calendar days or less in a one-year period and approved by the city council. (~~Ord. 415 § 7.10.060, 2002~~)

#### 16.02.060 Right-of-way dedications and improvements.

Upon approval of any development permit or any land use approval of any property which abuts or is served by an existing substandard street or roadway, the applicant shall make the necessary right-of-way dedications for the entire frontage of the property to provide for minimum right-of-way widths according to the adopted Aurora transportation system plan and shall improve the abutting portion of the street or roadway providing access to the property in accordance with the standards in Chapter 16.34. (~~Ord. 415 § 7.10.070, 2002~~)

#### 16.02.070 Fees.

To defray expenses incurred in connection with the processing of applications, report preparation, notice publications, and similar matters, the city may charge fees as established by resolution of the council. The filing of an application shall not be considered complete, nor shall action be taken to process it until the required fee has been paid. (~~Ord. 415 § 7.10.080, 2002~~)

#### 16.02.080 Exceptions for existing lots.

A. All lots hereafter created within the city shall have a minimum width, depth and lot area as shown in the discussion of the zone. It is not the intent of this title to deprive owners of substandard lots the use of their property. Lots of record lawfully created prior to December 27, 1988 may be built on according to the following:

1. ~~The Marion County sanitarian certifies in writing that the lot size is sufficient to allow the required double drainfield or lot has access to municipal sewer service.~~

~~2. In the residential zones, the allowed use will be limited to one dwelling unit per lot.~~

3. A ~~residentially zoned~~ lot of record having less width or depth than required by this title may be **built upon** ~~occupied by one dwelling unit~~, provided that either all required setbacks are complied with, or a variance is granted pursuant to Chapter 16.64.

B. Every building constructed hereafter shall maintain the required setbacks. Every part of the required setback shall remain unobstructed, with the following exceptions:

1. A new structure being located between two existing buildings that were sited closer to the street than allowed for this title, may use an average of the depths of the two existing front yards to establish the front setback.

2. If there is a dwelling on one abutting lot with a yard of less depth than the required depth for the zone, the yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required yard depth. (~~Ord. 415 § 7.10.090, 2002~~)

#### 16.02.090 Projections into required setbacks.

Ordinary building projections, such as eaves, cornices and chimneys may project into the required yards by not more than twenty-four (24) inches. ~~Open Uncovered~~ **perches, decks and terraces not more than 30 inches above grade** may project into a required yard, but shall remain not less than five feet from the property line. **Uncovered decks and terraces more than 30 inches above grade shall not be permitted to project into required setbacks.** (~~Ord. 415 § 7.10.100, 2002~~)

Chapter 16.04

DEFINITIONS

Sections:

16.04.010 Meaning of words generally.

16.04.020 Meaning of common words.

16.04.030 Meaning of specific words and terms.

16.04.010 Meaning of words generally.

All of the terms used in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or definition appears in the Oregon Revised Statute, or the context in which they are used clearly indicates to the contrary. (~~Ord. 415 § 7.25.010, 2002~~)

16.04.020 Meaning of common words.

A. All words used in the present tense include the future tense.

B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.

C. All words used in the masculine gender include the feminine gender.

D. The word "shall" is mandatory and the word "may" is permissive.

E. The word "building" includes the word "structure."

F. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

G. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

H. The term "this ordinance" shall be deemed to include the text, the accompanying zoning map and all amendments made hereafter to either. (~~Ord. 415 § 7.25.020, 2002~~)

16.04.030 Meaning of specific words and terms.

(Also see Chapters 16.18, 16.36, 16.44 and 16.50).

As used in this title:

"Abut/abutting" and "adjacent/adjoining or contiguous lots" means two or more lots joined by a common boundary line or point. (See Illustration 1, Appendix A set out at the end of this title.)

"Accept" means to receive as complete and in compliance with all submittal requirements.

"Access" means the place, means or way by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to a property or use.

"Access, private" means an access not in public ownership or control by means of deed, dedication or easement.

"Accessory structure" means a detached subordinate building, the use of which is clearly incidental to that of the existing principal building and is located on the same lot with the principal building and includes accessory dwelling units and accessory buildings.

"Accessory use" means a use customarily incidental, appropriate and subordinate to the existing principal use and located on the same lot.

"Acre" means a measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

"Addition" means a modification to an existing building or structure which increases the site coverage or building volume.

"Adjacent" means near or close; property located across the street from a site (see Illustration 1, Appendix A set out at the end of this title).

"Adjoin" See "Abut."

**Exhibit**     A4



"Adult bookstore" means an establishment having at least ten (10) percent of its merchandise, items, books, magazines, other publications, films or videotapes for sale, rent or viewing on the premises that are distinguished or characterized by their emphasis on matters depicting the sexual activities or anatomical areas.

"Adult motion picture theater" means an establishment used for the presentation of motion pictures or videotapes having as a dominant theme material distinguished or characterized by an emphasis on matter depicting sexual activities or anatomical areas.

"Adverse possession" means the right of an occupant to acquire title to a property by having continuously and openly used and maintained a property over a statutory period of time.

"Agricultural use" means the term includes farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry.

"Alley" means a public way or thoroughfare of **not less than** ~~less than~~ sixteen (16) feet ~~but not less than ten (10) feet in width~~ which has been dedicated or deeded to the public for public use, and provides a secondary means of access to the back or side of abutting properties that have access on another street.

"Alteration" means a change in construction, use or occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one classification to another or from one division to another per the **Oregon Structural Specialty Uniform Building Code**.

"Alteration of historic site" means any exterior change or modification, through public or private action, of any cultural resource or of any property located within the historic districts, including, but not limited to: demolition, relocation or exterior changes to or modification of structure, architectural details or visual characteristics such as building materials, paint, color and surface texture, grading, surface paving, new building materials, cutting or removal of trees and other natural features; disturbance of archeological sites or areas; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

"Alteration, Structural". "Structural alteration"-means any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

"Amendment" means a change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a zone on the zoning map or the boundaries of a designation on the comprehensive plan map.

"Animal hospital" means any building or portion thereof designed for the care, observation or treatment of animals.

"Appeal" means a request that a final decision by the initial hearing authority be considered by a higher authority.

"Applicant" means the owner of the affected property, or such owner's authorized representative.

"Approval authority" means ~~either~~ the planning director, the planning commission, or the council, depending on the context in which the term is used.

"Automobile and truck sales area" means an open area, other than a street, used for the display, sale of, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

"Automobile service station" means any building or land area used, or intended to be used, for the retail sale of vehicular fuels **and** may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. (Note: The phrase "as an accessory use" would not allow a business that, for example, consists solely of tire sales and service to locate in a zone

that listed only automobile service station as a permitted or conditional use -- see "Accessory use" definition).

"Auto wrecker" means any person who wrecks, dismantles, permanently disassembles or substantially alters the form of any motor vehicle.

"Auto wrecking yard" means any land, building or structure, used for the wrecking or storing in the open of such motor vehicles or the parts thereof, or sale of used automobile parts, or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof and are not being restored to operation. Two or more dismantled, obsolete, inoperable motor vehicles on one lot, or the parts thereof, shall constitute a wrecking yard. Also see "Junkyard."

"Awning" means a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. (Note: If the awning is made of canvas and moveable, it may project into the setback. If it is permanently attached to the building, all setbacks must be measured from the end of the awning.)

"Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement, unless such floor level qualifies as a first story as defined herein. (See Illustration 2, Appendix A set out at the end of this title.)

"Bed and breakfast inn" means a use subordinate to the principal use of a single-family dwelling and involving not more than three bedrooms, which provides temporary overnight lodging and a morning meal in return for compensation. The owner or manager must reside onsite. The building design must be compatible with the residential neighborhood and be inspected by both the fire and health departments.

"Berm" means a manmade mound of earth, two to six feet high with a 2:1 slope (see Illustration 6, Appendix A set out at the end of this title), used to deflect sound or to buffer incompatible areas.

"Bike lane, path or way" means any trail, path or part of a highway, shoulder, sidewalk or any other travel way specifically signed and/or marked for bicycle travel.

"Bond" means any form of security including a cash deposit surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the city.

"Buffer" means a landscaped area providing separation between uses or as a shield to block noise, lights and other nuisances.

"Building" means any structure greater than ~~one~~ two hundred ~~twenty~~ (200) square feet or ten (10) feet in height, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, foods or materials of any kind or nature.

"Building envelope" means that portion of a lot or development site exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

"Building height" means the vertical distance from the average elevation of the finished grade within twenty (20) feet of the building to the highest point of the structure (see Illustration 2, Appendix A set out at the end of this title).

"Building line" means a line parallel to the street right-of-way, at a distance equal to the depth of the required front yard.

"Building official" means a person duly authorized by a municipality and the state of Oregon with responsibility for the administration and enforcement of the State Building Code in the municipality, or his or her duly authorized representative. (~~Oregon Revised Statutes 456.806(1).~~)

"Building, principal" means the structure within which is conducted the principal use of the lot.

"Building type" means:

1. Nonresidential: buildings not designed for use as human living quarters.



a. Detached: a single main building, free-standing and structurally separated from other buildings.

b. Attached: two or more main buildings placed side by side so that some structural parts are touching one another, located on a lot or development site or portion thereof.

2. Residential: see "Dwelling types."

"Caretaker dwelling" means a single-family detached dwelling for housing the caretaker of an approved commercial development and located on the same lot as the approved commercial development.

"Carport" means a covered shelter for an automobile open on two or more sides. A carport shall not attach two single-family dwellings or create duplexes, or multifamily dwellings except when the carport contains common building structural parts designed to be an integral part of a continuous structure.

"Certificate of appropriateness" means the permit granted by the Aurora historic review board to alter a designated landmark.

"Church" means a structure or set of structures, the principal purpose which is for persons to regularly assemble for worship, and which has legally been recognized by the state of Oregon.

"City" means the city of Aurora, Oregon.

"City recorder" means the person designated by the city council to perform the duties of city recorder for the city of Aurora, Oregon.

"Commercial use" means establishments or places engaged in the distribution and sale or rental of goods and the provision of services.

"Commission" means the planning commission of the city of Aurora, Oregon.

"Community building" means a publicly owned and operated facility used for meetings, recreation or education.

"Complete" means every item is included without omissions or deficiencies.

"Complex" means a structure or group of structures developed on one lot of record.

"Comprehensive plan" means the coordinated land use map and policy statement of the governing body of the city as acknowledged by the state of Oregon.

"Conditional use" means a use which may be approved, denied or approved with conditions by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

"Conditional use permit" means a permit issued by the city, following the procedures in Chapter 16.60, which states that the use meets all of the conditions placed on it by the commission and this title.

Contiguous. See "Abut/abutting."

"Convenience store" means one-story retail store containing less than two thousand five hundred (2,500) square feet of gross floor area, designed and stocked to sell primarily food, beverages, and other household supplies to customers purchasing only a relatively few items (in contrast to a "supermarket") for example, "7-11" and "Plaid Pantry" stores.

"Council" means the city council of Aurora, Oregon.

"Courtyard" means a landscaped area open and unobstructed to the sky, located at or above grade level on a lot, and bounded on three or more sides by walls of a building.

"Coverage, building or lot" means the percentage of the total lot area covered by buildings.

"Cultural resources" means buildings, structures, signs, sites, districts and objects of historic, architectural, archeological or aesthetic significance to the citizens of the city, to the state of Oregon or the nation.

"Day care" means care provided to not more than twelve (12) unrelated children or five unrelated adults in a residential dwelling certified by the state of Oregon during a period not to exceed twelve (12) hours in any twenty-four (24) hour day.

"Day care facility" means any facility that provides day care to children, including a child day care center, group day care home, home of a family day care provider, including those known under a descriptive name such as nursery school, preschool or kindergarten.

"Days" means calendar days, unless working days are specified, which shall mean Monday through Friday, exclusive of official city holidays.

**"Deck" means a flat floored, roofless area adjoining a building and adapted especially for outdoor dining and living.**

"Declarant" means the person who files a declaration as required under ORS 92.075 to subdivide or partition property.

"Declaration" means the instrument described in ORS 92.075 by which the subdivision or partition plat was created.

"Dedication" means the donation of property by its owner to the city for any public purpose (i.e., the construction or widening of a street).

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure or resource.

"De novo" means a new hearing, usually without consideration of any previous hearing testimony.

"Density" means the number of dwelling units allowed on a parcel of land, frequently expressed as the number of units per acre.

"Density, gross" means including all of the land within the boundaries of the lot in the computation of density.

"Density, net" means excluding from the computation those lands necessary for streets and underground utilities, as well as easements, floodways and steep slopes.

"Designated landmark" means any cultural resource that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the city, the state of Oregon or the nation, and has been designated pursuant to this title.

"Designated landmark site" means a parcel on which a cultural resource is situated and any abutting parcel constituting part of the premises on which a cultural resource is situated and which has been designated a landmark site under the provisions of this title.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, **the division of parcels**, mining, dredging, filling, grading, paving, excavation, or drilling operations that makes a material change in the use or appearance of a structure or land and including partitions and subdivisions as provided in Oregon Revised Statutes 92 and 227.215.

"Development permit" refers to any document or permit that authorizes an applicant to commence construction or development activities.

"Development site" means the lot or combination of lots upon which development occurs.

"Drainageway" means undeveloped land inundated during a twenty-five (25) year storm with a peak flow of at least five cubic feet per second and conveyed, at least in part, by identifiable channels that either drain to the Aurora floodway directly or after flowing through other drainageways, channels, creeks or floodplain.

"Dwelling Types" (See Illustration 3, Appendix A set out at the end of this title).

1. Accessory dwelling unit: a second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.

2. Single-family, detached: one dwelling unit, structurally separated from any other dwelling on the same lot.

3. Single-family, attached: two dwelling units, each located on a separate lot, sharing a fire resistant common wall which follows the property line.

4. Two-family or duplex: a structure on a single lot containing two dwelling units connected by either a fire resistant common wall, unpierced from ground to roof, or an unpierced ceiling and floor.

5. Three-family or triplex: a structure on a single lot containing three dwelling units connected by either a fire resistant common wall, unpierced from ground to roof, or an unpierced ceiling and floor.

6. Townhouse: a dwelling unit, located in a row of three or more, with each having its own front and rear access to the outside, and each being connected to the other by one or more fire resistant common walls, unpierced from ground to roof.

7. Zero lot line: a single detached dwelling unit located with a zero foot setback from one lot line.

"Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Oregon Structural Specialty Code S.S.C., designed for occupancy by only one family.

"Easement" means the granting, by a recorded interest, of one or more property rights by the owner to the public, another person or entity.

**"Eave" means the edge of a roof, usually projecting beyond any side of a building and forming an overhanging drip for water or weather protection.**

"Employees" means shall include all persons, including proprietors, working on the premises during the largest shift.

"Erect" means the act of placing or affixing a component of a structure upon the ground or upon another such component.

"Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all the outer surfaces of a building, including, but not limited to, the kind, color, and texture of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

"Façade" means one side of the exterior of a building, usually the front but sometimes the side or rear, used to meet architectural treatment details and sets the tone for the rest of the building.

"Family" means an individual or two or more persons related by genetics, adoption or marriage or a group of five or fewer persons (excluding domestic employees) who are not related by genetics, adoption or marriage.

"Fence, sight-obscuring" means a fence or wall constructed in such a way as to obstruct vision.

"Final action," "final decision" or "final order" means **the date upon which a determination has been reduced to writing and signed by the approval authority and mailed to the applicant that includes a statement of the facts determined to be relevant by the approval authority as the basis for making its decision or the final resolution of all City, State, and Federal appeals, whichever is later.**

"Finish Material, Exterior" means the siding and color of the exterior walls of any structure.

"Findings" means written statements of fact, conclusions and determinations based on the evidence ~~presented at a public hearing~~ in relation to the criteria and accepted by the approval authority in support of their decision.

"Flag lot" means a lot which has access to a right-of-way by means of a narrow strip of land. 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. (See Illustration 4, Appendix A set out at the end of this title.)

"Flood fringe" means the area bordering the floodway and within the floodplain that acts as a reservoir of flood waters (see Illustration 5, Appendix A set out at the end of this title).

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable.



"Flood, one hundred (100) year or base" means a flood with a one-percent chance of occurrence in any given year. It is mapped by the Army Corps of Engineers and is used by the Federal Emergency Management Agency and the city for the purposes of regulating development within flood boundaries.

"Floodplain" means the combined area of the floodway and the flood fringe as defined herein (see Illustration 5, Appendix A set out at the end of this title).

"Floodway" means the minimum area necessary for the passage of floodwaters, which must be reserved to discharge the one hundred (100) year flood without increasing the water surface elevation more than one foot (see Illustration 5, Appendix A set out at the end of this title).

"Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

"Frontage" means the side of a lot abutting a street; the length of the front lot line (see Illustration 7, Appendix A set out at the end of this title).

Front Lot Line. See "Lot line, front."

Garage, Private. "Private garage" means a building or portion of a building in which motor vehicles used by the tenant of the structure on the premises are stored or kept.

Garage, Public. "Public garage" means a structure that provides facilities for the repair of motor vehicles including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance or repair.

"Grade" means the degree or rise of a sloping surface (see Illustration 6, Appendix A set out at the end of this title).

"Grade, finish" means the final elevation of the ground surface after development.

Grandfather Clause. See "Nonconforming use."

"Gross acres" means all of the land area included in the legal description of the property.

"Guest house" means an accessory building used for the purpose of providing temporary living accommodations and having no cooking facilities.

"Hedge, sight-obscuring" means an evergreen barrier grown for the purpose of obstructing vision which shall be at least two feet tall at the time of planting, and capable of obscuring at least eighty (80) percent of the view between two and six feet from the ground within five years of planting.

"Height" means the vertical distance of a structure measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure. Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding television dish receivers, aerials, flag poles and other similar objects not used for human occupancy, are not subject to the building height limitations of this title if located outside the airport overlay zone.

"Historic district" means the land area included in the Aurora Colony Historic District as designated on the National Register of Historic Places, and shown on the city zoning map as the historic zone.

"Home occupation" means a lawful income-producing activity conducted in a dwelling while maintaining the residential character; having no outward appearance of a business and no infringement on the rights of neighboring residents (see Chapter 16.46). Home occupation does not include activity conducted by a resident of the dwelling acting as an employee of a business located outside of the residence.

"Homeowners association" means an incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

"Implementing ordinance" means an ordinance adopted to carry out the comprehensive plan, including, but not limited to, the provisions of this title.

"Impervious surface" means those hard-surface areas located upon real property which either prevent or retard saturation of water into the land surface, as existed under natural conditions pre-existent to development, and/or cause water to run off the land surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas, streets, roads, and graveled, oiled, macadam or other surfaces which similarly impact the natural saturation or runoff patterns which existed prior to development.

"Improvement" means any building, structure, place parking facility, fence, gate, wall, work of art or other object constituting a physical improvement of real property or any part of such improvement of real property or any part of such improvement.

"Industrial park" means a large tract of land that has been planned as an integrated facility for a number of individual industrial uses, with special attention given to traffic circulation, parking, utility needs, landscaping and compatibility of uses.

"Industrial use" means any use of land, structure or natural resources involving the manufacturing, processing or assembly of semi-finished or finished products from raw materials, or similar treatment or packaging of previously prepared materials.

"Junk" means old discarded or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles or motor vehicle parts, iron, steel or other old or scrap ferrous or nonferrous materials, metal or nonmetal materials.

"Junkyard" means any land area, building or part thereof used for the storage, collection, processing, sale, purchase or abandonment of two or more unregistered and inoperable motor vehicles, wastepaper, scrap metal, discarded goods, machinery or other materials defined as "junk."

"Kennel" means any premise where five or more dogs, cats or other small animals are kept for the business of boarding, training, propagation or sale.

"Land form alteration" means any manmade change to improved or unimproved real estate, including but not limited to, the addition of buildings or other structures, mining, quarrying, dredging, filling, grading, earthwork construction, stockpiling of rock, sand, dirt or gravel or other earth material, paving, excavation or drilling operations.

"Landscaping" means ground cover, trees, grass, bushes, flowers, garden areas and any arrangement of fountains, patios, decks, street furniture and ornamental concrete or stonework areas.

"Legislative amendment" means a change to the text of this title, to the comprehensive plan text, to the city plan map or to the city zoning map that is general in nature or large in size of area, and, therefore, affects a significant number of properties and owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

"Loading space" means an off-street space or berth on the same lot or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle for loading or unloading persons, merchandise or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

"Lot" means a parcel or tract of land sufficient in size to meet minimum zoning requirements for use, coverage, area, yards and open space, with frontage on a public street. Abutting property under the same ownership, whether in a platted lot or property described by metes and bounds, shall be considered part of the same lot (see Illustration 7, Appendix A set out at the end of this title).

"Lot area" means the computed area contained within the lot lines, exclusive of street or alley rights-of-way and easements of access to other property.

"Lot, corner" means a lot with two adjacent sides abutting streets other than alleys.

"Lot coverage" means the percent of a lot area covered by the horizontal projection of any structures or buildings.

"Lot depth" means the average distance between the front lot line and the rear lot line (see Illustration 4, Appendix A set out at the end of this title).

"Lot, interior" means a lot other than a corner lot, with frontage only on one street (see Illustration 4, Appendix A set out at the end of this title).

"Lot line" means any property line bounding a lot (see Illustration 4, Appendix A set out at the end of this title).

Lot Line Adjustment. See "Property line adjustment."

"Lot Line, Front". "Front lot line" means, in the case of an interior lot, a property line which abuts the street; in the case of a corner, through lot or flag lot, the shortest of the two property lines which abut the street or access way or from which primary vehicular access to the property is gained. (See Illustration 7, Appendix A set out at the end of this title.)

"Lot Line, Rear". "Rear lot line" means a lot line opposite to and most distant from the front lot line; or, in the case of an irregular or triangular-shaped lot, a line ten (10) feet long drawn entirely within the lot, parallel to and at a maximum distance from the front lot line.

"Lot Line, Side". "Side lot line"-means any lot boundary not a front or rear property line.

"Lot of record" means a legally created lot meeting all applicable regulations in effect at the time of creation.

"Lot, through or double-frontage lot" means an interior lot having frontage on two parallel streets (see Illustration 4, Appendix A set out at the end of this title).

"Lot width" means the average horizontal distance between the side lot lines.

"Major impact utility" means services and utilities which have a substantial visual impact on an area. Typical uses are electrical and gas distribution substations, radio microwave, telecommunications towers, telephone transmitters and cable television receivers and transmitters.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

"Manufactured home park" means any place where four or more manufactured homes are located on a lot tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

"Mining and/or quarrying" means premises from which any rock, sand, gravel, topsoil, clay, mud, peat or mineral is removed or excavated for sale, as an industrial or commercial operation, and exclusive of excavating and grading for street and roads and the process of grading a lot preparatory to the construction of a building for which a permit has been issued by a public agency.

"Minor impact utility" means services which have minimal off-site visual impact.

"Modular home" means a structure constructed in accordance with federal requirements for modular construction including compliance with Oregon Structural Specialty Codes.

"Net acres" means the total amount of land which can be used for development.

"Nonconforming lot" means a lot which was lawful in terms of size, area, dimensions or location, prior to the adoption, revision or amendment of the zoning ordinance, but which now fails to conform to the requirements of the zoning district.

"Nonconforming sign" means any sign lawfully existing on the effective date of an ordinance, or amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations.



"Nonconforming structure" means a structure the size, dimensions or location of which were lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails to meet the present requirements of the zoning district.

"Nonconforming use" means an activity lawfully existing prior to the effective date of the ordinance codified in this title, or any amendment thereto, but which fails to meet the current standards and requirements of the zone. (Note: In the case of nonconformance, the key phrase is "...lawfully existing prior to the effective date of the ordinance codified in this title or any amendment..." which make the use or the lot, sign or structure nonconforming. These are frequently referred to as being "grandfathered in," meaning that they are allowed to remain under the conditions set by said ordinance (see Chapter 16.62).

"Non-remonstrance Agreement" means a written agreement executed by a property owner or a property owner's predecessor in title that waives the right of a property owner to file a remonstrance and thereby potentially delay the formation of a Local Improvement District (LID). Such agreements are typically entered into as a condition of development or improvement that impacts or connects to a substandard public facility in lieu of requiring immediate improvement of the substandard facility.

"Occupancy permit" means a required permit allowing occupancy of a building after it has been determined that all requirements are met.

"On-the-record" means an appeal procedure in which the decision is based on the record established at the initial hearing. New information may be added only under certain limited circumstances.

"Open space" means an area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use, or for the use of owners and occupants of land adjoining or neighboring such open space.

"Owner" means any person, agent, firm or corporation having a legal or equitable interest in the property.

Owner, Contract Purchaser Deemed. A person or persons purchasing property under contract, for the purposes of this title shall be deemed to be the owner or owners of the property covered by the contract. The planning commission or the council may require satisfactory evidence of such contract of purchase.

"Parcel" means a unit of land that is created by partitioning land.

"Park and recreation facility" means any land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public.

"Parking space" means an area within a private or public parking area, building or structure meeting the specific dimensional requirements and designated as parking for one vehicle.

"Partitioning land" means division of an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioning does not include divisions of land resulting from lien foreclosures nor the adjustment of a property line by the relocation of a common boundary when no new parcel is thereby created.

"Permit" means an official document or certificate, issued by the city or its designated official, authorizing performance of a specified activity.

"Permitted use" means a use which is allowed outright, but is subject to all applicable provisions of this title.

"Person" means an individual, corporation, governmental agency, official advisory committee of the city, business trust, estate, trust, partnership, association, two or more people having a joint or common interest or any other legal entity.

"Planning director" means the person designated by the city council as responsible for planning activities for the city.

"Plat" means: (1) a map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan. **includes a final subdivision plat, replat, or partition plat.**

"Partition Plat, final" means the final map of all or a portion of a site or subdivision plan which is presented to the city for final approval. (Note: final approval is granted only upon the completion or installation of all the required improvements, or the posting of performance bonds or guarantees assuring the completion or installation of such improvements.) **includes a final map and other writing containing all descriptions, locations, specifications, provisions and information concerning a partition.**

"Patio" means an unenclosed, uncovered recreation area adjoining a building and adapted especially for outdoor dining and living.

"Porch" means a covered, enclosed or unenclosed, entrance to a vestibule or doorway.

"Potential future flooding" means condition that exists when a property elevation is at or below the established one hundred (100) year flood plain.

"Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

"Principal building" means the principal structure on a lot built for the support, shelter, protection or enclosure of any persons, animals or property of any kind, excluding an accessory building. The principal building shall conform to the stated uses within the zoning district and all other restrictions of this title.

"Professional office" means the office of a member of a recognized profession maintained for the conduct of that profession.

"Property line" means the division line between two units of land.

"Property line adjustment" means the relocation of a common property line between two abutting properties which does not result in the creation of an additional lot, or the creation of a substandard lot.

"Public support facilities" means include services, buildings, and structures which are necessary to support uses allowed outright in the underlying zone and operated by a governmental agency or public utility. Such facilities may include, but not be limited to, fire stations, libraries, electrical substations, water and sewer distribution facilities and storage, involves only minor structures such as power lines and poles, phone booths, fire hydrants, as well as bus stops, benches and mailboxes which are necessary to support principal development. **Such facilities shall not include commercial plants.**

"Quasi-judicial amendment" means a change to the text of this title, the comprehensive plan text, the city plan map or the city zoning map that is specific in nature or involves only a small number of properties or owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

**"Replat" means the act of replatting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision partition plat or to increase or decrease the number of lots in the subdivision.**

"Receipt" means an acknowledgment of submittal.

"Recreational vehicle" means a vacation trailer or other unit with or without motor power which is designed for human occupancy and to be used temporarily for recreational purposes and is identified as a recreational vehicle by the manufacturer.

"Recreational vehicle park" means any property developed for the purpose of parking or storing recreational vehicles on a temporary or transient bases, wherein two or more of such units are placed within five hundred (500) feet of each other on any lot, tract or parcel of land under one ownership.

"Remonstrance Agreement" means a formal written objection to formation of a Local Improvement District (LID) filed by an owner of property within the proposed LID pursuant to

ORS 223.117 that can, in conjunction with other formal written objections from two-thirds or more of the affected property owners, delay formation of an LID.

"Remodel" means an internal or external modification to an existing building or structure which does not increase the site coverage.

"Residence" means a structure designed for occupancy as living quarters for one or more persons.

"Residential care facility" means any facility licensed or registered by or under the authority of the Department of Human Resources as defined in ORS 443.400 to 443.460 or licensed by the Children's Services Division which provides residential care for six to fifteen (15) individuals who need not be related, excluding required staff persons.

"Residential care home" means any home licensed by or under the authority of the Department of Human Resources as defined in ORS 443.400, a residential home registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.505 to 443.825 which provides residential care for five or fewer individuals who need not be related, excluding required staff persons.

"Reserve strip" means a strip of property usually one foot in width overlaying a dedicated street which is reserved to the city for control of access until such time as additional right-of-way is accepted by the city for continuation or widening of the street.

"Residential use" means a structure used for human habitation by one or more persons.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use. The usage of the term "right-of-way for land division purposes" means that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

"Roadway" means the portion of the street right-of-way developed for vehicular traffic.

"School" means any public, elementary, junior high, high school, college, or comparable private school.

"Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

"Setback" means the minimum allowable distance between the property line and any structural projection. If there is an access easement or private street on the lot or parcel, "setback" shall mean the minimum allowable distance between the access easement or property street and any structural projection. Structural projections include fireplaces, ~~closed~~ covered porches, balconies, canopies and similar features. Cornices, eaves, belt courses, sills or similar architectural features may extend or project into a required setback not more than twenty-four (24) inches.

"SHPO" means the State Historic Preservation Officer.

"Sign" means any lettered or pictorial device designed to inform or attract attention, and which shall comply with Chapter 16.44.

"SSC" means Structural Specialty Code.

"Steep slope" means a slope with a gradient of twenty-five (25) percent or greater (see "Grade").

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined in this section for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined in this section at any point, such basement or unused underfloor space shall be considered as a story.

Story, First. "First story" means the lowest story in a building which qualifies as a story, as defined in this section, except that a floor level in a building having only one floor shall be



classified as a first story, provided such floor level is not more than four feet below grade, as defined in this section, for more than fifty (50) percent of the total perimeter, or more than eight feet below grade, as defined in this section, at any point.

Story, Half. "Half story" means a story under a gable or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the finished floor level directly above a basement or unused underfloor space is not more than six feet above grade, as defined in this section, for more than fifty (50) percent of the total perimeter or is not more than twelve (12) feet above grade as defined in this section, at any point, such basement or unused underfloor space shall be considered as a half story.

"Street" or "road" means a public or private way affording the principal means of access to abutting property, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

Street Classifications.

1. Alley: a public way or thoroughfare of ~~not less than~~ ~~less than~~ sixteen (16) feet ~~but not less than ten (10) feet~~ in width which has been dedicated or deeded to the public for public use, and provides a secondary means of access to the back or side of abutting properties that have access on another street.

2. Local: a minor public street whose function is to provide access to immediately adjacent property.

3. Arterial: a major public street carrying large amounts of traffic and so designated on the official city street map.

4. Collector: a public street carrying traffic between minor and arterial streets.

5. Cul-De-Sac: a street that terminates in a vehicular turnaround.

6. Half street: the dedication of right-of-way equal to one-half the planned width of a public street and running the length of the property frontage. The same term can be applied to street improvements made to the center line of the street. (Note: A property owner cannot be required to dedicate more than half of the right-of-way width.)

Street, Private. "Private street" means an access way which is under private ownership.

Structural alteration. See "Alteration, structural."

"Structure" means that which is built or constructed, erected, or air-inflated, permanent or temporary; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground. Among other things, structure includes buildings, walls, signs, billboards and poster panels.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

"Subdivision **Plat, final**" ~~means either an act of subdividing land or an area or a tract of land subdivided as defined in this section~~ **includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.**

"Substantial" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the replacement value of the structure.

"Unstable soil" means soil types which pose severe limitations upon development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service, and include Cloquato silt loam (Cm), concord silt loam (Co), terrace escarpment (Te), Wapato silty clay loam (Wc) and Newberg fine sandy loam (Nu).

"Urban growth boundary" means an adopted line used as a planning guideline to designate the future urban area of the city and indicating areas into which city services will be extended upon annexation to the city.

"Use" means the primary purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

"Variance" means a grant of relief from the standards of this title when it can be shown that, due to unusual conditions related to a piece of property, strict application of the title would result in an unnecessary hardship. (See Chapter 16.64.)

"Visual clearance area" means a triangular area on a lot at the intersection of two streets or a street and an alley, driveway, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance of twenty (20) feet. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The visual clearance area shall not contain visual obstructions.

"Visual obstruction" means any fence, hedge, tree, shrub, device, wall or structure between the elevations of three and one-half feet [forty-two (42) inches] and eight feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the planning director, and so located at a street, drive or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on such streets, drives or alleys.

"Wetlands" means uncultivated land often called swamp, marsh or bog, that exhibits all of the following characteristics:

1. The land supports hydrophytic vegetation. This occurs when more than fifty (50) percent of the dominant species from all strata are classified as wetland species;
2. The land has hydric soils. Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile;
3. The land has wetland hydrology. Wetland hydrology is permanent or periodic inundation, or soil saturation for a significant period (at least one week) during the growing season.

"Yard" means an open space unobstructed from the ground upward except as otherwise provided in this title. (See Illustration 9, Appendix A set out at the end of this title.)

Yard, Corner Side. "Corner side yard" means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

"Yard, exterior side" means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

"Yard, Front". "Front yard" means a yard extending across the full width of the lot, with a depth equal to the minimum horizontal distance between the front lot line and a line drawn parallel to it at the nearest point of the building.

"Yard, rear or back" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the foundation of a building.

"Yard, Side". "Side yard" means a yard between the main building and side lot line, extending from the front yard to the rear yard and measured horizontally from the nearest point of the side lot line to the nearest point of the principal building.

"Zoning district" means an area of land within the Aurora city limits designated for specific types of permitted developments subject to the development requirements of that district. (~~Ord. 419 § 18A, 2002; Ord. 415 § 7.25.030, 2002~~)

Chapter 16.13

ACCESSORY BUILDINGS

Sections:

- 16.13.010 Purpose
- 16.13.020 Applicability and administration.
- 16.13.030 Application submittal requirements.
- 16.13.040 Approval standards.

16.13.010 Purpose

Accessory buildings are permitted in certain situations to:

- A. Allow for the more efficient use of yards
- B. Allow for additional storage space

16.13.020 Applicability and administration.

A. Accessory buildings may be added to any single-family detached dwelling or manufactured home in any residential (R) zoning district.

B. Approvals for accessory buildings shall be approved administratively pursuant to Chapter 16.78, except for accessory buildings of two hundred (200) square feet or less and/or accessory buildings located in the historic residential overlay which shall require approval by the historic review board pursuant to Chapters 17.16 and 17.24 prior to administrative approval (Ord. 415 § 7.112.020, 2002)

16.13.030 Application submittal requirements.

All applications for accessory buildings shall be made on forms provided by the city and shall be accompanied by:

A. A site plan drawn to standard engineering scale showing the location of the accessory dwelling unit, the entrance and exits from the site, and areas to be designated for parking;

B. A completed building permit application, if applicable. Accessory buildings not subject to building permits requirements are still subject to other requirements of Chapter 16.13.

16.13.040 Approval standards.

A. Standards for creating accessory buildings address the following purposes:

- 1. Ensure that accessory buildings are compatible with the desired character and livability of Aurora's residential zones; and
- 2. Ensure that accessory buildings units are smaller in size than principal dwelling units.

B. Design standards

- 1. Maximum height for an accessory building shall be eighteen (18) feet or



seventy-five (75) percent of the height of the principal structure, whichever is greater. Accessory dwelling units constructed above accessory buildings shall not exceed the height of the principal structure.

2. The maximum square footage for an accessory building shall be five hundred (500) square feet in the R-2 zone and seven hundred (700) square feet in the R-1 zone, except the maximum square footage for an accessory building on a lot or parcel greater than fifteen thousand (15,000) square feet shall be one thousand (1,000) square feet. Accessory buildings size may be interpolated between one seven hundred and fifty (750) square feet and one thousand (1,000) square feet when lot size is between seventy five hundred (7,500) and fifteen thousand (15,000) square feet.

3. Only one accessory building exceeding two hundred (200) square feet is allowed per lot. No more than two accessory buildings two hundred (200) square feet or less allowed.

4. Accessory buildings greater than two hundred (200) square feet shall utilize at least two of the following design features to provide visual relief along the street frontage:

1. Dormers;
2. Recessed entries;
3. Cupolas;
4. Bay or bow windows;
5. Gables;
6. Covered porch entries;
7. Pillars or posts;
8. Eaves (minimum six inches projection); or
9. Off-sets on building face or roof (minimum sixteen (16) inches).

C. Accessory buildings must meet the following:

1. Accessory buildings two hundred (200) square feet or less shall not exceed a height of ten (10) feet as measured from the finished floor level, to the average height of the roof surface. All setback requirements applicable to the base residential zone shall apply to accessory buildings, except for accessory buildings two hundred (200) square feet or less may be setback five (5) feet from rear or side lot lines.

2. A five (5) foot minimum separation is required between principal structure and accessory buildings.

3. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the existing single-family detached dwelling or manufactured home, except for accessory buildings two hundred (200) square feet or less.

4. Accessory buildings **greater than two hundred (200) square feet** shall have a minimum nominal roof pitch of at least three (3) feet in height for each twelve (12) feet in width, as measured from the ridge line.

5. Accessory buildings cannot connect to the primary building via a breezeway in order to be considered as one building unless the breezeway is enclosed and contains architectural elements such as windows, doors, trim, and roof lines compatible with the main structure. Breezeways shall be subject to building code requirements.

D. 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, and accessory buildings that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

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.

16.34.010 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. (~~Ord. 415 § 7.92.010, 2002~~)

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. (~~Ord. 419 § 15, 2002; Ord. 415 § 7.92.020, 2002~~)

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 ~~two or more~~ of 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.**

~~—c. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or~~

~~—d. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.~~

**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 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 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 ~~city council~~ **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 ~~the Aurora downtown improvement plan 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. ~~Street trees shall be installed in the downtown corridor in accordance with the Aurora downtown improvement plan.~~ **Within 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) Intersection Access spacing standards for streets and driveways shall be in accordance with Table 7-2 of the adopted Aurora transportation system plan are:~~

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

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



<b>Collector</b>	<b>75 feet</b>
<b>Local Residential</b>	<b>16 feet</b>

**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, ~~shared driveways serving no more than two residences may be permitted with a recorded reciprocal access and maintenance agreement. (Ord. 419 §§ 13, 14, 2002; Ord. 415 § 7.92.030, 2002)~~ joint and cross access and shared driveways are encouraged pursuant to 16.34.030(V) (2) & (3).

(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 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) on Table 7-2 of the Aurora transportation system plan** 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. (~~Ord. 419 § 18, 2002; Ord. 415 § 7.92.040, 2002~~)

#### 16.34.050 Easements.

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. (~~Ord. 415 § 7.92.050, 2002~~)



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. (~~Ord. 415 § 7.92.060, 2002~~)

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. (~~Ord. 415 § 7.92.070, 2002~~)

16.34.080 Sanitary sewers.

A. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan.

B. The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

C. Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan and the wastewater treatment facility plan and potential flow upstream in the sewer sub-basin.



D. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the department of environmental quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank. In the event the city trunk system is not yet in place, septic systems may be used until such time as it becomes possible to connect to a sewer system. However, sewer laterals designed for future connection to a sewage disposal system shall be installed and sealed. If such required sewer facilities are capable of serving property outside the subdivision, without further construction, the following arrangements will be made to equitably distribute the cost:

1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the **Planning Commission** may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his share of the construction.

2. If the installation is not made as an assessment project, the City will reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of ten (10) years from the time of installation of the sewers. The actual amount shall be as determined by the **Planning Commission** at the time of approval of the plat considering current construction costs.

E. Applications shall be denied by the approval authority where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system. (~~Ord. 415 § 7.92.080, 2002~~)

#### 16.34.090 Storm drainage.

A. The Planning Director, City Engineer and Public Works Director shall issue permits only where adequate provisions for stormwater and floodwater runoff have been made, and:

1. The stormwater drainage system shall be separate and independent of any sanitary sewerage system;

2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street;

3. Surface water drainage patterns shall be shown on every development proposal plan;

4. All stormwater analysis and calculations shall be submitted with proposed plans for review and approval;

5. All stormwater construction materials shall be subject to approval of the City Engineer.

B. A culvert or other drainage facility shall, and in each case be, large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall determine the necessary size of the facility.

C. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Planning Director shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development.

D. Drainage facilities shall be provided within a subdivision or development and to connect the subdivision or development drainage to drainage ways or storm sewers off site. Design of drainage, as provided by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or development and to allow extension of the system to serve such areas.

E. Street improvements shall include installation of catch basins connected to drainage tile leading to storm sewers or drainage ways. (~~Ord. 415 § 7.92.090, 2002~~)

#### 16.34.100 Water system.

The Planning Director and Public Works Director shall issue permits only where provisions for municipal water system extensions have been made, and:

A. Any water system extension shall be designed in compliance with the comprehensive plan existing water system plans;

B. Extensions shall be made in such a manner as to provide for adequate flow and gridding of the system;

C. The City Engineer shall approve all water system construction materials;

D. Water lines and fire hydrants serving each building site in the subdivision or development and connecting the subdivision or development to City mains shall be installed;

E. If required water mains will directly serve property outside the subdivision or development, the City will reimburse the subdivider or developer an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision or development for a period of ten (10) years from the time of installation of the mains. The actual amount shall be as determined by the **Planning** Commission at the time of approval of the plat or development, considering construction costs. (~~Ord. 415 § 7.92.100, 2002~~)

#### 16.34.110 Bikeways.

A. Developments adjoining proposed bikeways as shown in the Aurora transportation system plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way.

B. Minimum width for bikeways, **where required**, is ~~six~~ **four** paved feet per travel lane. (~~Ord. 415 § 7.92.110, 2002~~)

#### 16.34.120 Utilities.

A. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary

utility service facilities during construction, high capacity electric lines operating at fifty thousand (50,000) volts or above, and:

1. The applicant shall make all necessary arrangements with the serving utility to provide the underground services;

2. The City reserves the right to approve location of all surface mounted facilities;

3. All underground utilities, including sanitary sewers, water lines, and storm drains installed in streets by the applicant, shall be constructed prior to the surfacing of the streets; and

4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. The applicant shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and

1. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval; and

2. Aboveground equipment shall not obstruct vision clearance areas for vehicular traffic. (~~Ord. 415 § 7.02.120, 2002~~)

#### 16.34.130 Noise, dust and visual barriers.

When a subdivision abuts a state highway, the residence immediately adjacent to the highway must be protected from the adverse noise, dust and visual impacts of the highway by means of one of the following:

A. When abutting residences face the highway, access to the highway must be provided by a frontage road which shall comply to the design standards for a collector street as established in this title and any other standards required by the state of Oregon for streets which intersect with a state highway. The property between the outer edge of the frontage road and the state highway easement shall be planted with at least one row of deciduous and evergreen trees staggered and spaced not more than fifteen (15) feet apart.

B. When internal circulation is provided so that the back of adjacent residences are located on the state highway, one of the following barriers must be provided:

1. In an area not less than fifteen (15) feet in width, the planting of at least one row of deciduous and evergreen trees staggered and spaced not more than fifteen (15) feet apart, with at least one row of evergreen shrubs planted on the highway side spaced not more than five feet apart, which will grow to form a continuous hedge at least five feet in height within one year of planting. Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the area.

2. In a planting area not less than ten (10) feet in width, an earth berm with a slope not more than forty (40) percent (1:25) on the highway side shall be constructed. On the side of the berm closer to residences, at least one row of deciduous and/or evergreen shrubs spaced not more than five feet apart shall be planted. Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the area.

3. In a planting area not less than five feet in width, a masonry wall not less than five feet in height shall be constructed, with dense evergreen hedges at least five feet high and/or earth berms planted/constructed on both sides. Lawn, low growing evergreen

shrubs, and evergreen ground cover shall cover the balance of the area. (~~Ord. 415 § 7.92.125, 2002~~)

16.34.140 Performance guarantee.

A. Prior to beginning any construction, the applicant shall assure the completion and maintenance of improvements by securing a bond, or placing cash in escrow, an amount equal to one hundred twenty-five (125) percent of the estimated cost of the improvements. Further, the applicant shall execute an agreement with the City Attorney regarding the repair, at the applicant's expense, of any public facilities damaged during development.

B. The period within which the required improvements must be completed shall be two years from the date of the approval. The **Planning** Commission, upon proof of extraordinary difficulty, may extend the completion date by one year.

C. All required improvements, including those involving oversized lines, shall be made by the applicant, without reimbursement by the City.

D. If the applicant fails to complete the required improvements within the time frame in subsection B of this section, the City may declare the applicant to be in default and call on the bond or escrow deposit to complete the improvements to the satisfaction of the City Engineer. If the amount of the bond or escrow deposit exceeds the cost of the completed improvements and the expenses incurred by the City, it shall release the remainder. If the cost to make the improvements and the related expenses incurred by the City exceeds the amount of the bond or escrow agreement, the applicant shall be liable to the City for the difference, together with any court costs and attorney's fees necessary to collect the costs and expenses from the applicant. (~~Ord. 415 § 7.92.130, 2002~~)

16.34.150 Monuments.

Any monuments that are disturbed before all improvements are completed by the applicant shall be replaced and recorded prior to final acceptance of the improvements. (~~Ord. 415 § 7.92.140, 2002~~)

16.34.160 Installation/technical review fee.

A. No improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting or other requirements shall be undertaken except after the plans have been approved by the City, and all applicable fees paid.

B. At the time construction drawings are submitted to the City for review, the applicant shall pay a technical review deposit. The deposit shall be used to defray the expenses for such technical services as are necessary to review the construction drawings and insure that the proposed improvements will be constructed to City standards in accordance with accepted engineering practices. If the original deposit is not adequate to cover the cost of the technical review, the applicant shall pay the additional amount necessary to cover these costs prior to receiving approval of the construction drawings. (~~Ord. 415 § 7.92.150, 2002~~)

16.34.170 Improvement procedures.



In addition to other requirements, improvements installed by the developer either as a requirement of these regulations or at the developers own option, shall conform to the requirements of this title and to improvement standards and specifications followed by the City, and shall be installed in accordance with the following procedure:

A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or a partition or a design review.

B. Improvement work shall not commence until after the City is notified, and if work is discontinued for any reason, it shall not be resumed until after the City is notified.

C. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

D. Underground utilities, sanitary sewers and storm drains, where required, are to be installed in streets prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to the length required to insure the street improvements will remain undisturbed when service connections are made.

E. A map showing public improvements as built shall be filed with the City upon completion of the improvements.

F. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this title based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and public streets. (~~Ord. 415 § 7.92.160, 2002~~)

#### 16.34.180 Plan checking required.

A. Work shall not begin until construction plans and a construction estimate have been submitted and checked for adequacy and approved by the City in writing. Three copies of the design drawings, drawn to scale and prepared by a registered engineer or surveyor, shall be submitted to the City Recorder, with the required deposit.

B. Drawings shall be drawn at a scale of one inch equals fifty (50) feet, and oriented so that north is to the top of the page, whenever practical. The title of the drawing, the date, including all revision dates, as well as the name, signature and stamp of the surveyor and/or engineer responsible for the drawings shall be shown.

C. Street and storm sewer systems shall be on the same set of drawings, with sewer and water systems on another set of drawings, whenever possible.

D. Plans and profiles shall show the locations and typical cross sections of street pavements, including, as applicable, curbs and gutters, sidewalks, rights-of-way, manholes and catch inlets, direction of flow and invert elevations of existing and proposed sanitary sewers and storm sewer systems and fire hydrants.

E. The City Recorder shall distribute copies of the submitted drawings to city staff and affected agencies for a fourteen (14) day review period.

F. If the drawings are found to require changes, these shall be listed in a letter to the applicant, and no approval granted until drawings reflecting all of the modifications have been resubmitted. (~~Ord. 415 § 7.92.170, 2002~~)

16.34.190 Acceptance of improvements.

A. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

B. The City Council may accept the improvements only after all of the following have been completed:

1. The applicant has submitted a letter to the council requesting the City accept the improvements;

2. The applicant has submitted two sets of as-built drawings;

3. The City's Engineer has approved the improvements and recommended acceptance;

4. If required, the applicant shall submit a maintenance bond or escrow agreement, in an amount not less than ten (10) percent of the cost of the improvements. The agreement shall run for at least one year, and may be required for two years, if the council has good reason to believe that the improvements will fail due to workmanship and/or materials. Within this period, the applicant shall be required to correct all deficiencies of workmanship and/or materials that may arise within the development. (~~Ord. 415 § 7.92.180, 2002~~)

16.34.200 Engineer's certification required.

The developer's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade and that improvements were built according to plans and specifications, prior to City acceptance of the subdivision's improvements or any portion thereof for operation and maintenance. (~~Ord. 415 § 7.92.190, 2002~~)

**16.34.210 Pedestrian Circulation**

**To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A-C, below:**

**A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose**

**B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:**

1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

4. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

C. Connections Within Development. Connections within developments shall be provided as required below:

1. Walkways shall connect all building entrances to one another to the extent practicable;

2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.

Chapter 16.56

GATEWAY PROPERTY DEVELOPMENT STANDARDS

Sections:

- 16.56.010 Purpose.
- 16.56.020 Applicability.
- 16.56.030 **Administration and approval process.**
- 16.56.040 **General Site Development standards**
- 16.56.050 **Commercial Development standards.**
- 16.56.060 **Residential Development standards.**

16.56.010 Purpose.

The City seeks to maintain a sense of place that is clearly apparent and consciously embraced. The gateway property development standards are designed to encourage development that provides visitors and residents with a sense of arrival and to enhance the City's ~~small town roots~~ national historic designation while being a good, healthy and economically viable place to live and work. (~~Ord. 415 § 7.114.010, 2002~~)

16.56.020 Applicability.

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 this chapter shall apply to all aspects of such properties including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road. (~~Ord. 415 § 7.114.020, 2002~~). ~~The applicant has the burden of proof of demonstrating conformity with the standards and criteria of this chapter. (Resolution 484)The City interprets this sentence gateway properties to mean that include all portions of the first tier of structures that are adjacent to and visible from Highway 99E or Ehlen Road, and all other built elements of those portions of the property that are adjacent to and visible from Highway 99E or Ehlen Road, shall be required to conform to the Gateway District development standards. In the case of such structures and such elements, adjacent and visible shall be interpreted to mean structures and property within a maximum of two one 100 hundred feet or the first tier of buildings, whichever is greater, from the closest right of way line of Highway 99E or Ehlen Road.~~

16.56.30 **Administration and approval process.**

**A. The Planning Director shall follow the standards for decision making contained in AMC 16.78 and shall send formal agency referral notices and Planning Director decisions to the Planning Commission for all development permit applications involving Gateway Standards properties.**



**B. Because the application of Section 16.56 Gateway Standards to a development appears to be ministerial, objective and not discretionary (i.e. is the setback 10 feet greater than the setback of the base zone or not?) and because the approval of building permits is an administrative decision by the Planning Director, all development permit applications on Gateway District properties which do not otherwise require Planning Commission and/or City Council review and approval, shall be processed administratively under the requirements of AMC 16.78, including the authority of the Planning Director to refer any application to the Planning Commission for review.**

**C. The Planning Director and Planning Commission shall have the authority to consult with industry professionals (ie. architects) and the Aurora Historic Review Board for help in understanding the application's compliance with architectural gateway standards.**

**16.56.40 General Site Development Standards**

**A. The facades immediately adjacent to Highway 99E or Ehlen Road and greater than forty-five (45) feet in length shall be designed to convey a sense of division through the use of pilasters, window and door openings, recessed entries, offsets or other architectural details.**

**B. Buildings immediately adjacent to Highway 99E or Ehlen Road shall not exceed one hundred and fifty (150) feet in length without visual relief pass thru.**

**C. Except for residential uses allowed under the base zoning, parking shall not be located between the Highway 99E or Ehlen Road right-of-way and a structure.**

**D. A planting strip no less than six feet in width shall be provided between the sidewalks and the curb and the planting of street trees shall be required.**

**E. Pedestrian friendly, period street lamps are required as approved by the City and the Oregon Department of Transportation or Marion County, as applicable.**

**F. Antennas, aerials and satellite dishes and mechanical equipment shall be located so they will not be visible from Highway 99E or Ehlen Road or screened architecturally.**

**G. Signs shall be in accordance with Chapter 16.44. (~~Ord. 415 § 7.114.030, 2002~~).**

**H. Landscaping requirements shall be in accordance with Chapter 16.38.**

**I. Street lighting for Gateway properties shall be the similar to the style shown under Design Review Guidelines for Gateway Properties (Appendix B).**

**16.56.050 Commercial Development Standards.**

~~A. For residential uses, the Highway 99 or Ehlen Road setback shall be ten (10) feet greater than the setback shown in the base zoning.~~

**A. Structures containing commercial uses shall have no minimum front setback and a maximum ten (10) foot landscaped front setback. The Planning Commission may approve increases in the maximum front setback where such exception is necessary to locate a landscaped storm water retention/detention facility in the front setback.**

~~B. The structural facade immediately adjacent to and visible to Highway 99 or Ehlen Road shall be modeled after and similar to conform to the colony, post-colony, Queen Anne, Italianette or Bungalow one of the commercial styles as illustrated and discussed in the City of Aurora Design Guidelines for Historic Properties Gateway Properties (See Appendix B). Secondary facades, those sides not facing Highway 99E or Ehlen, may have less architectural detailing and degree of finish than the primary façade. The Planning Commission may approve exceptions to this subsection when the applicant demonstrates the design satisfies all other requirements of this section and is compatible with the Aurora comprehensive plan, Section IX, Item A, Overlay Objectives.~~

~~C. A written description of the proposed structure to include an explanation of how the design is complimentary to the historic character of the Aurora. The design shall include Design Guidelines for Historic Properties construction techniques, siding styles, color samples, and other materials and descriptions to display to the Planning Commission how the applicable criteria are being met. At a minimum, the front or façade facing Highway 99E and/or Ehlen Road shall include a minimum of four of the following complimentary historic character for Aurora elements from the selected style:~~

- ~~a) Window styles~~
- ~~b) Siding material~~
- ~~c) Roof style and material~~
- ~~d) Stone or brick façade detailing~~
- ~~e) Parapet details~~
- ~~f) Columns~~
- ~~g) Use of cornices, brackets and window moldings~~
- ~~h) Awnings, in line with past commercial structures~~
- ~~i) Use of recessed entries~~

~~D. Awnings. Brightly colored, flamboyant patterns and back lighting of canvas awnings are not permitted. Writing on canvas is permitted on commercial structures and is limited to border areas. Awnings shall fit with the style of window and be compatible with the architecture in color and design.~~

#### **16.56.060 Residential Development standards**

~~A. For residential uses, the Highway 99E or Ehlen Road setback shall be ten (10) feet greater than the setback shown in the base zoning.~~

~~B. The structural facade immediately adjacent to and visible to Highway 99 or Ehlen Road shall be modeled after and similar to styles as illustrated and discussed in the City of Aurora Design Guidelines for Historic Properties (See Appendix B). Secondary facades, those sides not facing Highway 99E or Ehlen Road, may have less architectural detailing and degree of finish than the primary façade. The Planning Commission may approve exceptions to this subsection when the applicant demonstrates the design satisfies all other requirements of this section and is compatible with the Aurora comprehensive plan, Section IX, Item A, Overlay Objectives.~~

~~C. A written description of the proposed structure to include an explanation of how the design is complimentary to the historic character of the Aurora. The design shall include construction techniques, siding styles, color samples, and other materials and descriptions to display to the Planning Commission how the~~

applicable criteria are being met. At a minimum, the front or façade facing Highway 99E and/or Ehlen Road shall include a minimum of two of the following elements from the selected style. These elements are in addition to visual relief design features required under the base zone but meeting base zone requirements may help satisfy required design elements:

- a) Pillars or posts,
- b) Vertical window arrangements, either single, paired or triple, and trimmed with wood,
- c) Horizontal siding in clapboard, shiplap, weatherboard, or tongue and groove four to six inches in width,
- d) Bay or bow windows,
- e) Recessed entries.

~~D. Roof. Sawn wood shingles with a five inch reveal, or three tab grey architectural charcoal or black composition roofing are required. The primary ridge line shall be parallel to a street and shall not exceed forty five (45) feet in length without a change in height. Primary roofs shall be similar to those found historically.~~

~~E. Siding. Horizontal siding in clapboard, shiplap, weatherboard, or tongue and groove four to six inches width is preferred. The planning commission may approve the use of stone, brick, tile, wood composite (articulated surface), cedar shakes and shingles when the applicant demonstrates the design satisfies all other requirements of this section and is compatible with the Aurora comprehensive plan, Section IX, Item A, Overlay Objectives. Concrete, plain concrete block, corrugated metal, unarticulated board siding (e.g. T1-11 siding, plain plywood, sheet pressboard) and similar materials are prohibited.~~

~~F. Windows. Vertical window arrangements, either single, paired or triple, trimmed with wood. Historically windows were three feet eight inches wide and approximately seven feet tall. Synthetic window frames shall be similar in design, profile, finish and weathering performance to wood frames.~~

~~G. Awnings. Brightly colored, flamboyant patterns and back lighting of canvas awnings are not permitted. Writing on canvas is permitted on commercial structures and is limited to border areas. Awnings shall fit with the style of window and be compatible with the architecture in color and design.~~

~~E. Building facades immediately adjacent to Highway 99 or Ehlen Road and greater than forty five (45) feet in length shall be designed to convey a sense of division through the use of pilasters, window and door openings, recessed entries, off sets or other architectural details.~~

~~I. Except for residential uses allowed under the base zoning, parking shall not be located between the Highway 99 or Ehlen Road right-of-way and a structure.~~

~~J. A planting strip no less than six feet in width shall be provided between the sidewalks and the curb and the planting of street trees shall be required.~~

~~K. Pedestrian friendly, period street lamps are required as approved by the city and the Oregon Department of Transportation.~~

~~L. Covered or open decks shall not be constructed on the facade facing Highway 99 or Ehlen Road.~~

~~M. Antennas, aeriels and satellite dishes shall be located so they will not be visible from Highway 99 or Ehlen Road Signs shall be in accordance with Chapter 16.44. (Ord. 415 § 7.114.030, 2002).~~



Chapter 16.58

SITE DEVELOPMENT REVIEW

Sections:

- 16.58.010 Purpose.
- 16.58.020 Applicability of provisions.
- 16.58.030 Administration and approval process.
- 16.58.040 Phased development.
- 16.58.050 Bonding and assurances.
- 16.58.060 Major modification to approved plans or existing development.
- 16.58.070 Minor modification(s) to approved plans or existing development.
- 16.58.080 Application submission requirements.
- 16.58.090 Site development plans.
- 16.58.100 Approval standards.

16.58.010 Purpose.

The purpose and intent of site development review is to promote the general welfare by directing attention to site planning, and giving regard to the natural environment and the elements of creative design to assist in conserving and enhancing the appearance of the City. It is in the public interest and necessary for the promotion of the health, safety and welfare, convenience, comfort and prosperity of the citizens of the City:

A. To implement the City's comprehensive plan and other approval standards in this title;

B. To preserve and enhance the natural beauties of the land and of the manmade environment, and enjoyment thereof;

C. To maintain and improve the qualities of and relationships between individual buildings, structures and the physical developments which best contribute to the amenities and attractiveness of an area or neighborhood;

D. To protect and ensure the adequacy and usefulness of public and private developments as they relate to each other and to the neighborhood or area;

E. To ensure that each individual development provides for a quality environment for the citizens utilizing that development as well as the community as a whole.

F. In order to prevent the erosion of natural beauty, the lessening of environmental amenities, the dissipation of both usefulness and function, and to encourage additional landscaping, it is necessary:

G. To stimulate harmonious design for individual buildings, groups of buildings and structures, and other physical developments;

H. To integrate the functions, appearances and locations of buildings and improvements so as to best achieve a balance between private preferences, and the public interest and welfare. (~~Ord. 415 § 7.120.010, 2002~~)

16.58.020 Applicability of provisions.

Site development review shall be applicable to all new developments and major modification of existing developments, as provided in Section 16.58.060 except it shall not apply to:

- A. Single-family detached dwellings;
- B. Single-family attached dwellings;
- C. Manufactured homes on individual lots;
- D. A duplex, which is not part of any other development;
- E. A triplex, which is not part of any other development;
- F. Minor modifications as provided in Section 16.58.070;
- G. Any proposed development which has a valid conditional use approved through the conditional use permit application process;
- H. Family day care;
- I. Home occupation (Type I and Type II);
- J. Accessory dwelling unit or accessory structures;
- K. Temporary uses;
- L. Temporary structures;
- M. Telecommunications facilities approved under Section 16.50.060. (~~Ord. 415 § 7.120.020, 2002~~)

16.58.030 Administration and approval process.

- A. The applicant for a site development review proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. Applications for site development review shall be processed according to Chapter 16.78.
- C. The Planning Commission shall approve, approve with conditions or deny any application for site development review. (~~Ord. 415 § 7.120.030, 2002~~)

16.58.040 Phased development.

- A. If requested, the Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than three years without reapplying for site development review.
- B. In addition to the standards in Section 16.58.100, the following criteria shall be satisfied in order to approve a phased site development review proposal:
  - 1. All underground utilities are constructed during the initial phase of the development and the remaining public facilities are constructed in conjunction with or prior to each phase.
  - 2. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city or zoning district standard.
  - 3. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required by an approved development proposal. (~~Ord. 415 § 7.120.040, 2002~~)

16.58.050 Bonding and assurances.

- A. On all projects where public improvements are required, the City may:

1. Require a bond in an amount equal to one hundred twenty five (125) percent or other adequate assurances as a condition of approval of the site development plan in order to ensure the completed project is in conformance with the approved plan;

2. Approve and release such bonds upon the completion of the project. A portion of a bond may be released as components of the project are completed;

3. Require a development agreement containing the conditions of approval to be signed by the developer and recorded with Marion County.

B. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Planning Director is filed with the City, assuring such installation within six months after occupancy.

1. Security may consist of a performance bond payable to the City, cash, certified check or such other assurance of completion approved by the City; and

2. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation. (~~Ord. 415 § 7.120.050, 2002~~)

16.58.060 Major modification to approved plans or existing development.

A. The Planning Director shall determine that a major modification(s) will result if one or more of the following changes are proposed:

1. An increase of ten (10) percent or more in dwelling unit density, or lot coverage for residential development;

~~2. A change that requires additional on-site parking in accordance with Chapter 16.42~~

**2. A change in use as defined by the Uniform Building Code; Any commercial or industrial remodel or expansion that exceeds 25% of the total square footage of the existing structure.**

3. An increase in the height of the building(s) by more than twenty (20) percent or an increase to more than thirty-five (35) feet in height in zones where heights greater than thirty-five (35) percent may be permitted;

4. A change in the type and location of access ways and parking areas where off-site traffic would be affected;

~~6. An increase in vehicular traffic to and from the site expected to exceed twenty (20) vehicles per day.~~ **Any new development, change of occupancy, or commercial or industrial remodel, that will intensify the use of the property by increasing the vehicle traffic to the site, or on site parking in accordance with Chapter 16.42 by more than ten (10) percent. Applicant shall be required to submit to the Planning Director information demonstrating the development, change, or remodel shall not intensify the use of the property by more than ten (10) percent and is subject to Planning Director review and approval, Chapter 16.42, and the Institute of Transportation Engineers (ITE) Trip Generation Manual (latest edition).**

5. A reduction of project amenities where specified in the approved site plan including open space, recreational facilities, screening, and/or landscaping provisions;

6. A modification to the conditions imposed at the time of site development review approval which are not the subject of subdivisions (1) through (7) of this subsection.

B. When a proposed modification to the site development plan is determined to be a major modification, the applicant shall submit a modified site development review application and receive Planning Commission approval prior to any issuance of building permits.

C. Modified site development review applications shall be noticed and processed in accordance with Chapter 16.78. (~~Ord. 415 § 7.120.060, 2002~~).

16.58.070 Minor modification(s) to approved plans or existing development.

A. Any modification which is not within the description of a major modification as provided in Section 16.58.060, may be considered a minor modification.

B. A minor modification shall be approved, approved with conditions or denied following the Planning Director's review based on the finding that no code provisions will be violated; and the modification is not a major modification. (~~Ord. 415 § 7.120.070, 2002~~).

**C. Minor modifications shall processed and noticed in accordance with Chapter 16.78.**

16.58.080 Application submission requirements.

A. All applications shall be made on forms provided by the City.

B. All applications shall include a narrative discussing how the proposal conforms to each of the applicable standards.

C. All applications shall include **five** copies of site development plans containing the information required in Section 16.58.090 and drawn to a standard engineering scale. One copy must be no larger than eleven (11) inches by seventeen (17) inches. (~~Ord. 415 § 7.120.080, 2002~~)

16.58.090 Site development plans.

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

1. A vicinity map showing the proposed site and surrounding properties;
2. The site size and its dimensions;
3. The location, dimensions and names of all existing and platted streets and other public ways and easements on the site and on adjoining properties;
4. The location, dimensions and names of all proposed streets or other public ways and easements on the site;
5. The location and dimension of all proposed:
  - a. Entrances and exits on the site,
  - b. Parking and traffic circulation areas,
  - c. Loading and services areas, where applicable,
  - d. Pedestrian and bicycle facilities,
  - e. Utilities;
6. The location, dimensions and setback distances of all:
  - a. Existing structures, improvements and utilities which are located on adjacent property within twenty-five (25) feet of the site and are permanent in nature, and
  - b. Proposed structures, improvements, and utilities on the site;



7. Contour lines at two-foot intervals for grades zero to ten (10) percent and five-foot intervals for grades over ten (10) percent for current site grades;
8. A grading plan that includes:
  - a. The identification and location of the benchmark and corresponding datum,
  - b. Location and extent to which grading will take place indicating contour lines, slope ratios, and slope stabilization proposals,
  - c. The location of drainage patterns and drainage courses;
9. The location of any floodplain areas (one hundred (100) year floodplain and floodway);
10. The location of any slopes in excess of twelve (12) percent;
11. The location of any unstable ground (areas subject to slumping, earth slides or movement);
12. The location of any areas having a high seasonal water table within twenty-four (24) inches of the surface for three or more weeks of the year and any wetlands;
13. The location of any areas having a severe soil erosion potential as defined by the soil conservation service;
14. The method for mitigating any adverse impacts upon wetland, riparian or wildfire habitat areas;
15. A landscaping plan including:
  - a. Location and height of fences, buffers and screening,
  - b. Location of terraces, decks, shelters, play areas, and common open spaces where applicable,
  - c. **Location of mechanical equipment and garbage enclosures, and applicable screening**
  - d. Location, type and size of plant materials, and
  - e. Soil conditions, and erosion control measures that will be used;
16. Elevation drawings of all sides of the development with landscaping shown as it will appear both at the time of planting and at maturity. (~~Ord. 415 § 7.120.090, 2002~~)

16.58.100 Approval standards.

The Planning Commission shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application. **The criteria shall be utilized in reviewing plans, drawings, sketches and other documents required by this subchapter. These criteria are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the City. These criteria shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. It shall be the applicant's responsibility to display to the City how the applicable criteria are being best met for the subject property.**

- A. Provisions of all applicable chapters;
- B. Buildings shall be located to preserve topography and natural drainage and shall be located outside areas subject to ground slumping or sliding;
- C. Privacy and noise:
  1. Buildings shall be oriented in a manner which protects private spaces on adjoining residential properties from view and noise,

2. On-site uses which create noise, lights, or glare shall be buffered from adjoining residential uses;

D. Residential private outdoor areas:

1. Structures which include residential dwelling units shall provide private outdoor areas which are screened from view by adjoining units,

2. Private open space such as a patio or balcony shall be provided and shall be designed for the exclusive use of individual units and shall be at least forty-eight (48) square feet in size with a minimum width dimension of four feet, and

a. Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit, and

b. Required open space may include roofed or enclosed structures such as a recreation center or covered picnic area,

3. Wherever possible, private outdoor open spaces should be oriented toward the sun;

E. Residential shared outdoor recreation areas:

1. In addition to the requirements of subsection D of this section, usable outdoor recreation space shall be provided in multifamily residential developments for the shared or common use of all the residents in the following amounts:

a. Studio up to and including two-bedroom units, two hundred (200) square feet per unit, and

b. Three or more bedroom units, three hundred (300) square feet per unit,

2. The required recreation space may be provided as follows:

a. It may be all outdoor space, or

b. It may be part outdoor space and part indoor space; for example, an outdoor tennis court, and indoor recreation room,

c. It may be all public or common space,

d. It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit, and

e. Where balconies are added to units, the balconies shall not be less than forty-eight (48) square feet,

f. Shared outdoor recreation space shall be readily observable for reasons of crime prevention and safety;

H. Demarcation of public, semipublic, and private spaces;

1. Structures and site improvements shall be designed so that public areas such as streets or public gathering places, semipublic areas and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, in order to provide for crime prevention and to establish maintenance responsibility, and

2. These areas may be defined by a deck, patio, low wall, hedge or draping vine, a trellis or arbor, a change in level or landscaping;

I. Crime prevention and safety:

1. In residential developments, interior laundry and service areas shall be located in a way that they can be observed by others,

2. Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic,

3. Exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime, and

4. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person;

J. Access and circulation:

1. The number of allowed access points for a development shall be as determined by the City Engineer in accordance with standard engineering practices for City rights-of-way, as determined by Marion County for county rights-of-way, and as determined by the Oregon Department of Transportation for access to Highway 99E,

2. All circulation patterns within a development shall be designed to accommodate emergency vehicles;

K. Public transit:

1. Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to existing or proposed transit route.

2. The requirements for transit facilities shall be based on:

a. The location of other transit facilities in the area,

b. The size and type of the proposal.

3. The following facilities may be required:

a. Bus stop shelters,

b. Turnouts for buses, and

c. Connecting paths to the shelters;

L. All parking and loading areas shall be designed in accordance with the requirements set forth in Chapter 16.42;

M. All landscaping shall be designed in accordance with the requirements set forth in Chapter 16.38;

N. All public improvements shall be designed in accordance with the requirements of Chapter 16.34;

O. All facilities for the handicapped shall be designed in accordance with the requirements set forth in the ADA requirements;

P. All of the provisions and regulations of the underlying zone shall apply; and

Q. All properties located in the historic commercial or historic residential overlay shall be designed in accordance with the requirements set forth in Title 17 of the Aurora Municipal Code. A certificate of appropriateness approved by the historic review board shall be satisfy this criteria. (Ord. 415 § 7.120.100, 2002)

Chapter 16.62

NONCONFORMING USES

Sections:

- 16.62.010 Continuation of nonconforming uses and structures.
- 16.62.020 Vested rights.
- 16.62.030 Alteration of nonconforming use or structure.
- 16.62.040 Restoration of nonconforming uses.
- 16.62.050 Discontinuance.
- 16.62.060 Criteria to grant or deny.
- 16.62.070 Compliance with state and local codes.

16.62.010 Continuation of nonconforming uses and structures.

Except as otherwise provided, the use of a building, structure, premises or land lawfully existing at the time of the effective date of the ordinance codified in this title or at the time of a change in the official zoning maps may be continued and maintained in reasonable repair, although such use does not conform with the provisions of this title. (~~Ord. 415 § 7.135.010, 2002~~)

16.62.020 Vested rights.

Nothing in this title shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of the ordinance codified in this title, provided the structure is completed within two years from the issuance of the development permit. (~~Ord. 415 § 7.135.020, 2002~~)

16.62.030 Alteration of nonconforming use or structure.

As used in this section, alteration of a nonconforming use or structure includes a change in use of structure of no greater adverse impact to the neighborhood. Expansion of nonconforming structures may be allowed by the planning commission subject to the following:

A. The applicant shall demonstrate that such expansion will not result in any greater adverse impact upon other property than is currently the case;

B. There shall be no increase in any conformity with dimensional requirements as a result of the expansion;

C. Only one such expansion shall be permitted; ~~in any five-year period commencing on December 27, 1988~~

D. No expansion shall result in a structure with a footprint greater than one hundred fifty (150) percent of the original structure;

E. The nonconformity shall not be expanded onto any property which is not now part of one contiguous tract in common ownership, or which was not part of such a contiguous tract in common ownership on December 27, 1988;

F. In allowing such an expansion, the planning commission may impose all such conditions and requirements as may be reasonably necessary to assure that there shall



be no increase in the adverse impact of such nonconforming use upon other property within the district;

G. Nothing in this title shall be deemed to preclude the strengthening or restoring to a safe condition any building or part thereof found to be unsafe by any official charged with protecting the public or to prohibit ordinance repairs provided that the volume of the building and the land area occupied by such building remain the same as that which existed on December 27, 1988. (~~Ord. 415 § 7.135.030, 2002~~)

#### 16.62.040 Restoration of nonconforming uses.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent greater than sixty (60) percent of the replacement value using new materials, a future structure or use on the property shall conform to the provisions of this title except that single-family residential uses may be rebuilt by right, provided such reconstruction is completed within two years of its destruction. (~~Ord. 415 § 7.135.040, 2002~~)

#### 16.62.050 Discontinuance.

A. Except for single-family residential uses which shall be continued by right, if a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property or structure shall be a conforming use, except as provided in subsection C of this section.

B. If a nonconforming use ~~not involving a structure~~ is discontinued for a period of one year, further use of the property shall be a conforming use.

C. A previous nonconforming use may be reinstated pursuant to the same standards and procedures as required for allowance of a conditional use and the criteria in Section 16.62.060 upon application filed within three years following the last date such nonconforming use was lawfully in operation.

D. If a building was unoccupied on December 27, 1988, the last use of evidence shall be considered its use of record and the one-year period of discontinuance shall commence on December 27, 1988. (~~Ord. 415 § 7.135.050, 2002~~)

#### 16.62.060 Criteria to grant or deny.

When reviewing any request to restore a nonconforming use, in addition to the other applicable criteria, it shall be determined that all of the following are found to exist:

A. The nature and character of the proposed use are substantially the same as that for which the structure was originally design;

B. There is no material difference in the quality, character, intensity or degree of use;

C. The proposed use will not prove materially adverse to surrounding properties. (~~Ord. 415 § 7.135.060, 2002~~)

#### 16.62.070 Compliance with state and local codes.

The granting of any such approval shall not be deemed as providing any exception to all other state and local codes such as, but not limited to, fire and life safety, building or comprehensive plan implementing ordinances. (~~Ord. 415 § 7.135.070, 2002~~)

Chapter 16.78

PROCEDURES FOR DECISION MAKING--LIMITED LAND USE DECISIONS

Sections:

- 16.78.010 Purpose.
- 16.78.020 General policies.
- 16.78.030 Consolidation of proceedings.
- 16.78.040 Application process.
- 16.78.050 Time period for decision making.
- 16.78.060 Approval authority responsibilities.
- 16.78.070 Notice requirements.
- 16.78.080 Decision procedure.
- 16.78.090 Standards for the decision.
- 16.78.100 Notice of decision.
- 16.78.110 Record of proceeding.
- 16.78.120 Appeal.
- 16.78.130 Modification and revocation of approvals.
- 16.78.140 Denial of the application--Re-submittal.
- 16.78.150 Expiration and extension of approvals.

16.78.010 Purpose.

The purpose of this chapter is to establish procedures for limited land use decisions. (~~Ord. 415 § 7.164.010, 2002~~)

16.78.020 General policies.

A. A limited land use decision is a final decision or determination pertaining to a site within the urban growth boundary which concerns: (1) the approval or denial of a subdivision or partition; or (2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright.

B. A limited land use decision shall be consistent with applicable provisions of the comprehensive plan and this title consistent with ORS 197.195(1).

C. Such decisions may include conditions authorized by law.

D. Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth. (~~Ord. 415 § 7.164.020, 2002~~)

16.78.030 Consolidation of proceedings.

A. Whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding.

B. The decision shall be made by the approval authority having original jurisdiction over one of the applications under Section 16.78.060 in the following order of preference: the planning commission or the planning director.

- C. Where there is a consolidation of proceedings:
  - 1. The notice shall identify each action to be taken;
  - 2. Separate actions shall be taken on each application;
  - 3. In a consolidated proceeding, the staff report and recommendation provided by the planning director shall be consolidated into a single report.
- D. Limited land use decisions that are consolidated with quasi-judicial decisions shall be decided under the quasi-judicial decision making process. (Ord. 415 § 7.164.030, 2002)

16.78.040 Application process.

A. The applicant for a subdivision or site development review shall be required to meet with the planning director for a pre-application conference. Such a requirement may be waived by **submission of a written request in writing** by the applicant.

- B. At the pre-application conference, if conducted, the planning director shall:
  - 1. Cite the applicable comprehensive plan policies and map designation;
  - 2. Cite the applicable substantive and procedural ordinance provisions;
  - 3. Provide available technical data and assistance which will aid the applicant as provided by the public works director and city engineer;
  - 4. Identify other policies and regulations that relate to the application; and
  - 5. Identify other opportunities or constraints that relate to the application.

C. Another pre-application conference is required if an application is submitted six months after the pre-application conference.

D. Failure of the planning director to provide any of the information required by this chapter shall not constitute a waiver of the standards, criteria or requirements of the applications. Neither the city nor the planning director shall be liable for any incorrect information provided in the pre-application conferences.

E. Applications for approval required under this title may be initiated by application of a record owner of property or contract purchaser.

F. Any persons authorized by this title to submit an application for approval may be represented by an agent authorized in writing to make the application.

G. The application shall be made on forms provided by the city.

H. The application shall include:

- 1. The information requested on the application form;
- 2. Narrative addressing appropriate criteria in sufficient detail for review and action;
- 3. The required fee.

I. The planning director may require information in addition to that required by a specific provision of this title, provided the planning director determines this information is needed to properly evaluate the proposed development proposal; and the need can be justified on the basis of a special or unforeseen circumstance.

J. The planning director may waive the submission of information for a specific requirement, provided the planning director finds that specific information is not necessary to properly evaluate the application; or the planning director finds that a specific approval standard is not applicable to the application.

**K. When, within 30 days of receipt of the application, the planning director finds an application is complete, the application shall be deemed complete as of the date of submittal.**

L. An application shall be deemed incomplete unless it addresses each element required to be considered under applicable provisions of this title and the application form, unless that requirement has been waived by the planning director. The planning director shall not accept an incomplete application.

L. If an application is incomplete, the planning director shall notify the applicant in writing within thirty (30) days of receipt of the application of exactly what information is missing; and allow the applicant ~~thirty (30) days~~ to submit the missing information. **The application shall be deemed complete:**

1. Upon receipt of all missing information; or
2. Upon receipt of some of the missing information and written notice from the applicant that no other information will be provided; or
3. Upon receipt of written notice from the applicant that none of the missing information will be provided.

~~M. An applicant can take up to 120 days from the incompleteness determination to respond. If the applicant fails to submit a complete application within 120 days from the notice of incomplete application, the application shall become void. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and fails to submit a completed application.~~

N. When the missing information is provided, the application shall be deemed complete and at that time the one hundred twenty (120) day time period shall begin.

~~N. If the applicant fails to submit the missing information, the application shall be deemed incomplete on the sixty first day after the planning director first received the application and shall be returned to the applicant. (Ord. 415 § 7.164.040, 2002)~~

#### 16.78.050 Time period for decision making.

The city shall take final action on an application for a limited land use decision including the resolution of all appeals within one hundred twenty (120) days after the application is deemed complete, except:

A. The one hundred twenty (120) day period may be extended for a reasonable period of time at the **written** request of the applicant; and

B. The one hundred twenty (120) day period applies only to a decision wholly within the authority and control of the city. (Ord. 415 § 7.164.050, 2002)

#### 16.78.060 Approval authority responsibilities.

A. The planning director shall have the authority to approve, deny or approve with conditions the following applications:

1. Property line adjustments and re-establishments pursuant to Chapter 16.68;
2. Partitions pursuant to Chapter 16.70;
3. Accessory dwelling units pursuant to Chapter 16.54;
4. Subdivision final plats pursuant to Chapter 16.72;
5. Temporary uses pursuant to Chapter 16.52;
6. Extensions of time for applications previously approved under this chapter;
7. **Site Development Review minor modifications pursuant to Chapter 16.58.**

B. The planning commission shall have the authority to approve, deny or approve with conditions the following applications:



1. Subdivision tentative plats pursuant to Chapter 16.72;
  2. Site development review pursuant to Chapter 16.58, except site development review for sites subject to the Aurora Historic Guidelines. All applications subject to the Aurora Historic Guidelines shall be processed in accordance with Chapter 16.76;
  3. Temporary structures pursuant to Chapter 16.52.
  4. **Site development review major modifications pursuant to Chapter 16.58.**
- C. The decision shall be based on the approval criteria set forth in Section 16.78.090. ~~(Ord. 415 § 7.164.060, 2002)~~

16.78.070 Notice requirements.

A. For limited land use decisions by the planning director, written notice of the administrative decision shall be provided to owners of property adjacent to the entire contiguous site for which the application is made. The administrative decisions shall be final fourteen (14) days following the date of mailing if no written comments are received.

B. Tentative subdivision plats and site development review shall require notice to owners of property within one hundred (100) feet of the entire contiguous site for which the application is made.

C. Tentative subdivision plats and site development review shall also require notice to be printed in the local newspaper at least fourteen (14) days prior to the **hearing meeting** clearly identifying the decision that is pending, stating that there is no public hearing and there is a fourteen (14) day period for public written comment regarding the pending limited land use decision and including the expiration date for receipt of written comments.

D. The property owner list shall be compiled from the most recent property tax assessment roll.

E. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

F. Notices mailed to property owners shall include the following information:

1. A description of the subject property and a general location which shall include tax map designations from the county assessor's office;
2. A map showing the location of the subject property;
3. A description of what the application will allow the applicant to do and what the applicable criteria for the decision are;
4. State that a fourteen (14) day period for submission of written comments is provided prior to the decision;
5. State the place, date and time that the written comments are due;
6. State that copies of all documents or evidence relied upon by the applicant are available for review, the address where copies can be reviewed and that copies can be obtained at cost;
7. A statement that issues which may provide the basis for an appeal must be raised in writing during the comment period and comments must be sufficiently specific give the decision maker an opportunity to respond to the issue;
8. A statement that a limited land use decision does not require an interpretation or the exercise of policy or legal judgement, or a public hearing;

9. A statement that the applicant and any person who submits written comments during the fourteen (14) day period shall receive notice of the decision.

G. The failure of a property owner to receive notice shall not invalidate the action provided a good faith attempt was made to notify all persons entitled to notice.

H. Personal notice is deemed given when the notice is deposited with the United States Postal Service.

I. In computing the length of time that notice is given, the first date notice is given shall be excluded and the day of the hearing or the date on which the appeal period expires shall be included unless the last day falls on any legal holiday or on Saturday, in which case, the last day shall be the next business day.

J. The records of the Marion County assessor's office shall be the official records used for giving notice required in this title, and a person's name and address which is not on file at the time the notice mailing list is initially prepared is not a person entitled to notice. (~~Ord. 415 § 7.164.070, 2002~~)

#### 16.78.080 Decision procedure.

The planning commission limited land use decision shall be conducted as follows:

A. Request the planning director to present the staff report, to explain any graphic or pictorial displays which are a part of the report, summarize the findings, recommendations and conditions, if any, and to provide such other information as may be requested by the approval authority;

B. Allow the applicant or a representative of the applicant discuss the application and respond to the staff report;

C. Request the planning director read all written comments **received** into the record;

D. Allow the applicant to respond to all written comments;

E. Make a decision pursuant to Section 16.78.090 or continue the decision to gather additional evidence or to consider the application further. (~~Ord. 415 § 7.164.080, 2002~~)

#### 16.78.090 Standards for the decision.

A. The decision shall be based on proof by the applicant that the application fully complies with:

1. The city comprehensive plan; and

2. The relevant approval standards found in the applicable chapter(s) of this title and other applicable implementing ordinances.

B. Consideration may also be given to:

1. Proof of a substantial change in circumstances; and

2. Factual written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in subsections (A) or (B)(1) of this section.

C. In all cases, the decision shall include findings of fact addressing all applicable criteria.

D. The decision may be for denial, approval or approval with conditions. Conditions may be imposed where such conditions are necessary to:

1. Carry out applicable provisions of the Aurora comprehensive plan;

2. Carry out the applicable implementing ordinances;

3. Ensure that adequate public services are provided to the development or to ensure that other required improvements are made;

4. Prior to the commencement of development, i.e., the issuance of any permits or the taking of any action under the approved development application, the owner and any contract purchasers of the property which is the subject of the approved application may be required to sign and deliver to the planning director their acknowledgment in a development agreement and consent to such conditions:

a. The mayor shall have the authority to execute such development agreements on behalf of the city,

b. No building permit shall be issued for the use covered by the application until the executed contract is recorded in the county records, and

c. Such development agreements shall be enforceable against the signing parties, their heirs, successors and assigns by the city by appropriate action in law or suit in equity;

5. A bond in a form acceptable to the city or a cash deposit from the property owners or contract purchasers for the full amount as will ensure compliance with the conditions imposed may be required. Such bond or deposit shall be posted prior to the issuance of a building permit for the use covered by the application.

E. The final decision on the application may grant less than all of the parcel which is the subject of the application. (Ord. 415 § 7.164.090, 2002)

#### 16.78.100 Notice of decision.

A. All limited land use decisions require a notice of decision.

B. The applicant and any person who submits written comments during the fourteen (14) day period shall be entitled to receive the notice of decision.

C. The notice of decision shall include:

1. A brief summary of the decision;

2. A statement of where the adopted findings of fact, decision and statement of conditions can be obtained;

3. The date the final decision was made; and

4. A statement of whether a party to the proceeding may seek appeal of the decision, as appropriate.

D. Within ten (10) calendar days after the decision is made by the approval authority, the final decision shall be filed in the records of the planning director and notice thereof shall be mailed to the applicant and all parties in the action and shall be available to the approval authority. (~~Ord. 419 § 18C, 2002; Ord. 415 § 7.164.100, 2002~~)

#### 16.78.110 Record of proceeding.

The record shall include:

A. A copy of the application and all supporting information, plans, exhibits, graphics, etc.;

B. All testimony, evidence and correspondence relating to the application;

C. All information considered by the approval authority in making the decision;

D. The staff report of the planning director;

E. A list of the conditions, if any are attached to the approval of the application; and

F. A copy of the notice advising of the decision which was given pursuant to Section 16.78.100 and accompanying affidavits, and a list of all persons who were given mailed notice.

G. The staff report and notice of decision for limited land use decisions by the planning director may be combined as one document. (~~Ord. 415 § 7.164.110, 2002~~)

16.78.120 Appeal.

A. Standing to Appeal. Any person shall be considered a party to a matter, thus having standing to seek appeal, provided the person submitted written comments to the approval authority during the fourteen (14) day period prior to the decision or the person was entitled as of right to notice prior to the decision to be reviewed.

B. Computation of Appeal Period.

1. The length of the appeal period shall be fifteen (15) days from the final decision.

2. In computing the length of the appeal period, the day of the decision is mailed shall be excluded and the last day for filing the appeal shall be included unless the last day falls on a legal holiday for the city or on a Saturday, in which case, the last day shall be the next business day.

C. Determination of Appropriate Appeal Body.

1. Any decision made by the planning director under this chapter may be reviewed by the planning commission by:

a. The filing of a notice of appeal and payment of required fees by any party to the decision by five p.m. on the last day of the appeal period,

b. The council or planning commission, on its own motion, seeking appeal by voice vote prior to the end of the appeal period; or

2. Any decision made by the planning commission under this chapter, may be reviewed by the council by:

a. The filing of a notice of appeal and payment of required fees by any party to the decision before five p.m. on the last day of the appeal period,

b. The council or planning commission, on its own motion, seeking appeal by voice vote prior to the end of the appeal period; or

3. Failure to file an available appeal shall be deemed a failure to exhaust administrative remedies. The filing of available appeals is a condition precedent to appeal to the land use board of appeals.

D. The notice of appeal shall be filed within the appeal period and contain:

1. A reference to the application sought to be appealed;

2. A statement of the petitioner's standing to the appeal;

3. The specific grounds for the appeal;

4. The date of the decision on the action;

5. The applicable fees.

E. The appeal hearing shall be confined to the prior record.

F. Upon appeal, notice shall be given to parties who are entitled to notice under Section 16.78.070.

G. The appellate authority shall affirm, reverse or modify the decision which is the subject of the appeal; however, the decision shall be made in accordance with the provisions of Section 16.78.090; or upon the written consent of all parties to extend the one hundred twenty (120) day limit, the appellate authority may remand the matter if it is satisfied that testimony or other evidence could not have been presented or was not available at the time of the initial decision.



In deciding to remand the matter, the appellate authority shall consider and make findings and conclusions regarding:

1. The prejudice to parties;
  2. The convenience or availability of evidence at the time of the initial hearing;
  3. The surprise to opposing parties;
  4. The date notice was given to other parties as to an attempt to admit; or
  5. The competency, relevancy and materiality of the proposed testimony or other evidence.
- (Ord. 419 § 18B, 2002; Ord. 415 § 7.164.120 (part), 2002)

#### 16.78.130 Modification and revocation of approvals.

The approval authority may modify or revoke any approval granted pursuant to this chapter for any of the following reasons:

- A. A material misrepresentation or mistake of fact made by the applicant in the application or in testimony and evidence submitted, whether such misrepresentation be intentional or unintentional;
- B. A failure to comply with the terms and conditions of approval;
- C. A material misrepresentation or mistake of fact or policy by the city in the written or oral report regarding the matter whether such misrepresentation be intentional or unintentional. (Ord. 415 § 7.164.120(part), 2002)

#### 16.78.140 Denial of the application--Re-submittal.

An application which has been denied or an application which was denied and which on appeal has not been reversed by a higher authority, including the land use board of appeals, the land conservation and development commission or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least twelve (12) months from the date the final city action is made denying the application unless there is a substantial change in the facts or a change in city policy which would change the outcome. (Ord. 415 § 7.164.130, 2002)

#### 16.78.150 Expiration and extension of approvals.

A. Approval under this chapter shall be effective for a period of two years from the date of approval.

B. The approval for a property line adjustment, partition or subdivision shall lapse if:

1. A property line adjustment map or final plat has not been **signed and recorded with the County submitted** within a two-year period;
2. The property line adjustment map or final plat does not substantially conform to the approved tentative plan.

C. Site development approvals shall lapse if:

1. ~~Substantial construction of the approved plan has not been completed within a two year period;~~ **A building permit has not been issued within two years from the date of approval;**
2. Construction on the site is a departure from the approved plan.

D. The planning director may, upon written request by the applicant, grant a **one-time** extension of the approval period not to exceed one year provided, that:

1. No changes are made on the original approval ~~ed tentative plan;~~

2. The applicant has expressed written intent of submitting a final **map, plat and/or building permit application** within the one-year extension period; and

3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

**E. Following the first one year extension by the Planning Director, the applicant may submit a request to the Aurora Planning Commission so that the Planning Commission may transmit a recommendation to the Aurora City Council for additional one-year approval extensions.**

**F. Applications for Approval Extension**

1. The written extension request must be received by the City at least 30 days prior to expiration of the approval.

2. The Planning Director shall provide notice consistent with the required mailed notice for the original application of the opportunity to comment on the extension request. Written comments from parties who received the notice shall be received by the Planning Director within 15-days after the notice was mailed.

3. **E.** Written notice of the decision regarding an extension of time shall be provided to the applicant and to parties who submitted written comments within the 15-day comment period. The parties who receive a written notice of the decision may appeal the decision to the Planning Commission provided the City Recorder receives a written appeal of the decision within 15-days after the extension decision was mailed. The written appeal shall state the reasons why the decision is appealed.

Appendix B. Design Review Guidelines for Gateway Properties

**B. Design Review Guidelines for Gateway Properties**

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**Acknowledgements**

The Design Review Guidelines for Gateway Properties have been written through the efforts and contributions of the Aurora Planning Commission, Aurora Historic Review Board, Karen Townsend, Patrick Harris and William Ruff, Principal, of LRS Architects.

The City of Aurora gratefully acknowledges the invaluable assistance and design guidance provided by Mr. Ruff on a pro bono basis.

Photographs supplied by Aurora Colony Historical Society and Larry Townsend. Architectural style diagrams and modern interpretation supplied by William Ruff, Principal, of LRS Architects.

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## Appendix B. Design Review Guidelines for Gateway Properties

The Aurora Design Review Guidelines for Gateway Properties (herein after referred to as "Guidelines for Gateway Properties") is designed for a person unfamiliar with the City of Aurora who may wonder about the purpose of the Gateway district. The Guidelines for Gateway Properties includes a brief description of Aurora's historic building styles and diagrams and photos taken from material produced by the Aurora Planning Commission, the Aurora Historic Review Board, the Old Aurora Colony Museum and LRS Architects.

### I. INTRODUCTION TO THE APPENDIX

Aurora is one of a handful of small cities in Oregon with a noteworthy history and architectural style. It is one of only a few that also boasts a National Historic District. Just outside of this district (Aurora Historic District Overlay) is the Gateway District where special standards are in place to provide a transition between traditional agricultural lands and Aurora's historic core. Much of this historic core is in destination commercial use where the historic element is a major draw. The Gateway Properties are designed to recognize Aurora's historic relevance yet provide for modern materials and variations on historic themes.

The Guidelines for Gateway Properties are designed to serve as a tool to assist the applicant in developing appropriate design for properties within the Gateway. By becoming familiar with Aurora's historic building styles, the applicant should be able to design buildings that satisfy the Gateway Property Development Standards (See Chapter 16.56) and add to the "sense of arrival" that is a pillar of the City's vision. Additional information regarding Aurora's historic built environment, as well as background on history and preservation, can be found in the City of Aurora Design Review Guidelines for Historic District Properties (Appendix A).

It is not the intention that buildings in the Gateway area should copy Aurora's historic structures, but rather that they reflect the visual features of the city's historic past. Height, spacing, horizontal and vertical elements and total mass should be appropriate to the setting in which they are placed and should consider other structures in the immediate area.

### II. SUMMARY OF AURORA'S HISTORIC BUILDING STYLES

Aurora's historic neighborhoods and commercial areas are a microcosm of typical American building styles of their eras. The Aurora Historic District recognizes each for their significant details and the part they played in Aurora's built environment. While most of these styles are found in all towns and cities across the country, it is the Aurora Colony style that is unique to this area. In determining a historic look to the town, the following pre-1960 styles have been chosen as representative to the City of Aurora Gateway District.



## Appendix B. Design Review Guidelines for Gateway Properties

### A. Residential styles

The Colony village was originally laid out over several years in a grid of very wide streets with a small commercial area, mills, service buildings and residences here and there. Homes were situated on corners with plenty of room for necessary outbuildings and kitchen gardens resulting in very large lots. Over a century of subsequent infill has resulted in Aurora's older neighborhoods showing a mixture of historic architectural styles rather than whole streets of a similar style as in other cities. The following styles are representative of the city's historic residential areas that are appropriate for the Gateway district.

#### Aurora Colony Style

This is the style that the Aurora Colony employed during its time as an organized, Christian utopian community where all assets were community controlled (1856-1883). The style was traditionally used in the Eastern United States and is characterized by steep peaked roofs, few rooms, end fireplaces and simple porches. The unique history of the German Aurora Colony and the large concentration of these building styles that were not typical of Western America are the reasons that Aurora qualified for national historic district designation. This is the significant building style of Aurora.



1872 William Fry House at Main & 2<sup>nd</sup> Streets

## Appendix B. Design Review Guidelines for Gateway Properties



Synder House at 3<sup>rd</sup> and Liberty Streets

### Features of the Aurora Colony Style:

- Wood shingled, steep, pitched roof, ridge line usually parallel to street
- Side gabled, Boxed eaves
- Siding is either board and batten or lap sided with narrow reveal
- 6/6 paned windows, simple flat trim boards, no shutters
- Fireplace(s) at end of buildings, typically all within the building
- Small front porch, back porch often the entire width of façade
- House is simple in design without ornamentation
- Color is white or off white, trim is same color or limited to black or dark green on inside window sashes or doors.
- Porches are always painted, never left natural or stained natural

### Post Colony style

The second generation of Colony builders were well taught by their craftsman elders and were more adaptable to current designs. As availability of electricity and interior plumbing made more interior rooms practical, building design adjusted. The railroad made newer building materials accessible. New glass sizes allowed larger window panes. Instead of the simple rectangle, the building footprint often allowed for variations around porches resulting in more complex roofs. Still fairly simple and void of ornamentation, they often added bric a brac in later years. Examples of Post Colony houses are the Jacob Miller house (directly opposite the museum) and the Cap Miley house on the corner of 99E & Martin Street across from the auction house.

Appendix B. Design Review Guidelines for Gateway Properties



Jacob Miller House at Liberty and 2<sup>nd</sup> Streets

## Appendix B. Design Review Guidelines for Gateway Properties



George Miller House on Hwy 99E can also be viewed from Main Street.

### Features of the Post Colony style:

- Narrow, vertical silhouette, 2 stories (higher ceilings than colony homes)
- Front- gable-with-a-wing building design
- 1/1 double hung windows, plain window trims
- Porches incorporated into footprint instead of an add-on
- Doors may have glass inserts
- Shiplap siding
- Simple exteriors without ornamentation initially; fancier millwork added around porch supports later.
- Color is usually white, gray
- Porches are always painted, never left natural or stained natural

### Queen Anne Style

The dissolution of the Aurora Colony meant that assets were divided among the members. Each family was now responsible for its own building and popular styles from other areas were introduced into Aurora as young Colony descendants married and settled in town. Many of these families were the town merchants and had access to the latest building materials and styles. While there are not many of these “fancy Victorian” styles within the city, there are good examples on Liberty Street where exterior embellishments are liberally used. Sometimes fancy porches were added to Colony styles such as on the museum’s Kraus house on 2<sup>nd</sup> Street.





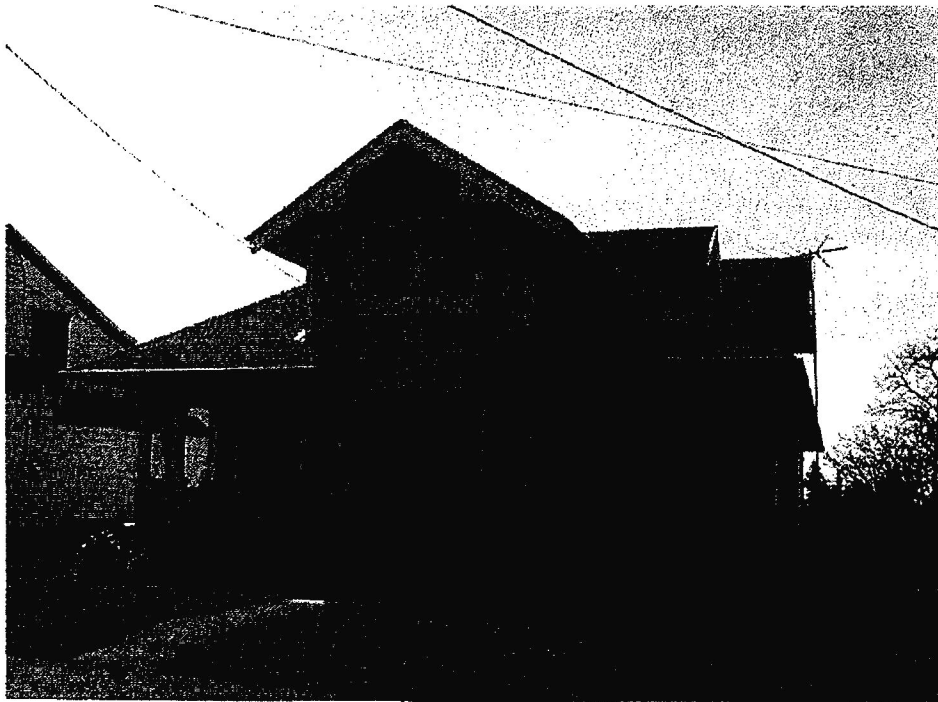
## Appendix B. Design Review Guidelines for Gateway Properties

### Features of Queen Anne style

- Gabled or hip roofs and combinations of the two
- 2-3 stories
- Bay windows, turrets, widows walks, special corner features
- 2/2 double hung windows
- Decorative shingles and other wall surface features
- Spindework and decorative “gingerbread” trims, especially around porches
- Lattice work on skirtings
- Multiple colors to accent special features
- Porches are always painted, never left natural or stained natural

### Craftsman and Bungalow Styles

The popular bungalow style was built all over the United States and Aurora was no exception. The Craftsman style could be a grand, custom built home (Main & Hwy 99E, Main at Bob's Avenue or Liberty at Bob's Avenue) or a simple bungalow of which there are several in Aurora, some of which may have been a “kit” from Sears or Montgomery Ward. While Craftsman homes exhibited a greater degree of workmanship detail, size and more complex footprints than the bungalow (which was first used in the US as a vacation home), both presented the home dweller with a simpler and more comfortable alternative to prior home styles. Almost all Craftsman homes are considered bungalows but not all bungalows are Craftsman styles. The Craftsman style is distinguished by its many fine details and excellent workmanship, much of it on the interior.

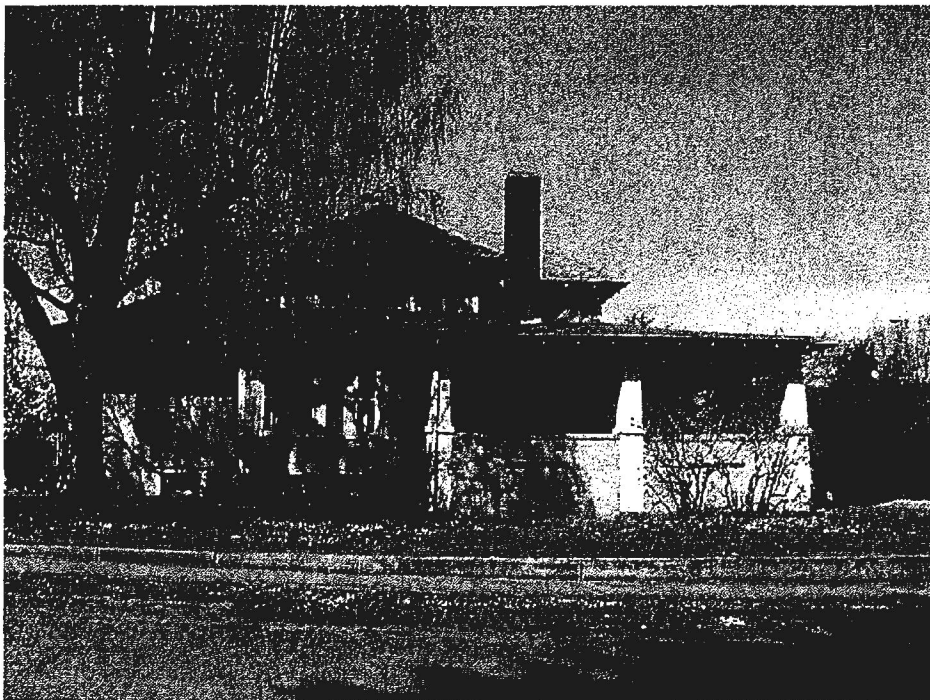


Dr. Geisy House at Main Street near the corner of Hwy 99E

- Low pitched roof, separate roof levels depending on floor plan

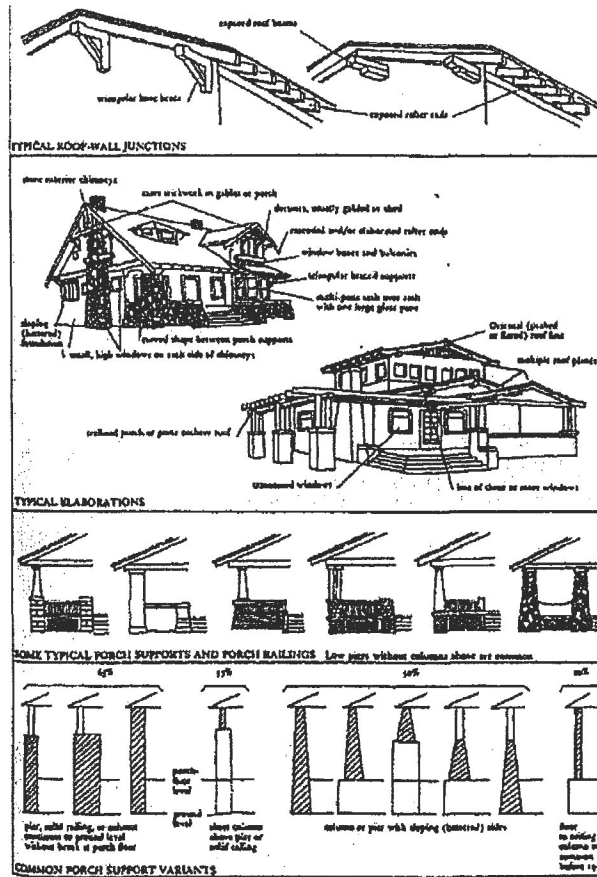
## Appendix B. Design Review Guidelines for Gateway Properties

- Deep eaves with exposed rafters
- Decorative knee braces and decorative elements as part of structural support (as opposed to decorative add-ons)
- 1 ½ stories
- Dormers
- Large, covered front porches with massive columns
- Concrete stairs, sometimes concrete porches
- Windows typically double hung with multiple lights in the upper window and a single pane in the lower. Windows were often grouped together on the main floor in dining and living rooms.



Craftsman House at Liberty Street and Bob's Avenue

Appendix B. Design Review Guidelines for Gateway Properties



Features of Craftsman and Bungalow styles



## Appendix B. Design Review Guidelines for Gateway Properties

### B. Commercial Styles

In determining a historic look to the town, the following pre-1960 *COMMERCIAL* styles have been chosen as representative for City of Aurora Gateway Properties.

#### Colony Era

Commercial building design in the Aurora Colony began with a couple of substantial buildings as colonists attempted to attract customers from nearby towns and eventually major cities with the railroad connection here. Two major Colony buildings were the general mercantile building known as the Wm. Keil Store (still located at Main Street & 2<sup>nd</sup> Street) and the now dismantled Aurora Pioneer Hotel (located on Main and Ehlen Rd). These buildings were very different from one another and demonstrated the skills of the Colony carpenters who earned income for the Colony by building for others. Of particular interest is that these "public" buildings were painted in colors and some, such as the hotel, had fancy painted trims. All other buildings in Aurora were painted white and were for Colony members only.

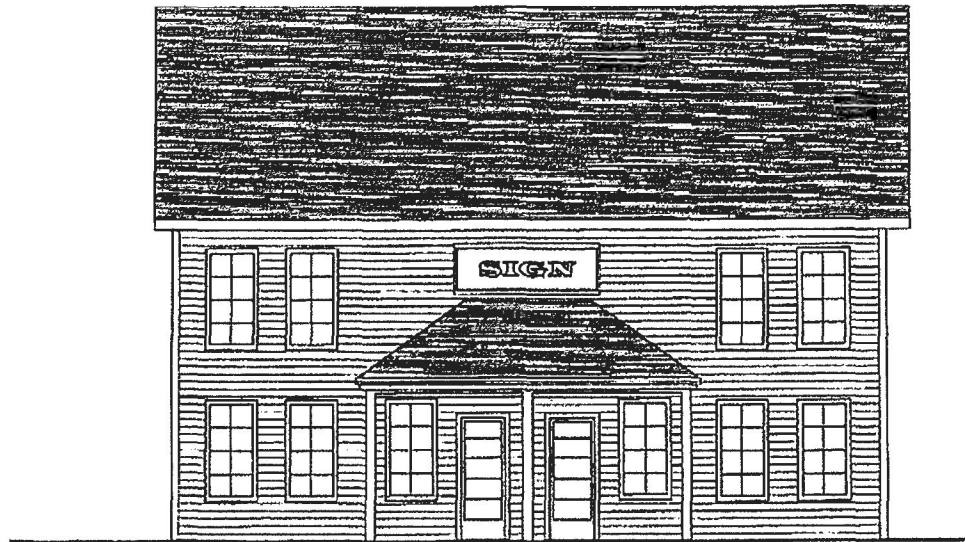


Wm. Keil Store on Main Street where the Colony traded with the public.

#### Features of the Aurora Colony Store

- Front gabled, ridgeline perpendicular to street
- Simplified Greek Revival style
- Balcony and covered porch with simple columns turned on Colony lathe
- Larger windows than in homes, simple trim boards
- Porch is painted, never left natural or stained natural
- Large double doors, wooden candle supports attached to building
- Simple, lap siding with narrow reveal
- Pale color gray with white trim

Appendix B. Design Review Guidelines for Gateway Properties



POST COLONY STOREFRONT  
STAND ALONE

**Features**

1. simple forms
2. original windows narrow
3. colonnade simple and evenly spaced
4. canopy roof simple lean too
5. simple well scaled cornice



COLONY STOREFRONT

Appendix B. Design Review Guidelines for Gateway Properties



Aurora Pioneer Hotel, 1863, at Main Street just to the north of the railroad tracks. It no longer stands. It has many features of Italianate design, particularly with its roofline cornices.

Features of the Aurora Pioneer Hotel (1867)

- Italianate and Queen Anne design influences
- Hip Roof with overhanging eaves supported by decorative brackets
- Dormers, widows walk where the Aurora band played
- Narrow, 4/4 paned windows
- Lap siding, narrow reveal
- Porch and balcony with turned spindles, square support posts
- First floor elevated over a daylight basement/service floor
- Contrast colors on decorative cornice, brackets, etc.
- Decorative metal fretwork on roof and balconies (possibly added later?)

## Appendix B. Design Review Guidelines for Gateway Properties

### Late Colony and Post Colony Commercial styles

About ten years before the Colony disbanded, some individual members were able to obtain title to some Colony property allowing them more freedom of design on business properties.

Commercial buildings in the 1870s and Post Colony era appear to have been put up quickly and often consisted of small peaked-roof buildings with false fronts (sometimes known as California Store Front style), not unlike similar buildings in mid-1800's Portland. Situated closely together on Main Street, they were connected with wood and eventually concrete sidewalks. (An existing example is located at the base of Main Street across Ehlen Road at the edge of the Mill Creek Bridge. Note the false front and cornicel trim on this former funeral parlor, now a residence.)

Still, the two large Colony buildings dominated this new commercial area on Main Street with gradual infill until both sides of the street were completely full from below the train tracks up to 3<sup>rd</sup> Street.



Main Street looking north from 2<sup>nd</sup> Street. The blacksmith shop sits in the place of the Walter Fry House today. Next is the New Aurora Hotel, the Hops building, railroad track and the Aurora Pioneer Hotel.



## Appendix B. Design Review Guidelines for Gateway Properties



North Main and First Streets sometime after 1905

After the 1905 Lewis & Clark Exposition in Portland, Aurora acquired the stone masonry building which was moved to its present site at Main Street & First (Ehlen Road.) It does not resemble any other building in town because it was transplanted from the fairgrounds. Photographs show the original roofline has castle-like ramparts!

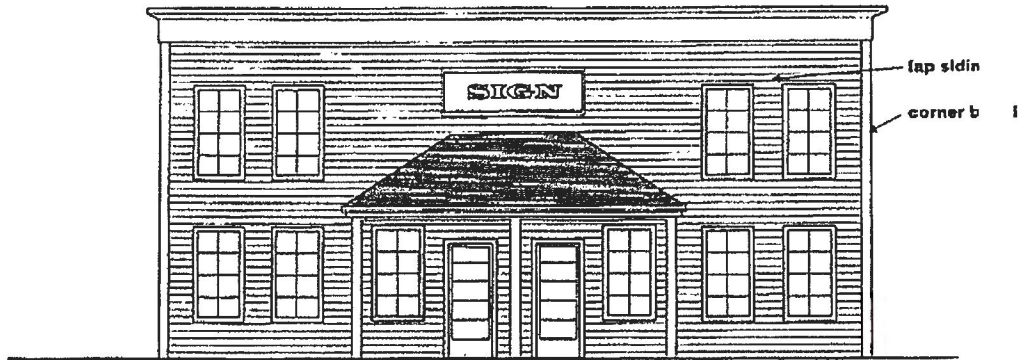
### Features of Post Colony commercial styles

- Peaked roof perpendicular to the street, often with a false front façade
- 1-1 1/2 stories
- Covered front porch close to ground level with simple supports
- 4/4 windows early then 1/1 double hung windows
- Simple façade design without ornamentation except at roofline where cornice designs used (even on a humble blacksmith shop)
- Shiplap siding

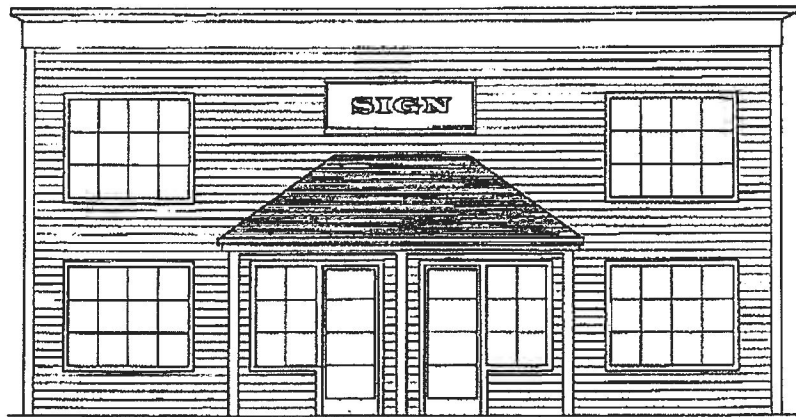
Appendix B. Design Review Guidelines for Gateway Properties

**Features**

1. simple forms
2. more compatible for two stories
3. canopy reflects later porch additions of post colony style
4. simple and well scaled cornice



POST COLONY STOREFRONT



POST COLONY STOREFRONT

Queen Anne Style

## Appendix B. Design Review Guidelines for Gateway Properties

With the railroad bringing visitors to the Aurora Hotel for its famous German cookery, retail stores clustered into the developing downtown along Main Street. A picture of circa 1900 reveals a variety of side-by-side rooflines and false fronts on this wide dirt street. Private ownership and newly made entrepreneur/merchants from the original Colony added ornamentation to all of their commercial buildings. Still using the California Store Front design of the Post Colony era, they added contrast panels below picture windows, fancier cornice work and roofline extensions with delicate metal fretwork. Signage now commanded attention on the street. Queen Anne Style was limited to added details rather than full building design that is seen elsewhere in town on their houses.



This Main Street shop (no longer standing) has many Queen Anne features added to its basic "California Storefront" style.

### Features of Queen Anne Style on Aurora's Commercial Buildings

- Decorative features added-on to Post Colony facades rather than full architectural features
- Fancy cornices on primary façade, proportional to its size
- 1/1 and 2/2 double hung windows
- Decorative metal fretwork on roof ridgelines and widows walks (hotel)
- Decorative metal corner braces on porch support beams
- Narrow extensions above false front facades for signage and trim with delicate metalwork
- Horizontal panels under picture windows on main floor
- Buildings are side-by-side (probably not common walls)with individual porch coverings and wooden sidewalks

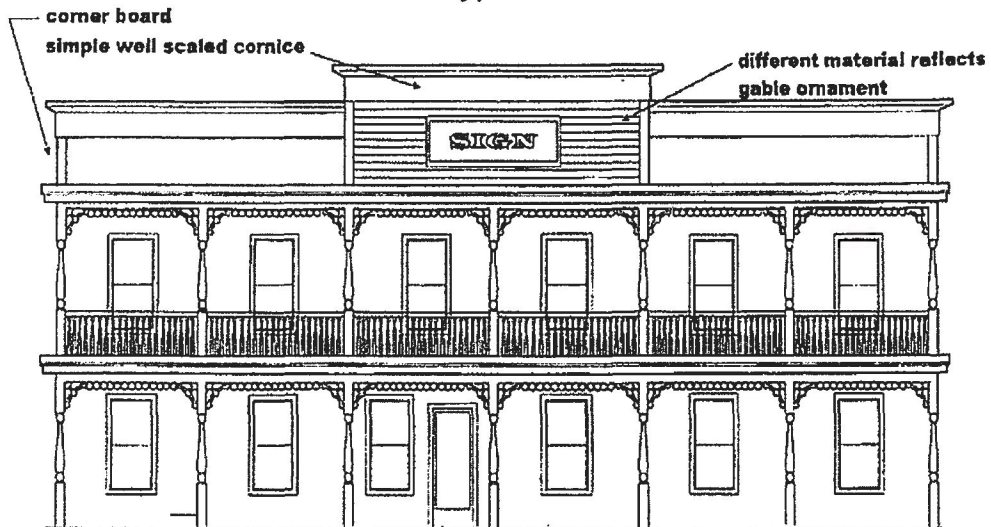
Appendix B. Design Review Guidelines for Gateway Properties



**QUEEN ANN STOREFRONT**  
**STAND ALONE**

**Features**

1. sign reflects dominate street facing gable
2. symetrical facade
3. full width porch
4. canopy roof simple lean too
5. two story porch unusal but reflects more intense use



**QUEEN ANN STOREFRONT**



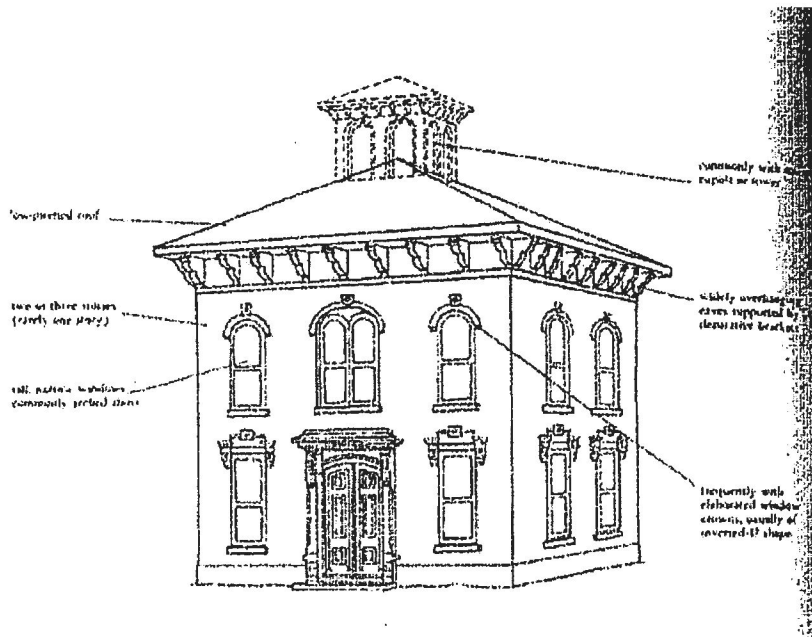
Appendix B. Design Review Guidelines for Gateway Properties



QUEEN ANN STOREFRONT  
MODIFIED

**Italianate Style**

Aurora Colonists used features of Italianate design on several commercial buildings beginning with the Aurora Pioneer Hotel in 1863. Heavy decorative braces under the eaves and fancy cornice work are examples along with the hip roof. The Will Brothers store (next section) also used heavy cornice detail.





## Appendix B. Design Review Guidelines for Gateway Properties

### Rectangular Box Style

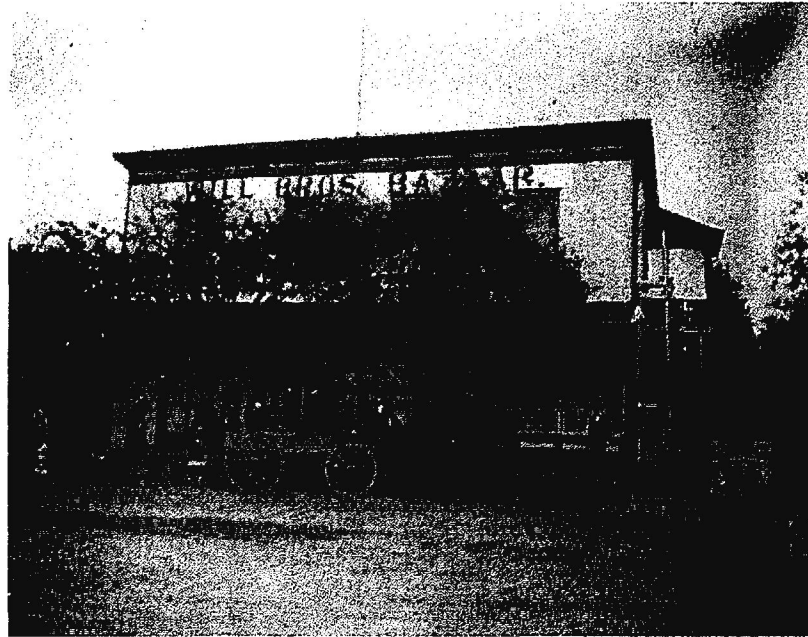
At the turn of the century, large buildings came back into Aurora and occupied full lots or major corners in the downtown. Rectangular in shape with flat roofs, picture windows with awnings and recessed doors, these were typical of commercial buildings of the era. The Will Brothers Store (later called Bazaar) was a wood sided structure with a wide, decorative cornice giving it an Italianate look. Large freestanding masonry buildings of this shape were next, either all brick or brick covered in a smooth stucco. The only remaining building of this type is at Main/2<sup>nd</sup> Street/99E (Will Synder Store).

### Features of Early 20<sup>th</sup> Century Commercial buildings

- Two story, flat roof
- Rectangular box style
- Recessed doors, sometimes on a corner
- Brick, sometimes covered with smooth stucco  
Earlier versions wood with lap siding
- Picture windows, sometimes with canvas awnings
- Double wood doors with glass inserts
- Early ones have fancy cornices at roof line, later ones look “modern” with upper floor windows yielding a horizontal design element.



## Appendix B. Design Review Guidelines for Gateway Properties



Will Brothers merchandise store was destroyed by fire and was located on Main Street next to the current American Legion Hall. These two views show its stand-alone prominence.

### Service Buildings

The earliest service buildings were important to the Aurora Colony and were used as workrooms and stables. These very large, windowed, wood sided buildings were significant features of the Aurora Colony village and are exemplified by the Ox Barn building at the Old Aurora Colony Museum. These were large versions of the basic Colony house with a steep peaked roof. The visual effect of the total village with these large work buildings was like an East Coast factory town. Other Colony service buildings such as the blacksmith shop were primitive gable roofed, single stories with a false front façade. Yet even that building had a fancy, albeit small, cornice design (see page 15).



Ox Barn, 2<sup>nd</sup> and Liberty Streets  
Aurora had several buildings of this type during the Colony period..

## Appendix B. Design Review Guidelines for Gateway Properties

Twentieth century service buildings were standard designs associated with their functions and are recognized by Aurora's Historic Review Board as significant historical features of their time which are disappearing around the country. Some have been restored and converted to different commercial uses. Examples are the 1950's Post Office (2<sup>nd</sup> & Liberty Street), 1950's gas station (99E & Ehlen Road), the railroad station (relocated to Main & Ehlen Road) and the mill/feed store buildings on Ehlen Road.

### **Craftsman and Bungalow Commercial Style**

There is no evidence to support the use of Craftsman style commercial architecture in Aurora. This was typically a residential style. There are many elements of this style, however, that would lend themselves to use in commercial structures.

Appendix B. Design Review Guidelines for Gateway Properties

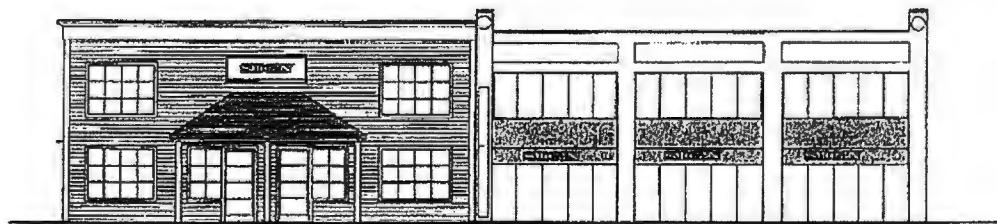
The following pre-1960 combined COMMERCIAL styles represent how varied COMMERCIAL styles and architectural design elements are able to meld together to create a cohesive environment.



COMBINED STOREFRONT



STOREFRONT COMBINED

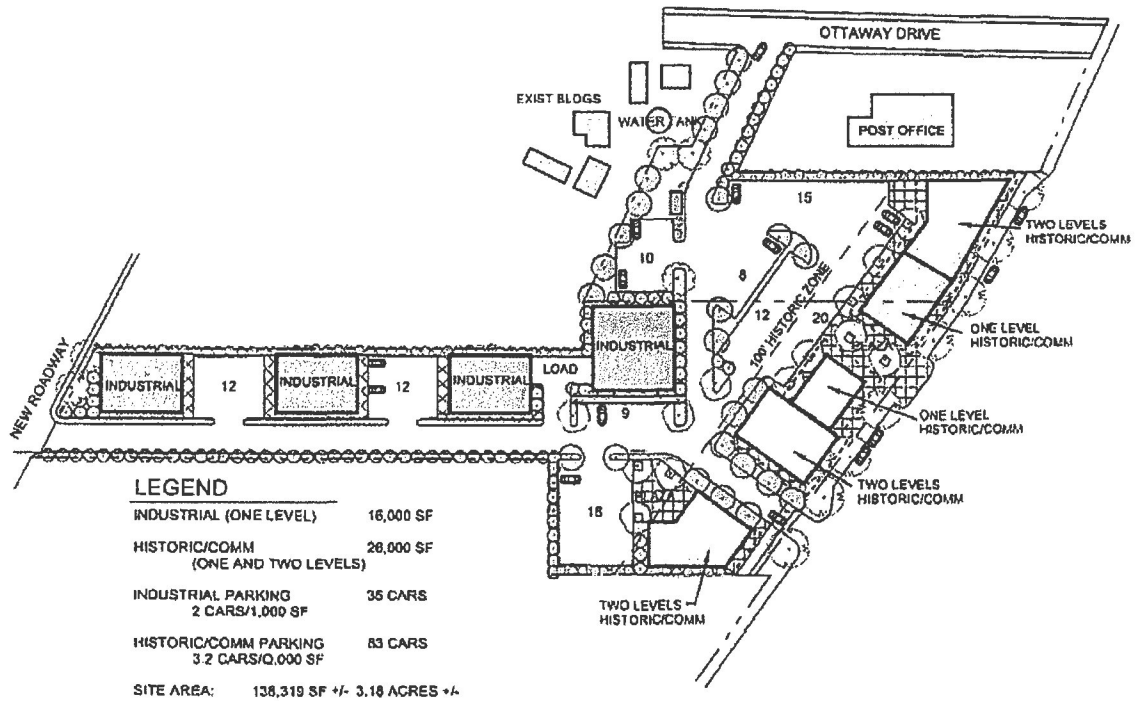


MERCHANDISE/POST COLONY



Appendix B. Design Review Guidelines for Gateway Properties

The VISION STUDY SITE PLAN and sample views below provide examples of Gateway Design Guidelines providing accommodation for pedestrian and vehicular needs. The site plan meets setbacks, lot coverage and parking requirements of the Aurora Municipal Code while creating a friendly environment to both pedestrian and vehicular traffic.



VISION STUDY SITE PLAN

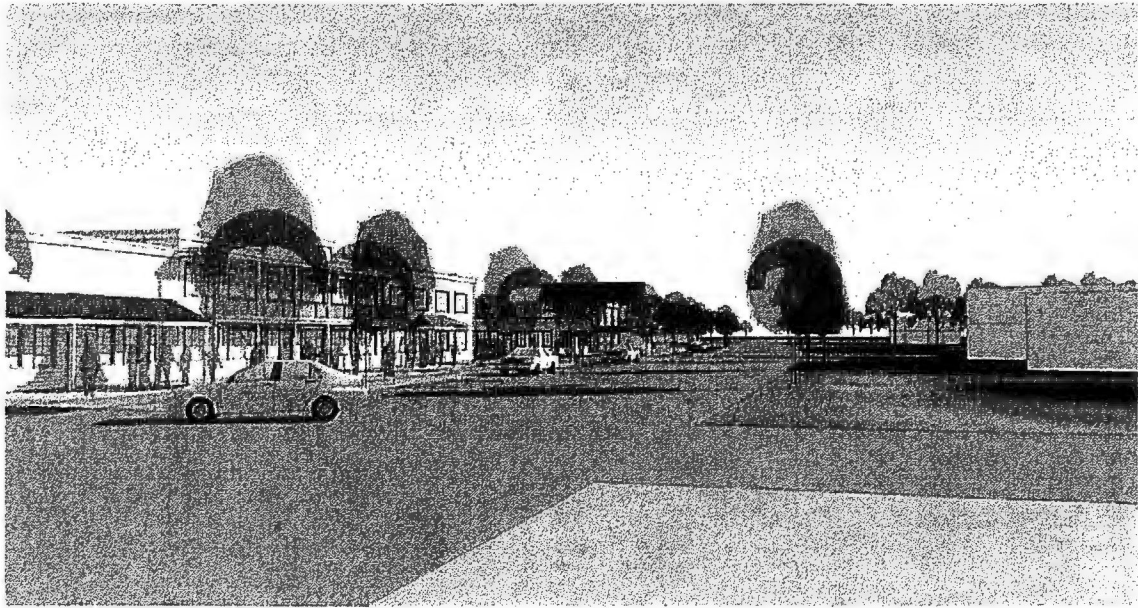
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DATE: 1/18/10

AURORA:  
PROJECT NUMBER:  
REVISION: 0

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Appendix B. Design Review Guidelines for Gateway Properties



### III. LIGHTING STYLES

#### A. Light Fixtures

Based on historic Aurora lighting in which simple, rectangular lanterns were used (as reproduced and hanging on the Ox Barn building at the Old Aurora Colony Museum), street lighting shall be similar to the styles shown below.



The above style is a rectangular lantern hanging from a supporting pole. Very few of this type are available for commercial streets and are probably best for in front of individual businesses, residences or on residential streets. Four or five sided lanterns, sometimes known as a "Paul Revere" lantern are also acceptable. These are widely available for commercial and residential street lighting.

#### B. Pole Fixtures



The three above pole styles are aesthetically balanced with a heavier lower section rather than placing the lantern on a plain cylinder pole.

Appendix B. Design Review Guidelines for Gateway Properties



Not acceptable: The two above cylinder pole styles are not acceptable for Gateway Properties. In addition, attempts to suggest candle lighting rather than gas lighting makes the acorn and globe style lights unacceptable within the Gateway.

MID - WILLAMETTE VALLEY  
COUNCIL OF GOVERNMENTS

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



**FIRST CLASS**

Attn: Plan Amendment Specialist  
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