

PUBLIC NOTICE

AUMSVILLE PLANNING COMMISSION MEETING

Thursday, Jan. 18, 2018 - 6:00 PM

Community Center, 555 Main Street, Aumsville, OR

AGENDA



CALL TO ORDER: 6:00 pm -- Pledge of Allegiance

VISITORS

WELCOME TO NEW COMMISSIONERS / ELECTION OF CHAIR AND VICE-CHAIR

PUBLIC HEARING: DeWilde / Schaefer Partition

1. Open Public Hearing
2. Declaration of Interests
3. Preliminary Matters
4. Opening Statement
5. Staff Report
6. Applicant Testimony
7. Proponent(s) Testimony
8. Opponent(s) Testimony
9. Governmental Agencies
10. General Testimony
11. Questions from the Public
12. Questions from the Commission
13. Applicant Summary
14. Staff Summary
15. Close or Continue the Hearing
16. Deliberation
17. Decision (Recommendations to ACC)

The Planning Commission may either:

1. Approve the partition at 8605 Olney St. SE, File No. 2017-15, for Ed DeWilde for the Richard and Ruth Schaefer property and adopt the findings and the conditions of approval in the January 18, 2018 staff report.
2. Approve the partition at 8605 Olney St. SE, File No. 2017-15, for Ed DeWilde for the Richard and Ruth Schaefer property and adopt the findings and conditions of approval as amended by the Planning Commission.
3. Deny the partition at 8605 Olney St. SE, File 2017-15, because the application does not meet the applicable approval criteria.
- D4. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

PUBLIC HEARING: Amendment to the Aumsville Development Ordinance No. 323

1. Open Public Hearing
2. Declaration of Interests
3. Preliminary Matters
4. Opening Statement
5. Staff Report
6. Applicant Testimony
7. Proponent(s) Testimony
8. Opponent(s) Testimony
9. Governmental Agencies
10. General Testimony
11. Questions from the Public
12. Questions from the Commission
13. Applicant Summary
14. Staff Summary
15. Close or Continue the Hearing
16. Deliberation
17. Decision (Recommendations to ACC)

The Planning Commission may either:

1. Recommend City Council approval of the Aumsville Development Ordinance No. 323 Amendments, adopting the findings contained in the staff report;
2. Recommend City Council approval of the Aumsville Development Ordinance No. 323 Amendments, adopting modified findings and/or conclusions;
3. Make a motion to continue the public hearing to a time certain and indicate the additional information needed to allow for a future decision; or

4. Make a motion to recommend City Council denial of the Aumsville Development Ordinance No. 323 Amendments.

Staff will forward the written recommendation, signed by the Chair, based on the decision of the Planning Commission to the Aumsville City Council.

APPROVAL OF MINUTES -- Sample Motion- I make a motion to approve the Sept. 7, 2017 Planning Commission Minutes as presented.

UNFINISHED BUSINESS

NEW BUSINESS

CORRESPONDENCE

OTHER BUSINESS: Other business may come before the commission at this time.

FUTURE AGENDA ITEMS

- Further updates/changes to Development Ordinance

NEXT MEETING - February 15, 2018

ADJOURNMENT

Anyone wishing to speak on an agenda item should ask to be recognized by the Chair at the beginning of that agenda item. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. Please call (503)749-2030 and leave a message or Oregon Relay service for TDD at (800) 735-2900.



APPLICATION TO SERVE ON THE AUMSVILLE CITY PLANNING COMMISSION

Application MUST be completed to be valid

Length of Appointment:	The balance of the vacated position
Expected Time Commitment:	6 to 8 hours of meeting time per month
Meeting Day and Time:	Typically 1 st & 3 rd Thursdays at 6pm

Qualifications for Office:

- Registered Oregon Voter
- City of Aumsville Resident

Planning Commissioner Responsibilities:

- Ability to become knowledgeable on a wide variety of issues affecting the city.
- Willingness to consider differing opinions in arriving at a position that will be in the best interests of the city as a whole.
- Understanding of how the city operates through its City Charter and how the Planning Commission functions. The City Charter is available at: [www.http://aumsville.us/city-council.html](http://aumsville.us/city-council.html)

Background / Experience which will be useful:

- Ability to make a decision and to accept the will of the majority of your fellow commissioners.
- Good communication skills.
- Prior committee membership in a private or public organization.
- Ability to accept public criticism.
- Sense of humor.

Name: Gus L Bedwell **Date:** 11/01/17

Address: P.O. Box 1255 / 220 N 6th St

City: Aumsville **State:** Oregon **Zip:** 97325

Home Phone: 503-749-1911 **Cell Phone:** 503-507-7490 **Work Phone:** 503-373-2141

Email Address: Bedwellgang@gmail.com

Occupation: Public Servant **Place of Employment:** Oregon Dept. of Veteran Affairs

Are you a registered voter? Yes No **Resident of Aumsville since:** March 2001

Gus L Bedwell 11/01/17
Applicant's signature Date signed

City of Aumsville
595 Main Street
Aumsville, Oregon 97325

Phone: 503-749-2030
Fax: 503-749-1852
www.aumsville.us

APPLICATION TO SERVE ON THE AUMSVILLE
CITY PLANNING COMMISSION

1. Please tell us why you are interested in this position for Planning Commission:

I am a resident of Aumsville. I am interested in seeing Aumsville grow in appropriate ways. I love living in a rural safe community.

2. Describe your background and experience and why your background makes you a good choice for this open position:

I have extensive military and civilian experience in community partnership building. I have years understanding how OARs, ORS, CFRs, and other general laws impact others.

See attached resume & references.

3. What would you like to accomplish as a councilmember:

Make sure growth in Aumsville handles the outcome. I want to make sure as a community when we decide to add or take away something we look at how it will affect us 5 y/10, 15, 20 years from now.

Please attach any other relevant information to this application. Applications must be submitted to Aumsville City Hall, 595 Main St., Aumsville, OR 97325



APPLICATION TO SERVE ON THE AUMSVILLE CITY PLANNING COMMISSION

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- Good communication skills.
- Prior committee membership in a private or public organization.
- Ability to accept public criticism.
- Sense of humor.

Name: Russell A. Snow Date: 12-17-17

Address: 9806 FOX

City: Aumsville State: OR Zip: 97325

Home Phone: NONE Cell Phone: 559-283-2246 Work Phone: NONE

Email Address: slosnw@att.net

Occupation: Chief of Police Place of Employment: RETIRED

Are you a registered voter? Yes No Resident of Aumsville since: 11-13-16

Russell A. Snow 12-17-17
Applicant's signature Date signed

APPLICATION TO SERVE ON THE AUMSVILLE
CITY PLANNING COMMISSION

1. Please tell us why you are interested in this position for Planning Commission:

I would like to represent the citizens of Aumsville to make sure that municipal ordinances are fairly enforced and applied in making decisions concerning the orderly growth of the community benefiting all.

2. Describe your background and experience and why your background makes you a good choice for this open position:

I have 42 yrs experience in law enforcement which includes the interpretation and enforcement of laws, rules, and regulations. I have written policy and procedures manuals. I was president of a 60 unit condo complex and helped create our CCR's and enforce compliance.

3. What would you like to accomplish as a councilmember:

1- A reputation of fair treatment to all citizens
2- obtain a better understanding of how the city functions and serve the community in order to potentially become a member of the city council.

Please attach any other relevant information to this application. Applications must be submitted to Aumsville City Hall, 595 Main St., Aumsville, OR 97325



APPLICATION TO SERVE ON THE AUMSVILLE CITY PLANNING COMMISSION

RECEIVED
DEC 18 2017
BY:

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Qualifications for Office:

- Registered Oregon Voter
- City of Aumsville Resident, resident of Aumsville UGB or Aumsville business owner

Planning Commissioner Responsibilities:

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- Good communication skills.
- Prior committee membership in a private or public organization.
- Ability to accept public criticism.
- Sense of humor.

Name: Cassie Murphy **Date:** 12.15.17

Address: 510 Maple St

City: Aumsville **State:** OR **Zip:** 97325

Home Phone: (503) 743-1069 **Cell Phone:** (503) 391-4773 **Work Phone:** ~~(503) 316-1259~~

Email Address: murphy.cassie71@gmail.com 503 316-3209

Occupation: Bookkeeper **Place of Employment:** Ball of Nylon

Are you a registered voter? Yes No **Resident of Aumsville since:** 2014

Cassie Murphy 12.18.17
Applicant's signature Date signed

APPLICATION TO SERVE ON THE AUMSVILLE CITY PLANNING COMMISSION

1. Please tell us why you are interested in this position for Planning Commission:

I would like to give back to this amazing community

2. Describe your background and experience and why your background makes you a good choice for this open position:

I have been in Special Services for over 25 years and a member of the Aumsville Community for 7 years. I am a broad thinker and someone who knows how to get a job done.

3. What would you like to accomplish as a planning commissioner:

Maintain the amazing community of Aumsville and continue to allow for slow growth.

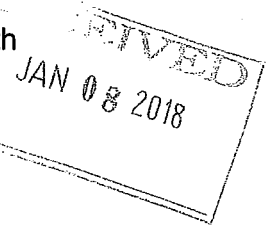
Please attach any other relevant information to this application. Applications must be submitted to Aumsville City Hall, 595 Main St., Aumsville, OR 97325



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- Good communication skills.
- Prior committee membership in a private or public organization.
- Ability to accept public criticism.
- Sense of humor.

Name: Tom Youmans **Date:** 1-8-18

Address: 995 Olney

City: Aumsville **State:** OR **Zip:** 97325

Home Phone: 503 749 1132 **Cell Phone:** 503 580 9294 **Work Phone:** 503 448 7364

Email Address: TRYOUMANS@GMAIL.COM

Occupation: owner **Place of Employment:** Aumsville Mini Storage

Are you a registered voter? Yes No **Resident of Aumsville since:** NO

5576 Radell Salem OR 97317

Applicant's signature Date signed
1-8-18

APPLICATION TO SERVE ON THE AUMSVILLE
CITY PLANNING COMMISSION

1. Please tell us why you are interested in this position for Planning Commission:

I HAVE BEEN IN BUSINESS IN AUMSVILLE
FOR 25 YEARS

2. Describe your background and experience and why your background makes you a good choice for this open position:

BUILDER
LANDLORD
BUSINESS OWNER
AUMSVILLE MM STORAGE
HAVE BUILT MANY BUILDINGS IN AUMSVILLE

3. What would you like to accomplish as a councilmember:

JUST GIVE BACK AND HELP PLAN,
FOR FUTURE

Please attach any other relevant information to this application. **Applications must be submitted to Aumsville City Hall, 595 Main St., Aumsville, OR 97325**

SCRIPT TO BE READ AT COMMENCEMENT OF A QUASI-JUDICIAL LAND USE PUBLIC HEARING

Good evening, **[Introduce yourself and Commission members].**

I will be presiding over this hearing.

This is a public hearing to consider Land Use File #2017-15, a Partition application from Ed DeWilde on behalf of the Schaefers for a property located at 8605 Olney St. SE in Aumsville.

A copy of the agenda and hearing procedures for this meeting is on the table. This hearing is now open.

Oregon land use law requires a statement be made available to those in attendance. The detailed Statement, with the information required under ORS 197.763(5), is printed and available at the back table.

The Planning Commission will consider the application, written and oral testimony and the criteria listed in the Aumsville Land Development Ordinance when making a decision. All testimony, arguments and evidence received during this public hearing must be directed to the approval criteria, or to such other rule, law, regulation or policy which you believe to apply to this case.

If anyone has any questions or objections regarding the Statement or these proceedings, please raise those questions when it comes to your turn to speak during the hearing.

If you testify, please state your name, address, if you support the proposal, are opposed to the proposal or have questions. Please limit your testimony to 3-5 minutes.

Objections

At this time I would ask the audience if there are any objections:

- (1) Are there any objections to the notice that was sent in this case?
- (2) Are there any objections to the jurisdiction of the Planning Commission to hear and consider this case?

[If there are none, announce "there are no objections".]

Declarations of Conflict of Interest, Bias and Ex Parte Contact

I will now ask the Planning Commission members if they are ready to consider the proposal:

(1) Are there any declarations of conflict of interest; ex parte contact or bias by any members of this body?

[if there are, have the Planning Commission member(s) state what the conflict, bias on ex part contact is and whether it will affect their ability to give an impartial vote on the application(s) or they will recuse themselves.]

We are now ready for the applicant's presentation.

Follow the Hearing Agenda Format for the order of the staff report and public testimony.

CLOSING STATEMENT

At the close of the public hearing, please read:

The Planning Commission's decision action may be appealed to the City Council within 14 days of the mailing of the notice of decision by the City. If no appeal is filed, the decision is final.

ORS 197.763(5) STATEMENT INFORMATION REGARDING PROCEDURES FOR LAND USE HEARING

The applicable substantive criteria upon which this case will be decided are found in the Aumsville Comprehensive Plan and the Aumsville Development Ordinance sections which are listed in the staff report.

All testimony, arguments and evidence received during this public hearing must be directed toward these approval criteria, or to such other rule, law, regulation or policy which you believe to apply to this case.

An issue which may be the basis for an appeal shall be raised not later than the close of the record at or following the final evidentiary hearing on this case. Such issues shall be raised with sufficient specificity so as to afford this body, and the parties to this hearing an adequate opportunity to respond to each issue.

The Planning Commission's decision is final, unless it is appealed to the City Council. If the City Council hears an appeal in this case, the City Council's final action may be appealed within 21 days of mailing of notice of the decision to the Oregon Land Use Board of Appeals.

The Presiding Officer over the public hearing reserves the right to limit the time of any presentation. Please try to avoid repetition; if someone else has already expressed the same thoughts, it is perfectly alright to state that you agree with the statements of that previous speaker.

If you have documents, maps or letters that you wish to have considered by this body, they must formally be placed in the record of this proceeding. To do that, either before or after you speak, please leave the material with Planning Staff who will make sure your evidence is properly taken care of.

Prior to the conclusion of the initial evidentiary hearing in this case, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application involved here. Continuances may take the form of holding an additional public hearing with oral testimony allowed, or may consist of holding the evidentiary record open for a period of time designated by the City, for submittal from the public of written evidence.

If you have any questions regarding any of the information contained in this Statement, please voice those questions, or objections at the time you testify. If you do not wish to testify, your questions or objections may be submitted in writing and will be dealt with during the course of the hearing. Any written material must be presented prior to the closure of the record in this case.

Public Hearing Format for Land Use Hearings Before the Aumsville Planning Commission

1. Open Public Hearing
2. Declaration of Interests
3. Preliminary Matters
4. Opening Statement
5. Applicant Testimony
6. Staff Report
7. Proponent(s) Testimony
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16. Deliberation
17. Decision (Recommendations to ACC)

Planning Commission Deliberation & Decision

No public testimony is permitted during the Planning Commission's deliberation. The Planning Commission will normally make a recommendation or a decision on an issue following a public hearing, but may continue their deliberation to either a special meeting or the next regular meeting of the Planning Commission.

Guidelines for Public Testimony:

The Chair of the Planning Commission, as presiding officer, will recognize all speakers. If you wish to testify during the public hearing, please assist the Chairperson by abiding by the following rules:

1. State your name and address.
2. Indicate whether you support the application, oppose the application or wish to offer general testimony. Provide factual evidence and direct your testimony to the decision criteria.
3. Please keep your testimony brief and to the point. Limit comments to 3-5 minutes per person.
4. Direct any questions you have to the Chairperson. The Chairperson will direct your question to the applicant, city staff or other person who may be able to provide an answer.
5. The Chairperson may limit testimony when it is cumulative, repetitive, irrelevant or immaterial to the issues being considered.

AUMSVILLE PLANNING COMMISSION
STAFF REPORT

HEARING DATE: December 14, 2017 (cancelled)
January 18, 2018

STAFF REPORT DATE: December 5, 2017
January 8, 2018 (Revision #1)

FILE NUMBER: 2017-15

APPLICANT: Ed DeWilde, on behalf of the Richard and Ruth Schaefer
39668 Montgomery Drive, Scio, OR 97374

PROPERTY OWNERS: Richard and Ruth Schaefer
8593 Olney St. SE, Salem, OR 97317
rdschaefer@hotmail.com

PROPERTY: 8605 Olney St. SE, Aumsville, OR

<u>Tax lot</u>	<u>Account</u>	<u>Acres</u>	<u>Zoning</u>	<u>Address</u>
082W25B 00300	R30559	32.37	Industrial	8605 Olney St. SE

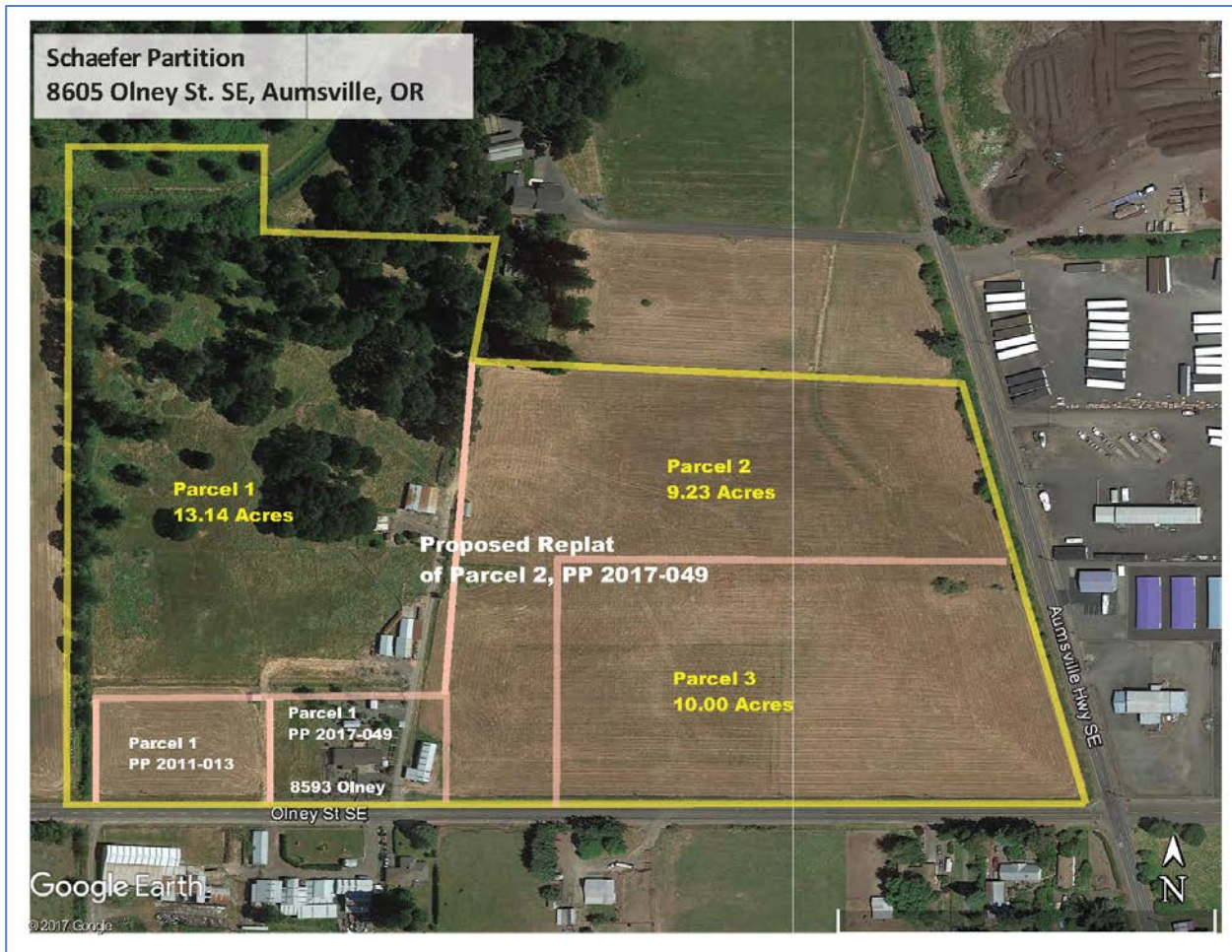
EXHIBITS: EXHIBIT A Application & Proposed Partition Map
EXHIBIT B Marion County Public Works comments
EXHIBIT C City Engineer comments
EXHIBIT D Non-Remonstrance Deferral Agreement for Street
Improvements on Olney Street, recorded August 2, 2017 in
the Marion County Deed Records, Reel 3977, Page 196.

REQUEST: Partition an existing 32.37-acre parcel into three parcels:
Parcel 1: 13.14 acres west portion of site
Parcel 2: 9.23 acres middle and northeast portion of site
Parcel 3: 10.00 acres southeast portion on Olney Street

CRITERIA: Aumsville Development Ordinance (ADO)
▪ Section 8.00 Industrial (I) Zone
▪ Section 20.00 Land Divisions

Aumsville Comprehensive Plan
▪ Chapter II Urbanization & Land Use

Map 1
Schaefer Partition Proposal – Aerial Photo



I. BACKGROUND

A partition is a land division which results in the creation of three or fewer lots in a calendar year. A partition is a Type II Action with a public hearing before the Planning Commission. The Commission's decision is final unless it is appealed to the City Council.

A. Pre-Application Information and Application Submittals:

The City has previously approved a partition and a property line adjustment for the Schaefer property north of SE Olney Street: Partition Plat 2011-013 and Partition Plat 2017-049. Richard & Ruth Schaefer's former home is located on the north side of the street at 8593 Olney Street SE.

This proposal leaves the following parcels intact:

Parcel 1 – PP 2011-013	1.64 acres	vacant lot
Parcel 1 – PP 2017-049	1.57 acres	existing home – 8593 Olney SE

This application proposes to replat Parcel 2, Partition Plat 2017-049 into three large lots.

The applicant proposes to sell proposed Parcel 3, the 10.00-acre parcel, to HP Civil, Inc., a local bridge contractor for construction of a new office/shop and storage yard for bridge construction equipment and materials. HP Civil has executed two purchase agreements for (1) the 10-acre parcel and (2) the balance of the site; subject to City approval of the partition.

On July 12, 2017, the applicant filed an application to partition the 32.37-acre site into three parcels. DS&E Associates prepared the proposed partition plan dated July 3, 2017.

Before the application was deemed complete, the City raised several questions about the proposed lot configuration and public facility improvements for the proposed partition. On September 14, 2017, Mr. DeWilde and Mr. Schaefer met with the City staff to discuss alternative lot configurations and public improvement requirements for the project.

The applicants notified the City in November 2017 that they elected to leave the proposal as originally submitted on July 12, 2017. On Friday, November 10, 2017, the City deemed the application complete. Therefore, the final local decision must be made by March 12, 2018 in compliance with the "120 Day Rule".

B. Notices of Public Hearing:

Notice of any public hearings must be posted on the subject property at least 10 days prior, and written notice mailed to owners of property within 100' of the subject property at least 20 days prior to the Planning Commission public hearing.

Notice of the initial evidentiary hearing was:

- mailed on November 28, 2017;
- posted in three separate places in the City on November 28, 2017;
- posted on the applicant's property on November 28, 2017, and
- published in the December 2017 city newsletter.

The hearing on December 14, 2017 was cancelled due to a lack of a quorum. The hearing was rescheduled to January 18, 2018 at 6:00 p.m. at the Aumsville Community Center.

C. Agency Comments:

On November 13, 2017 the City solicited written comments from affected agencies and requested written comments be returned to the City by November 27, 2017. The City has received the following comments:

Aumsville Fire District: No comments received.

Private Utilities: No comments received.

Marion County Public Works: John Rasmussen, MC Engineering staff, responded via email and submitted written comments on December 6, 2017, attached as Exhibit B. Marion County Public Works recommends the City add several conditions of approval:

" If the development application is approved, MCPW Engineering requests the following Conditions of Approval, lettered A through D, be included in the Staff Report and considered in the City PC Decision.

A. On the partition plat, dedicate a SE property corner clip or radius to be jointly specified by the City and Marion County.

B. Prior to plat approval, record a Non-Remonstrance Agreement that stipulates prior to issuance of building permits, Applicant shall acquire County and City design approval and County construction permits for urban frontage improvements along the Aumsville Hwy property frontage in accordance with appropriate City and County standards.

C. Prior to application for building permits for development of proposed parcels 2 and/or 3, Applicant shall acquire civil site plan review concurrence from MCPW Engineering through the City development review process.

D. Developer shall be responsible to preserve and protect the current PCI rating and structural integrity of Aumsville Hwy and that portion of Olney Street maintained by Marion County to the satisfaction of Marion County Public Works throughout all phases of development. Failure to preserve and protect the road may result in Developer being responsible for replacing or reconstructing the damaged road at their expense.

Marion County Surveyor: Phil Jones, PLS, Marion County Surveyor's office, has provided standard notes on city partition applications.

The final plat must comply with the Marion County Surveyor's requirements and ORS 92.

- 1. *Parcels ten acres and less must be surveyed.*
- 2. *Per ORS 92.050, plat must be submitted for review.*
- 3. *Checking fee and recording fees required.*
- 4. *A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office.*

Aumsville Public Works Director Steve Oslie: Mr. Oslie provided comments regarding existing and planned water, sewer, streets, sidewalks, storm drainage at the site. His comments are included in the public facilities discussion on pages 7-8 of this report.

City Engineer Jim Schuette, JMS Engineering: Mr. Schuette responded on 11-24-2017. *"I have discussed this partition with Steve Oslie, PWS. At this point we have no objection to this partition."*

City Administrator Ron Harding: Mr. Harding stated the staff concurs with granting a deferral of the required public improvements for each parcel in the partition until a site plan application is submitted and approved by the City. Mr. Harding noted the City may financially contribute to the cost of oversizing water main improvements on Olney Street, 11th Street and/or Aumsville Hwy. He concurs with the recommended conditions of approval.

D. Written Public Testimony

Joey Shearer, AICP, Land Use Planner, AKS ENGINEERING & FORESTRY, LLC (on behalf of HP Civil, Inc. the contract purchaser of the site): On January 4, 2018, Mr. Shearer submitted an email with the following testimony.

Regarding Partition 2017-15, please accept these comments on behalf of the contract purchaser of the subject property, HP Civil Inc.

In Koontz v. St. Johns River Water Management District, the U.S. Supreme Court held that exactions of money and property – including street or other public infrastructure improvements – are subject to the “rough proportionality” requirement of Dolan v. City of Tigard. Under the Dolan test, the City bears the burden of proof and must show in its findings that any exaction-type conditions are roughly proportional to the impacts of the project. The Land Use Board of Appeals (LUBA) has determined that if a local government approves a partition with conditions requiring exactions, the local government must ensure that the requirement of Dolan v. City of Tigard, for “individualized determination[s] that the required dedication is related both in nature and extent to the impact of the proposed development” is satisfied. Neuman v. Benton County, 29 Or LUBA 172 (1995). Additionally, only those impacts that reasonably flow from the approval granted may be considered when imposing exactions to ameliorate those impacts. McClure v. City of Springfield, 37 Or LUBA 759 (2000). Consequently, we agree with Staff’s conclusion that it is inappropriate to condition construction of public improvements in an approval of the planned three-parcel partition.

Based on a constructive meeting with City Staff on January 3, 2018, we would request the following amendments be made to Conditions B and C of the Staff Report dated December 5, 2017.

***B. Public Improvement Requirements.** The construction of public improvements on SE Olney Street is not required prior to or concurrently with the recording of this minor partition. ~~However, a new Non-Remonstrance Agreement shall be recorded in the Marion County Deed Records prior to the City and County approval of the final plat.~~*

*~~**C. Non-Remonstrance Agreement.** The Agreement will stipulate the property owner will obtain design approval of the City Engineer and Marion County Public Works for proposed all public improvements in Aumsville Hwy SE and Olney St. SE prior to or concurrently with the issuance of building permits for each parcel. The Developer will be required to either construct the required improvements or provide a performance bond or financial guarantee ensuring the facilities will be constructed. The Agreement shall run with the land.~~*

The provisions “struck through” above, are unnecessary and could result in significant confusion. The provisions are unnecessary because Section 21.03 of the Aumsville Development Ordinance requires Site Development Review for any new construction, development, or change in use that would reasonably be expected to occur on Industrial-zoned property and impact public facilities. Site Development Review may also trigger improvements to public facilities based on the characteristics and needs of the specific use, and allows for the “individualized determination[s]” of impacts and required improvements required by the Dolan test. The Staff Report summarizes various improvements to public facilities which may be necessary based on likely uses in the zone – including those improvements where the City may participate in the cost – but until plans for specific uses and buildings are proposed, it is inappropriate to condition or otherwise require any public improvements.

Non-remonstrance agreements are generally utilized when a City intends to make sanitary sewer, storm sewer, water or street improvements itself, and then form a Local Improvement District (LID) to assess the cost of those improvements against the properties that benefit. It is our understanding that the City does not intend to initiate such projects or create LIDs, and doing so is unnecessary because future development of the subject property would trigger any necessary public improvements through the Site Development Review process as described above.

Thank you in advance for your consideration. We look forward to the opportunity to answer any additional questions you might have at the January 18, 2018 hearing.

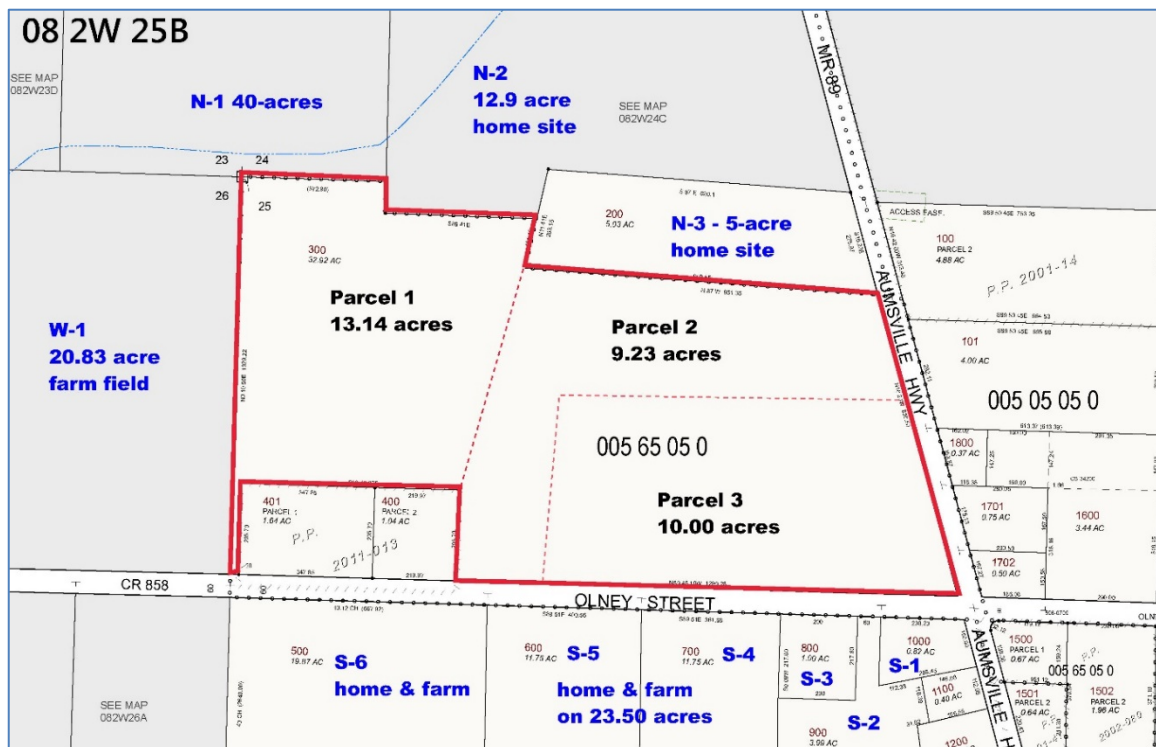
E. Existing Property Conditions

The subject property consists of 32.37 acres in the Industrial (I) zone. The site is generally flat. The northwest corner of the property slopes gently up the hill from a natural drainage swale. The survey map shows the following buildings on the property as of July 1, 2017:

Proposed Parcel 1: Several buildings (1) manufactured home, (2) milk parlor building, (3) a barn and (4) a well pump house building.

Proposed Parcels 2 and 3 are vacant.

Map 2
Schaefer Partition Proposal – Adjacent Parcels and Uses



F. Adjacent Land Uses and Zoning

North: Three parcels are north of the applicants site. Two are outside the Aumsville UGB and are zoned Marion County Special Agriculture (SA)

N-1 A 40-acre parcel. A small stream and wooded area at the rear of this 40-acre site abuts the north edge of Parcel 1.

N-2 A 12.9-acre parcel @ 8702 Aumsville Hwy. This is a home is located just north of Parcel 2.

N-3 A 5-acre home site. There is a home located at the west end of the parcel.

West: A 20.83-acre parcel is west of Parcel 1. It is outside the Aumsville UGB and

zoned Marion County Special Agriculture (SA). This is a cultivated farm field.

South: Six (6) parcels are south of the applicant’s site across Olney St. SE. They are outside the Aumsville UGB and zoned Marion County Special Agriculture (SA)

S-1 8798 Olney St. SE – 0.82-acre home site at the corner of N. 11th St.

S-2 8796 Olney St. SE – 3.96-acre home site with flag lot driveway.

S-3 8794 Olney St. SE – 1.00-acre home site.

S-4 & S-5 8774 Olney St. SE – 23.50-acre home and farm fields. (two lots)

S-6 8604 Olney St. SE – 19.87-acre home and farm.

East: 8700 & 8800 block of Aumsville Hwy SE. All of the properties east of Aumsville Hwy SE and north of Olney Street are located inside the city limits and have been developed for industrial uses.

G. Partition Proposal

The applicant proposes to divide the existing 32.37-acre site into three parcels.

Table 1
Schaefer – Partition

	Proposed Lots	Lot Size	Current use	Address	Zoning
1	Parcel 1	13.14-acres	Mobile Home, Milk parlor, Barn and Well	8605 Olney St. SE	Industrial
2	Parcel 2	9.23-acres	Vacant	None	Industrial
2	Parcel 3	10.00-acres	Vacant	None	Industrial
Total Acres		32.37 acres			

II. STAFF FINDINGS

AUMSVILLE DEVELOPMENT ORDINANCE (ADO)

8.00 Industrial Zone Requirements.

ADO sections 8.01 to 8.10 list basic zoning requirements for allowed uses within the Industrial (I) zone in the City of Aumsville.

FINDINGS: The Industrial zone permits manufacturing, construction, transportation, large retail and wholesale trade businesses, utilities and other similar uses. Some agricultural, manufacturing and services may be permitted as a conditional use.

The applicants propose to partition the 32.37 acres into three parcels. No site plan showing new buildings, access driveways, or utility extensions are included in the application. When new buildings are proposed, a new site review application is required and the development must comply with the City’s site plan review requirements in ADO Section 21.

Sections 8.04 and 8.05 state there are no minimum lot area or lot width requirements. The City finds standards in ADO 8.01 to 8.10 do not apply to the partition proposal. The proposal complies with ADO Section 8.

20.30 Partitions

20.31 to 20.38 Partition Requirements

Sections 20.31 to 20.38 identify the requirements for the application, review, approval criteria and decision process for a partition. Section 20.34 includes the application requirements.

FINDINGS: The applicant submitted a partition application and proposed survey map in compliance with the application requirements. The City finds the application is complete. The Planning Commission is the decision authority.

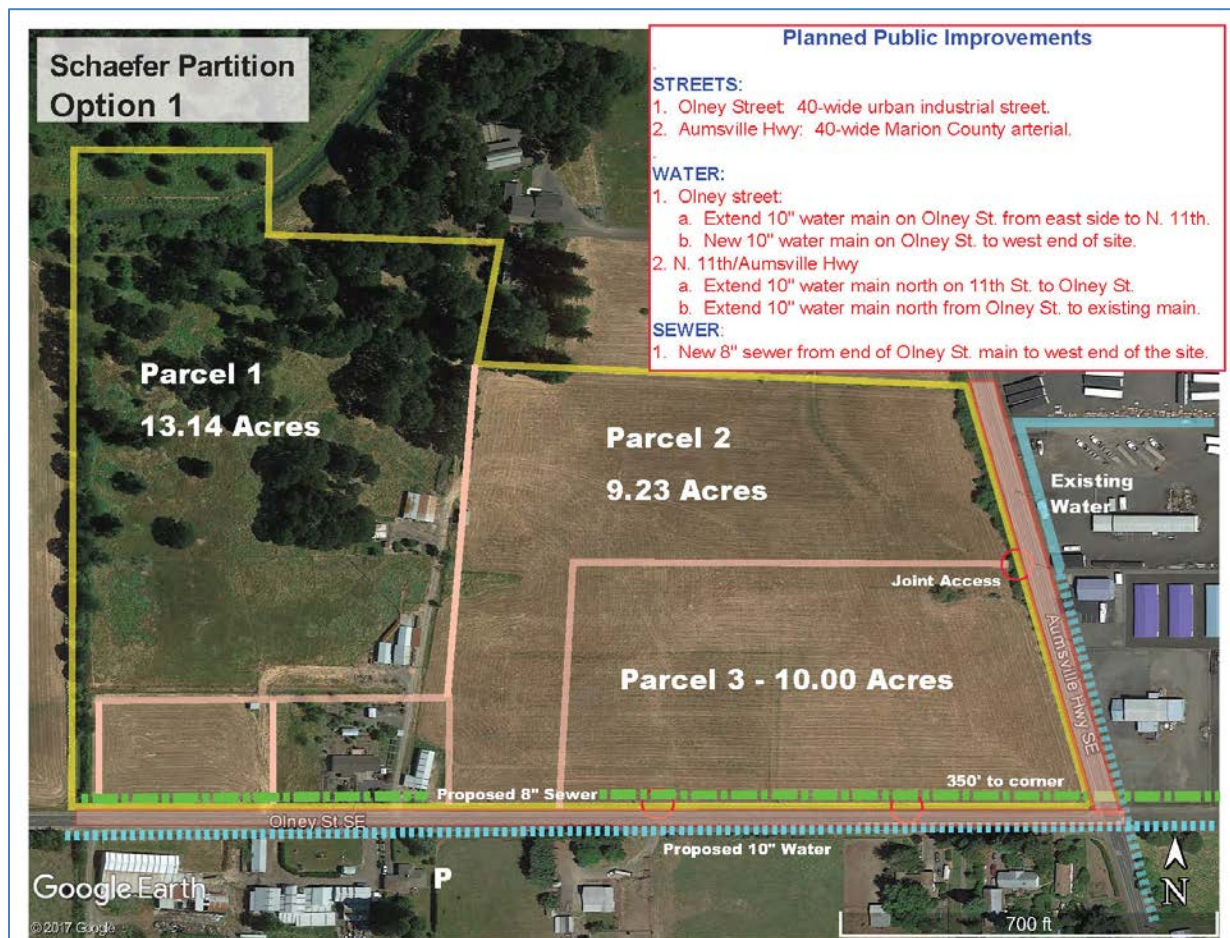
20.35 Decision Criteria

20.35 (A) Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.

FINDINGS: ADO Sections 8.04 and 8.05 state there are no minimum lot size or lot width requirements for parcels in the Industrial zone. The proposal complies with Section 20.35 (A).

Map 3

Planned Public Improvements Adjacent to the Schaefer Partition Site



20.35 (B) Adequate public facilities shall be available to serve the existing and newly created parcels.

FINDINGS: Public improvement requirements for a partition are identical with those of a subdivision. The City and property owner should plan for the full development of the site to ensure all streets and utilities will be provided to each parcel.

Existing Public Improvements:

Streets: Olney Street: Olney Street is a City street. The street is a turnpike style rural street with a 20+/- AC pavement and shoulder ditches. The Aumsville Transportation System Plan identifies Olney St. SE as an urban collector.

Aumsville Highway: Aumsville Hwy is a Marion County road. The street is a turnpike style street with a 30' +/- pavement with two 11-12' travel lanes and 4'+ shoulders. Aumsville Highway is planned as an urban arterial in the City of Aumsville Transportation System Plan.

Water: The site is not served by City water. There is an existing 8" water main on the east side of Aumsville Hwy across from Parcel 2 that serves some of the industrial properties north of Olney St. It is not looped.

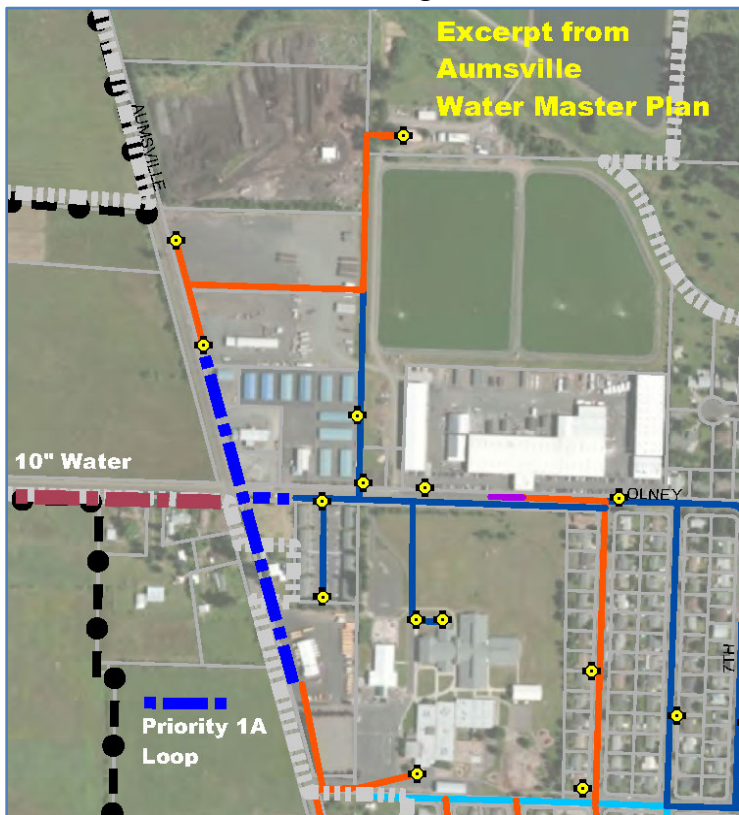
Sewer: The site is not served by City sewer.

Planned / Required Improvements Prior to or Concurrently with Development:

Streets: Olney Street: Construct frontage improvements for a 40' urban collector with curbs, gutters and storm drainage facilities.

Aumsville Hwy: Construct frontage improvements for a 40'-wide urban arterial, with curbs, gutters and storm drainage facilities.

Water: The Aumsville Water Master Plan (Keller Associates, 2015) calls for an 8"/10" loop on Aumsville Hwy & Olney Street as Priority 1A. to correct water fire flow deficiencies in the NW corner of the City.



Map 4
Priority 1A
Water System Improvements

Water Improvements to serve Schaefer Property:

In a future Site Development Review (SDR) application for industrial development, the applicant will need to submit a water system analysis, including domestic usage and fireflow demands for the project. In the analysis, the applicant's engineer will identify the fireflow requirements and minimum water main size needed to serve the proposed industrial development.

In its review of an SDR application, the city and developer will explore options for making Priority 1A water system improvements to address the fireflow deficiencies in the Olney/N. 11th/Aumsville Hwy area. Prior to, or concurrently with, the approval of a Site Development Review (SDR) application and issuance of a building permit on any parcel, the developer may be required to install water system improvements proportional to the impact of the development along the frontage of the parcel which may include:

- Aumsville Hwy: 10" or 12" water main extension (north of Olney St.)
- Olney Street SE: 10" water main (west of Aumsville Hwy).

The Public Works Department may allow a water service to the existing 6" main on the east side of Aumsville Highway depending on the timetable for design and construction of the Priority 1A water system improvements.

The City may participate in the cost of oversizing or extending water mains in the Priority 1A area.¹

Sewer: Install a new 8" sewer main on Olney St. SE. The new main will extend from the end of the existing sewer line in SE Olney Street at the Community Garden site west on Olney St. to the west end of the project site.

The City concludes adequate public facilities are available, or can be extended, to serve the development site concurrently with the issuance of building permits.

Joey Schearer, land use planner for HP Civil, Inc., has submitted testimony agreeing with the staff recommendation to defer improvements until a Site Development Review application is submitted for any of the lots on the site. The proposal can comply with Section 20.35 (B).

The staff recommends Condition B to be included to defer construction of public improvements until site development, when the extent of the required improvements can be determined based on the scope and impact of a proposed industrial development project.

¹ Examples:

1. If an 8" water main is needed, the City will pay for the proportionate share of the cost to upsize the water main from an 8" main to a 10" or 12" main.
2. If a 10" water main is needed to provide required fireflows to any industrial development, then the City will not pay any share of the cost for installing a 10" main.
3. If a 10" water main is needed to provide required fireflows to any industrial development and the City requires a 12" water main, then the City will pay for the proportionate share to upsize the water main from a 10" main to a 12" main.

20.35 (C) *The partitioning shall comply with the applicable design criteria in ADO Section 20.70. [Sections 20.71 to 20.79].*

FINDINGS: Findings for the public works design requirements in Sections 20.71 to 20.79 are addressed below.

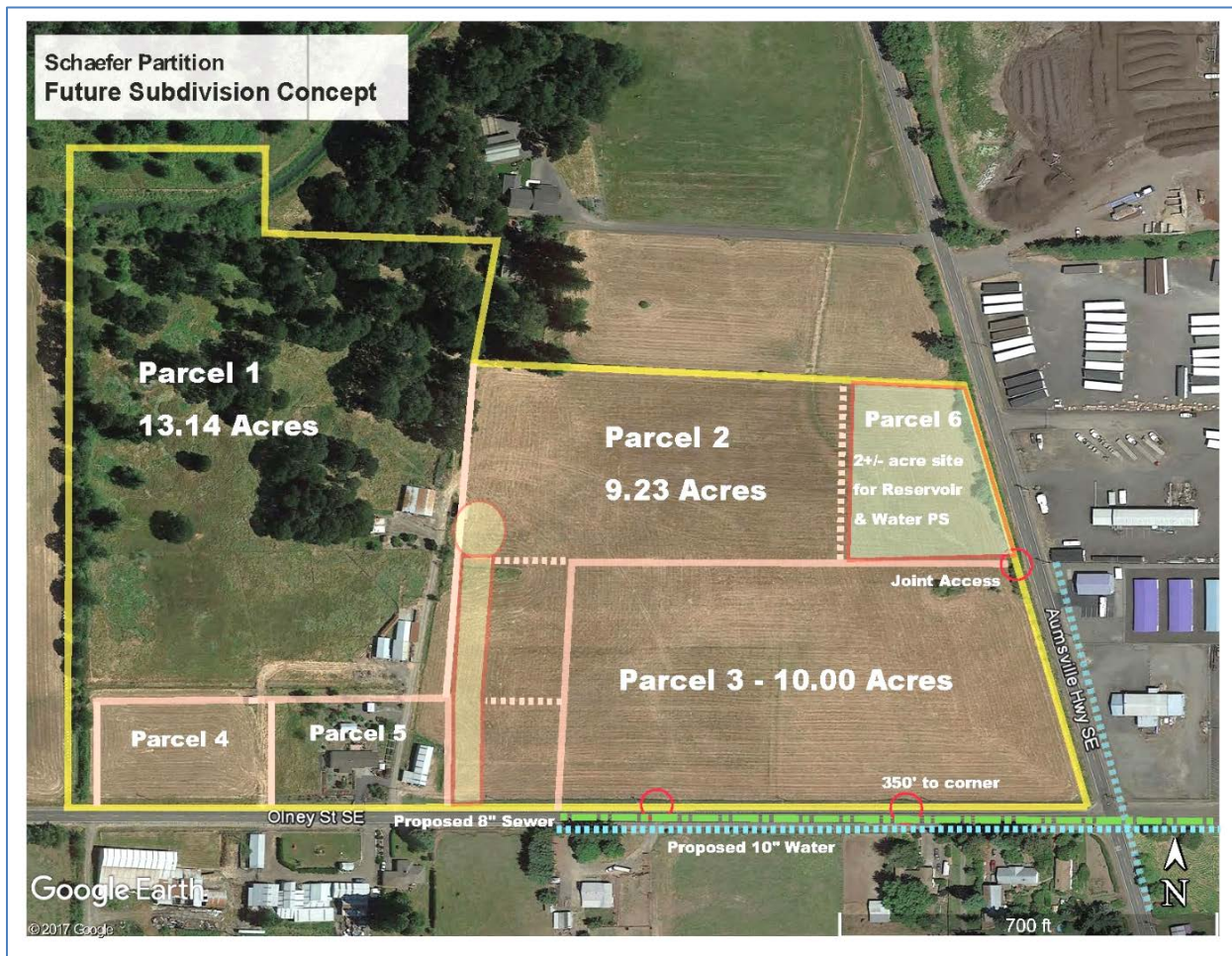
20.70 Design Standards

20.71 Design Standards for Lot and Block:

20.71 (A) *Development shall provide for the continuation or projection of existing public streets in surrounding areas or conform with the plan for the neighborhood or any development plan adopted by the Commission.*

FINDINGS: The partition does not propose any new streets. Depending on the type of industrial development on the site, a new industrial street can be constructed on Parcel 2 to serve a future industrial park. The proposal complies with Criteria 20.71 (A).

Map 5
Schaefer Partition - Future Subdivision Concept



20.71 (B) *Lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the requirements of this ordinance....*

FINDINGS: The lots are configured so as to allow for industrial buildings meeting the setback requirements, compliance with fire code requirements for access, and to allow for future extension of streets and public utilities. The proposal complies with Criteria 20.71 (B).

20.71 (C) *Lot dimensions shall comply with the minimum standards of this ordinance. When lots are more than double the minimum area designated by the district, the approval authority shall require that such lots be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to serve such potential lots.*

FINDINGS: There are no minimum lot size and dimensional standards in the Industrial zone. Parcels 1 and 2 can be redeveloped in the future. Map 5 above shows one example showing an industrial subdivision concept. Note: *This concept plan is not proposed by the applicant. It shows potential for future redevelopment.* The proposal complies with 20.71 (C).

20.71 (D) *Double frontage lots shall be avoided When driveway access from arterials is necessary for several adjoining lots, the Commission shall require that such lots be served by a combined access driveway in order to limit possible traffic hazards on such streets. The driveway should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials.*

FINDINGS: There are no double frontage lots. Aumsville Hwy is a Marion County road. No access permit is requested as part of this partition. If a future owner of Parcel 2 or Parcel 3 requests an access permit from Marion County Public Works, the City and Marion County Public Works may require a joint access driveway to serve both parcels. No condition of approval is recommended with this partition proposal. The proposal complies with Section 20.71 (D).

20.71 (E) *The side property lines of a lot shall, as far as practical, run at right angles to the street upon which it faces, except that on a curved street the side property line shall be radial to the curve.*

FINDINGS: The side property lines are as close to right angles with both the Aumsville Hwy and Olney Street ROW lines. The proposal complies with Section 20.71 (E).

20.71 (F) *Blocks shall not exceed 600 feet between street lines unless the adjacent layout or special conditions justify greater length. Except where topography or other physical features make it otherwise, block widths shall not be less than 200 feet or more than 400 feet.*

FINDINGS: Not applicable. There are no new streets proposed. The concept plan shows a future street into the site will be approximately 1000' west of Aumsville Highway.

20.71 (G) Cul-de-sacs shall be as short as possible and shall have a maximum length of 400 feet. In any residential division, no more than 5 lots shall have access on a cul-de-sac bulb except that additional lots may be permitted where one additional off-street parking space is created for each lot which has access on the bulb. The minimum frontage of a lot on a cul-de-sac shall be 20 feet as measured perpendicular to the radius. Cul-de-sacs and dead-end streets shall have turn-around with a radius of not less than 45 feet to the curb line.

FINDINGS: Not applicable. There is no cul-de-sac proposed.

20.71 (H) Lots are required to have frontage on a public right of way. A private access easement does not fulfill this requirement.

FINDING: All lots have frontage on a public street. The applicant has preserved a 20' access to Olney Street at the west end of Parcel 1. The proposal complies with Section 20.71 (H).

20.72 Public Improvement – General Provisions:

FINDINGS: Section 20.72 requires all public improvements to be designed in accordance with the City of Aumsville's public works design standards and construction specifications. Any improvements required as a condition of approval must be designed by the applicant's engineer and then approved by the City Engineer. The proposal can comply with the requirements of Section 20.72.

20.73 Streets:

20.73 (A) General Provisions.

- 1. No land use approval or building permit shall be issued unless the development has an approved irrevocable access to a public street. Streets, sidewalks and bikeways within a development shall be improved in accordance with this ordinance. Any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this ordinance.*

FINDINGS: All parcels have access to a public street. The partition plat shows Aumsville Hwy has a 60'-wide ROW and Olney Street SE has a 60'-wide ROW.

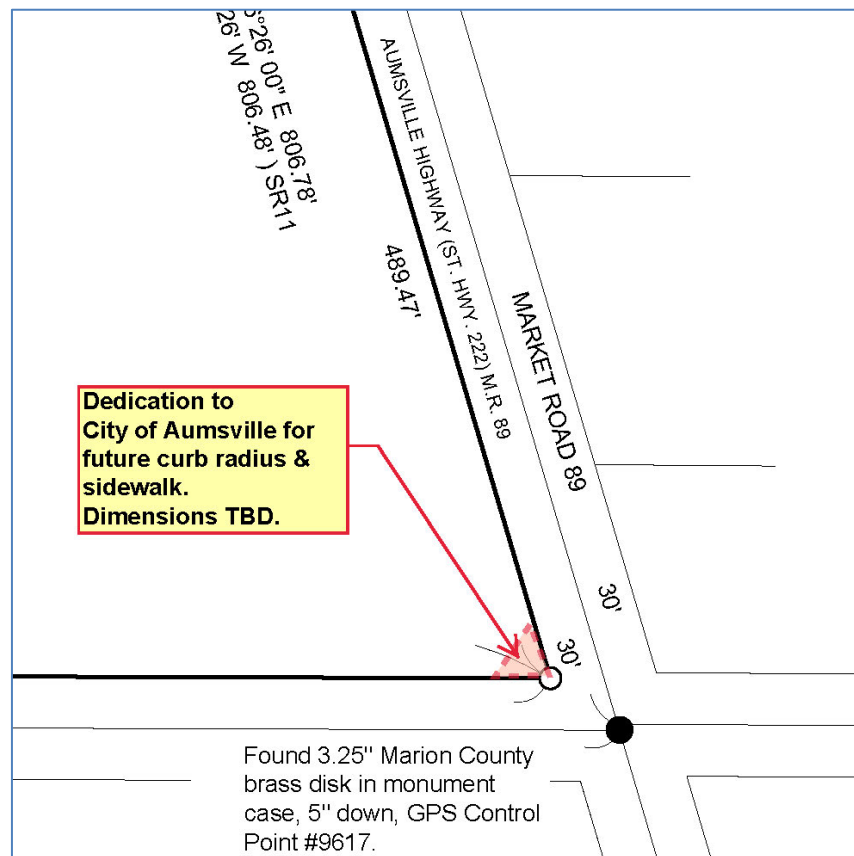
Marion County Public Works addresses the Aumsville Hwy ROW width in their December 6, 2017 comments. They note the City and County have previously agreed that the 60' ROW on N. 11th St. (Aumsville Hwy) south of Olney Street is adequate under the assumption that no turn lanes or center lane are planned from Olney Street to Main Street. Marion County notes that if a turn lane or center lane are needed on Aumsville Highway north of Olney St. SE, then the 60'

ROW width will not be adequate and “dedication of R/W could become a stipulation for future development of the property.”

Due to the angle of the intersection at Aumsville Hwy SE & Olney St. SE, and the Industrial zoning on the property, the Planner, Marion County Public Works Department and Public Works Director recommend the applicant dedicate a triangular area at the corner of the site on the final partition plat. The applicant’s engineer should recommend dimensions for review and approval by the City Engineer and Marion County Public Works.

A condition of approval is recommended to dedicate land for the intersection on the final partition plat. A map showing the approximate location of the proposed dedication is shown below. The proposal can comply with Section 20.73 (A).

Map 6
Right-of-Way Dedication Area



20.73 (B) *Location, Width.* The location, width and grade of all streets shall conform to the TSP and shall be considered in their relation to existing and planned streets . . .

20.73 (C) *Street Extensions.* Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed...

20.73 (D) *Alignment.* As far as practical, streets shall be dedicated and constructed in alignment with existing streets . . .

- 20.73 (E) *Intersections.* Streets shall be laid out so as to intersect as nearly as possible at right angles. Proposed intersections of two streets at an acute angle of less than 80 degrees is not acceptable. An oblique street should be curved approaching an intersection to provide at least 100 feet of street at right angles with the intersection. Not more than 2 streets shall intersect at anyone point.
- 20.73 (F) *Dead-end streets longer than 400 feet may be approved by the Commission if no other feasible means is available for development of the property . . .*
- 20.73 (G) *Partial Streets.*

FINDINGS: No new streets are proposed, therefore Criteria 20.73 (B) to 20.73 (G) do not apply to the proposal.

- 20.73 (H) *Existing Streets. Full street improvements to all existing streets adjacent to, within or necessary to serve the development shall be required at the time of partitioning or subdivision unless the developer demonstrates to the satisfaction of the city engineer that the condition and sections of the existing streets meet all city standards and are in satisfactory condition to handle projected traffic loads.*
- 20.73 (I) *¾ Street Improvements. ¾ streets, while generally not acceptable, may be approved in lieu of full street improvements where essential to the reasonable development of an area and when the city finds it to be practical to require the completion of the other ¼ street improvement when the adjoining property is developed. ¾ street improvements shall not be allowed unless the following criteria are met:*
1. *The adjoining land abutting the opposite side of the street is undeveloped; and*
 2. *The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary; and*
 3. *The proposed street improvement will encompass the entire paved surface of the existing street.*
- 20.73 (L) *Arterial Access. Where a development abuts or contains an existing or proposed arterial street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts.*

FINDINGS:

Aumsville Hwy is a Marion County arterial street. Olney St. SE is a City of Aumsville urban collector. The existing streets do not comply with the urban street standards of either Marion

County or the City of Aumsville. The City and County engineers will work together to approve a design and construction of street improvements on these streets at the time of development.

The City typically requires full or $\frac{3}{4}$ street improvements as part of any subdivision or partition. Street improvements must be constructed prior to the issuance of any building permits.

As part of Partition 2011-13, the Aumsville Planning Commission allowed the property owner to execute a non-remonstrance agreement that stipulates the City may require the current or future owner to construct full street improvements prior to or concurrently with the issuance of a building permit. This agreement was not signed or recorded until August 2017 (See Exhibit D). It applies to the lots at the west end of Olney St. SE. The agreement will remain in effect until the improvements are constructed and the City terminates the agreement.

1. Aumsville Hwy Frontage: In the December 6, 2017 letter from John Rasmussen, Marion County Public Works, agrees to defer requirements for driveway approach and frontage improvements until a site plan review application is submitted. The County recommends:

Prior to plat approval, record a Non-Remonstrance Agreement that stipulates prior to issuance of building permits, Applicant shall acquire County and City design approval and County construction permits for urban frontage improvements along the Aumsville Hwy property frontage in accordance with appropriate City and County standards.

The property owner is advised Marion County will require the following at the time of site plan approval:

- *Access Permit and Driveway Approach to Marion County PW Design Standards. The exact location of driveway access points will be established to ensure safe turning motions on both Aumsville Hwy and Olney St. SE.*
 - *$\frac{3}{4}$ Street improvements including curb, gutter, sidewalk, pavement widening.*
 - *Dedication of additional ROW if a turn lane/ center lane is needed on Aumsville Hwy.*
 - *Preserve and protect the current PCI rating and structural integrity of Aumsville Hwy SE and any portion of Olney St. SE maintained by Marion County. Failure to preserve and protect the road may result in the Developer being responsible for replacing or reconstructing the damaged roadway at the Developer's expense.*
2. Olney Street Frontage: The City Public Works staff has agreed to defer requirements for driveway approach and frontage improvements under terms of the existing non-remonstrance agreement until a site plan review application is submitted. The property owner is advised the City will require the following improvements at the time of site plan approval on any of the lots:
 - *Access Permit and Driveway Approach to City of Aumsville PW Design Standards*
 - *$\frac{3}{4}$ street improvements including curb, gutter, sidewalk, pavement widening constructed to City of Aumsville PW Design Standards*

The proposal can comply with the requirements of Sections 20.73 (H), 20.73 (I) and 20.73 (L).

Joey Schearer, ACIP, land use planner for HP Civil, Inc., submitted testimony objecting to a condition of approval requiring a non-remonstrance agreement for future street improvements as part of the City's approval of this partition. His testimony (*on pages 4 and 5 of this staff report*) notes any city public improvement exactions must comply with prior case law rulings. Required public improvements need to be based on an "*individualized determination*" and be "*roughly proportional*" to the development proposed. In this case, Mr. Schearer notes the City does not know the final scope of the proposed industrial development on any of the parcels.

Mr. Schearer concurs with the city staff recommendation in Condition B to defer public improvements. He requests the City remove the requirement for a non-remonstrance agreement as listed in Condition C of the original December 14, 2017 staff report for this application.

The City staff concurs the City can address public improvement requirements at the time the applicant submits a "Site Development Review" application for any of the parcels within the partition. This January 8th staff report ***modifies the conditions of approval to remove the requirement to execute a non-remonstrance agreement with this partition.***

- 20.73 (J) *Slope and Curves.*
- 20.73 (K) *Railroad Right-of-Way and Intersections.*
- 20.73 (M) *Private Streets.*
- 20.73 (N) *Traffic Signals*
- 20.73 (O) *Street Names*
- 20.73 (P) *Street Signs*
- 20.73 (Q) *Bikeways*
- 20.73 (R) *Sidewalks*

FINDINGS: Criteria 20.73 (J), 20.73 (K) and 20.73 (M) through 20.73 (R) do not apply to this partition proposal. Some of them will apply at the time the street improvements are designed and constructed.

20.74 Utilities:

- 20.74 (A) *Undergrounding. Except as otherwise provided, all utility lines, cables, or wires, including but not limited to those used for electricity, communication, street lighting, and cable television, constructed upon or within land subdivided or prepared for development after the effective date of this ordinance, shall be required to be placed underground.*
- 20.74 (B) *Future Installations. The owner or contract purchaser of subdivided real property within a subdivision shall provide in the instrument conveying such interest, a covenant not to erect or allow to be erected upon the property conveyed, any overhead utility facilities, except such facilities as are exempt from underground installation. Such covenant shall require grantees to install, maintain, and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plat.*

20.74 (C) *Easements.* A property owner proposing a development shall make arrangements with the city and each utility franchise for the provision and dedication of utility easements necessary to provide full service to the development. The standard width for public utility easements adjacent to street right-of-way shall be 7 feet.

FINDINGS: Utilities for any new industrial building or facility shall be placed underground. A 7' wide utility adjacent to the Aumsville Highway and Olney St. SE right—of-way must be shown on the final partition plat. **A condition of approval is recommended to provide a 7' PUE on the final plat.** The proposal can comply with Section 20.74.

All new buildings and facilities on Parcels 1, 2 and 3 will be placed underground, unless a written exception is granted by the City of Aumsville. Installation of underground utilities will be addressed as part of a site plan review for each parcel within the partition.

20.75 *Sanitary Sewers*

20.76 *Storm Drainage*

20.77 *Water System*

20.79 *Pedestrian/Bicycle Accessways*

FINDING: Existing and planned sewer, water, storm drainage and bike/pedestrian improvements are reviewed under Section 20.30 "Partitions" of this report. Urban type water, sewer and storm drainage facilities have not been extended to any of the proposed lots. Water, sewer and storm drainage improvements must be provided to each lot prior to or concurrently with development. The improvements must comply with the applicable City of Aumsville or Marion County public works design standards.

Staff recommends the City defer the construction of water, sewer, storm drainage and/or bicycle/pedestrian improvements until the City requires improvements concurrently with a Site Development Review and issuance of a building permit on each parcel. **Condition of Approval B defers the construction of public improvements.**

The property owners are advised that after Site Development Review approval no building permits will be issued until water, sewer, storm drainage and/or bicycle/pedestrian improvements for each building site are either constructed or secured through a performance bond or similar financial guarantee.

20.78 *General Provisions:*

20.78 (A) *Improvements for Partitions.* The same improvements shall be installed to serve each building site of a partition as is required of a subdivision.

FINDING: None of the required improvements are being installed prior to the recording of the final plat. **Condition of Approval B defers the construction of public improvements.**

20.78 (B) *Property Monumentation.*

FINDING: Monumentation to County and State standards is required before recording the partition plat.

V. CONCLUSION AND RECOMMENDATION

Based on the findings contained in this report, the City staff concludes that the application complies with the criteria and recommends approval of the partition, subject to the following conditions of approval:

- A. **Approval and Final Plat.** The partition application by Ed DeWilde for the Richard and Ruth Schaefer property at 8605 Olney St. SE, as shown on the proposed partition map dated July 3, 2017, is hereby approved.
 1. **Final Plat:** A final partition plat shall be prepared by a registered land surveyor. The final plat shall comply with applicable requirements of the Marion County Surveyor and ORS Chapter 92 and be recorded in Marion County no later than December 31, 2018. The plat shall be recorded prior to the sale of any of the parcels.
 2. **ROW Dedication:** The final plat shall include dedication of a triangular area at the intersection of Aumsville Highway and Olney Street SE. The exact dimensions of the ROW dedication shall be approved by the City Engineer and Marion County Public Works.
 3. **Easements:** The final plat will show a 7' wide PUE adjacent to Olney St. SE and Aumsville Highway SE.
- B. **Public Improvement Requirements.** The construction of public improvements is not required prior to, or concurrently with, the recording of this partition.
- C. **Future Buildings:** The applicant is advised that no building permits will be issued for any lot within this partition until:
 1. The final partition plat has been recorded with Marion County.
 2. A site plan review for any individual parcel is approved by the Aumsville Planning Commission.
 3. A Type B Construction Permit is obtained from the City of Aumsville for any required street frontage, bicycle/pedestrian facilities, water, sewer, and storm drainage improvements in the City's Olney Street SE ROW, including a performance bond or other financial performance guarantee.
 4. A Public Works Construction Permit is obtained from Marion County Public Works for any required street frontage, bicycle/pedestrian facilities, water, sewer, and/or storm drainage in Marion County's Aumsville Highway ROW including a performance bond or other financial performance guarantee.
- D. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

VI. PLANNING COMMISSION OPTIONS

- A. Approve the partition at 8605 Olney St. SE, File No. 2017-15, for Ed DeWilde for the Richard and Ruth Schaefer property and adopt the findings and the conditions of approval in the January 18, 2018 staff report.
- B. Approve the partition at 8605 Olney St. SE, File No. 2017-15, for Ed DeWilde for the Richard and Ruth Schaefer property and adopt the findings and conditions of approval as amended by the Planning Commission.
- C. Deny the partition at 8605 Olney St. SE, File 2017-15, because the application does not meet the applicable approval criteria.
- D. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

PARTITION PLAT No. 2017-_____

A replat of Parcel 2, Partition Plat No. 2017-049, located in the Northwest Quarter of Section 25, Township 8 South, Range 2 West, Willamette Meridian, City of Aumsville, Marion County, Oregon

MARION COUNTY
T 8 S R 2 W
S 23 | S 24
S 26 | S 25

INITIAL POINT
Found 3.25" aluminum disk at the NW corner of Section 25, per SR17, down 0.3'

2008 SURVEYOR MCSR 37652

Found fence line intersection 19' west of property corner. Found 5/8" rebar no cap per SR11, Flush with ground.

Found 5/8" rebar no cap per SR11, 0.5' south, up 0.2', in concrete fence post base

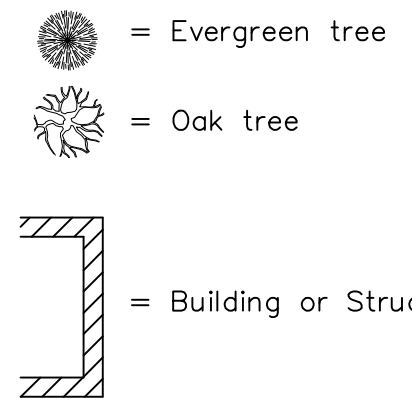
Found 5/8" rebar no cap per SR11, up 0.1', 1' west of fence line.

Found 3/4" iron pipe per SR5, 0.2' south, up 0.2', 1' west of fence line, in concrete base

Found 3/4" iron pipe per SR5, up 0.2', 3' east of fence line

Legend

- = Found monument (as noted)
- = Set 5/8" rebar with yellow plastic cap "DEWILDE PLS 51507"
- MCSR = Marion County Surveyor Record
- MCDR = Marion County Deed Record
- MCSO = Marion County Surveyors Office
- YPC = Yellow Plastic Cap
- () = Record data
- R + M = Record and Measured



V.B. GARVER TRACT
VOLUME 661, PAGE 432

PARCEL 1
13.14 AC

PARCEL 2
9.23 AC

Partition Plat
2017-049
Parcel 2

PARCEL 3
10.00 AC

Record Information

- SR 1 = MCSR 013279
- SR 2 = MCSR 015842
- SR 3 = MCSR 017053
- SR 4 = MCSR 020086
- SR 5 = MCSR 020705
- SR 6 = MCSR 025878
- SR 9 = MCSR 026056
- SR 10 = MCSR 026370
- SR 11 = MCSR 026804
- SR 12 = MCSR 028299
- SR 13 = MCSR 031953
- SR 14 = MCSR 032364
- SR 16 = MCSR 037630
- SR 17 = MCSR 037652
- SR 18 = MCSR 038418
- SR 19 = PARTITION PLAT 78-187, MCSR 27497-A
- SR 20 = PARTITION PLAT 2001-14, MCSR.
- SR 21 = PARTITION PLAT 2001-47, MCSR.
- SR 22 = PARTITION PLAT 2002-80, MCSR.
- SR 23 = PARTITION PLAT 2011-013, MCSR.

Basis of Bearings

The west line of the Northwest Quarter of Section 25, Township 8 South, Range 2 West, Willamette Meridian, bears N00°10'50"E as shown on Record of Survey, MCSR 26804.

N 89°48'07" W 1185.19'

1185.19' R+M PER PARTITION PLAT 2017-49

BASIS OF BEARING
N 00°10'50" E 1029.18'
(N 00°10'50" E) SR23

(1029.37)SR16
(1029.22)SR11, SR19, SR23
(N 00°09'03" E 1029.21)SR17

S 89°48'07" E 20.00'

S 89°48'07" E 681.82'
(S 89°48'40" E) SR11

114.00'

Found 5/8" rebar with YPC "DEWILDE PLS 51507" flush with ground.

347.85'
Found 5/8" rebar with YPC per SR23, flush with ground, on all corners of Partition Plat 2011-013.

219.97'
(219.97) SR23

Found 5/8" rebar with YPC per SR23

2011-013
PARCEL 1
Partition Plat
2011-013

Partition Plat
2017-049
PARCEL 1

Found 5/8" rebar with YPC per SR23

Found 5/8" rebar with YPC "DEWILDE PLS 51507" flush with ground.

Found 3/4" iron pipe per SR24, up 0.4'

N 00°10'50" E 205.70'

N 00°10'50" E 205.70'

N 00°10'50" E 205.70'

N 89°48'07" W 347.85'

N 89°48'07" W 219.97'

114.00'

172.07'

20.00'

N 89°48'07" W 1927.18'
(N 89°48'40" W 1927.40') SR5
(1927.17) SR23
(1927.70) SR9

333.97'

114.00'

172.07'

N 89°48'07" W 1185.19'

1185.19' R+M PER PARTITION PLAT 2017-49

1013.12'

Found 3.25" Marion County brass disk in monument case, 5" down, GPS Control Point #9617. Per SR23.

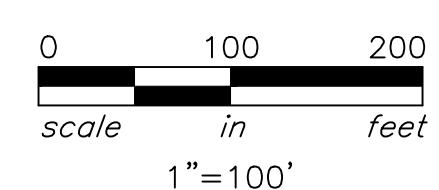
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 1999
EDWARD M. DEWILDE
#51507 LS

EXPIRES: 12/31/17

EDWARD M. DEWILDE, OR PLS 51507

DSE & ASSOCIATES
39668 MONTGOMERY DR
SCIO, OR 97374
PH 541-951-8558
FX 503-853-7996



PROPOSED PARTITION PLAT 2017-_____
RICHARD & RUTH SCHAEFER TRUST
8605 OLNEY ST. SE.
SALEM, OR 97317

SIZE: 18X24	CAD: EMD	SURVEY DATE: 24 MAY 2017 - 3 JULY 2017	REV
SCALE 1" = 100'		SHEET 1 OF 2	

DSE & ASSOCIATES MAKES NO WARRANTIES AS TO MATTERS OF UNWRITTEN TITLE SUCH AS ADVERSE POSSESSION, ACQUIESCENCE, ESTOPPPLE, ETC.



City of Aumsville



595 Main St., Aumsville, OR 97325
Office (503) 749-2030 -- FAX: (503) 749-1852
Email: cityadministrator@aumsville.us

FOR OFFICE USE ONLY	
Filing fee: \$1000	
Date Rec'd/Fee Pd	
Receipt No.	

If the actual cost to process and review the application by contracted or full time staff exceeds the application fees above, the applicant will be responsible for the excess charges. The fees above would be considered a deposit toward the actual cost. The city council may, at its discretion, waive some, or all, charges for the processing of applications when determined to be in the public interest.

PARTITION APPLICATION TYPE II ACTION

SITE ADDRESS/LOCATION: 8605 OLNEY ST SE

APPLICANT: ED DEWILDE

ADDRESS: 39668 MONTGOMERY DR.
SEASIDE, OR 97137

PHONE NO.: 541-951-8558

CONTACT EMAIL: ED@DSESURVEY.COM

CELL NO.: 541-951-8558

PROPERTY OWNER (if different from applicant): RICHARD & RUTH SCHAEFER

ADDRESS: 8593 OLNEY ST SE
SALEM, OR 97317

PHONE NO.: 503-664-2560

FAX NO.: -

CONTACT EMAIL: RD SCHAEFER@HOTMAIL.COM

*Note: Any partition resulting in over three lots requires a subdivision application.

I am requesting a partition under Aumsville Development Ordinance Section No. _____ (can be found in "Land Divisions" in our Development Ordinance at www.aumsville.us) for property legally described as (include Marion County Lot & Parcel Numbers: _____)

082 W 25B, TL 300, REEL 1381, Pg 703

For the following reason: PARTITION INDUSTRIAL LAND

1. Current Property Information

- a) Address and general location of the property: 8605 OLNEY ST. SE
@ INT. OF OLNEY ST. & AUMSVILLE HWY.
- b) Current zoning: INDUSTRIAL
- c) Total current area (square feet): 32,37 AC
- d) Dimensions of the current property: SEE PLAT
- e) Current use of the property: RETIRED FARM
- f) Number of existing structures and general description: (1) MOBILE, (4)
SHEDS/COW BARNS, (1) WELL HOUSE
- g) Is this area served by curbs and sidewalks? YES _____ NO X

2. Proposed Use

- a) Number of lots to be created: 3
- b) Proposed dimensions of each lot: SEE PLAT - VARIES
- c) Square footage: _____ Dimensions: _____

3. General Provision

- a) Was this parcel part of a partition approved and recorded in this same calendar year?
YES _____ NO X

*If "yes," a subdivision application is required.

4. Additional Comments and Explanations:

5. Attachments

a) Provide 3 paper copies and 1 pdf (email to lora@aumsville.us) of the preliminary plat for a partitioning, which shall include the following information and data:

- The plan shall be drawn on good quality paper no smaller than 8.5" x 11", nor larger than 18" x 24".
- The scale of the drawing shall be appropriate to the area and sufficient to show the details of the plan and related data. A scale of 1"=50' or 1"=100' is suggested.
- North arrow and date.
- Locations, names, pavement widths, and right-of-way of existing and proposed streets as well as access points.
- The locations, widths, and purposes of all existing and proposed easements.
- The location of all existing and proposed storm sewers, sanitary sewers and other utilities on and abutting the property.
- Natural features, such as rock outcroppings, marshes, wetlands, wooded areas, and within buildable areas, trees over 12" in diameter measured at 4 1/2 feet above the ground.
- The location of property within the 100 year flood plain and other areas subject to flooding or ponding.
- An indication of the degree and approximate direction of the slopes.
- The dimensions of all existing and proposed lot lines.
- The proposed lot sizes in either square feet or acres.
- The location and present uses of all structures to remain and those to be removed.
- The proposed uses of the parcels and any deed restrictions.
- Location of the partition by Section, Township and Range, and a legal description adequate to locate the boundaries of the proposed partition.
- A legend that clearly defines lines, patterns, symbols, and other patterns used on the plat.
- A title block identifying the preliminary plat as "PROPOSED PARTITION".

b) Certified list obtained from Marion County, or a title company, of the names of the owners of all property within 250 feet of the boundary of the property proposed for a partition, the mailing addresses, and the description of their properties as it appears on the most recent assessment and tax roll of Marion County, or as it appears in the deed records of the county, if such records be later, shall be attached. Property owned by the City of Aumsville shall not be deemed as part of the affected area. Please include the name and address of the applicant and property owners of the subject property.

6. Criteria for a Partition:

a) Does each parcel satisfy the dimensional standards of the applicable zoning district?
YES X NO _____ Please explain: _____

If "no," has a variance from these standards been approved?

YES _____ NO _____

b) Are there adequate public facilities available to serve the existing and newly created parcel? YES NO _____

c) Will the application increase the parcels' or the structures' use of the public improvements facilities?

YES _____ NO Please explain: _____

d) Does the partitioning comply with the applicable design criteria in Section 20.70?

YES NO _____ Please explain: _____

7. The application must be signed by the applicant and all owners of the applicable property.

Applicant Name (please print): ED DEWUDE Date: 7/12/17

Applicant Signature: *Ed Dewude* Date: 7/12/17

Property Owner Name (please print): RICHARD SCHAEFER

Property Owner Signature: *Richard Schaefer*

Mailing Address: 8605 OLNEY ST. SE

Property Owner Name (please print): RUTH SCHAEFER

Property Owner Signature: *Ruth Schaefer*

Mailing Address: 8605 OLNEY ST. SE

Prepare and attach additional signatures, if necessary.



Marion County OREGON

PUBLIC WORKS

December 6, 2017

Via email: lora@aumsville.us
Lora Hoffman, City Administration
City of Aumsville

RE: Request For Comments
City Partition 2017-15
Shaefer Property
8605 Olney Street SE, Aumsville

Dear Lora:

Thank you for the opportunity to comment on the proposed 3-lot partitioning of the above-referenced property situated within city limits. I have also been provided additional needed graphics from your Land Use Consultant, Dave Kinney, which allowed me to put these comments together. The partitioning, if approved, will facilitate land sales and further development of the resulting lots. Below is MCPW Engineering's background and requested conditions of approval for the proposed development:

BACKGROUND

- 1) Marion County has maintenance jurisdiction over Aumsville Hwy, including permitting authority.
- 2) Aumsville Hwy is designated a Major Collector in the Marion County Rural Transportation System Plan (MCRTSP), and an Urban Arterial per Figure 4.5 of the City's TSP.
- 3) A 30-foot R/W half-width exists along the Aumsville Hwy property frontage. MCPW Engineering design standard for a Basic Urban Collector R/W half-width is 34 feet. The City's development standards for an Arterial R/W half-width range between 30 to 52 feet [Min R/W Width, Table, Section 20.73(B), Ordinance #373 - City Development Stds]. It is recognized that Aumsville Hwy and leading to N 11th Street R/W width is a consistent 60 feet throughout. The City's Contract Engineer, Contract Planner, and former City Administrator, had in the past each opined and verbally agreed that development on the N 11th Street corridor south of its intersection with Olney Street, at least, is able to be served by a 60-foot R/W under the presumption that no turn lanes or center lane are planned. Unless additional lanes are required for development of the subject property,

BOARD OF COMMISSIONERS

Sam Brentano
Janet Carlson
Kevin Cameron

DIRECTOR

Alan Haley

ADMINISTRATION

BUILDING INSPECTION

EMERGENCY MANAGEMENT

ENGINEERING

ENVIRONMENTAL SERVICES

OPERATIONS

PARKS

PLANNING

SURVEY

To: Lora Hoffman, City of Aumsville
From: John Rasmussen, Public Works Engineering
RE: 8605 Olney St SE, City Partition 2017-15
DATE: December 6, 2017

Page 2

dedication of R/W additional half-width may not be a necessary condition for this partition. However, dedication of R/W could become a stipulation for future development of the property depending on the amount of traffic generated.

- 4) The current partition application pertains to Lot 2 of PP2017-049 as recorded in Marion County.
- 5) A Non-Remonstrance Agreement (NRA) between the Applicant and City for future Olney Street public improvements was recorded at Reel 3977 / Pg 196 in Marion County. The NRA and references PP2011-013 for Lots 1 and 2 that are not a part of the current partition application.

REQUESTED CONDITIONS OF APPROVAL

If the development application is approved, MCPW Engineering requests the following Conditions of Approval, lettered A through D, be included in the Staff Report and considered in the City PC Decision:

- A. On the partition plat, dedicate a SE property corner clip or radius to be jointly specified by the City and Marion County.
- B. Prior to plat approval, record a Non-Remonstrance Agreement that stipulates prior to issuance of building permits, Applicant shall acquire County and City design approval and County construction permits for urban frontage improvements along the Aumsville Hwy property frontage in accordance with appropriate City and County standards.
- C. Prior to application for building permits for development of proposed parcels 2 and/or 3, Applicant shall acquire civil site plan review concurrence from MCPW Engineering through the City development review process.
- D. Developer shall be responsible to preserve and protect the current PCI rating and structural integrity of Aumsville Hwy and that portion Olney Street maintained by Marion County to the satisfaction of Marion County Public Works throughout all phases of development. Failure to preserve and protect the road may result in Developer being responsible for replacing or reconstructing the damaged road at their expense.

If you have any questions, please contact me at (503) 584-7706.

To: Lora Hoffman, City of Aumsville
From: John Rasmussen, Public Works Engineering
RE: 8605 Olney St SE, City Partition 2017-15
DATE: December 6, 2017

Page 3

Sincerely,

A handwritten signature in black ink that reads "John Rasmussen". The signature is written in a cursive style with a large, stylized initial "J".

John Rasmussen
Civil Engineering Associate

C: Dave Kinney, City Planning Consultant, dwkinney@wvi.com
Jim Schuette, JMS Engineering, jmsengineering@questoffice.net

G:\Engineering\LDEng&Permits\Planning Actions\2017\Cities\Aumsville\8605 Olney St SE Partition.doc



City of Aumsville



595 Main St., Aumsville, OR 97325
Office (503) 749-2030 -- FAX: (503) 749-1852
Email: cityadministrator@aumsville.us

NOTICE OF PROPOSED LAND USE ACTION

The City of Aumsville has received the following land use application. We would appreciate your review of this request. In order for city staff to review the application in a timely manner, comments should be submitted to Lora Hofmann, Administrative Assistant, City of Aumsville by **Mon. Nov. 27, 2017 at 4:00 pm**. You are also invited to attend the public hearing to submit testimony. (Lora's email address: lora@aumsville.us)

The Aumsville Planning Commission will hold a public hearing on this matter as part of the regular planning commission meeting that begins at **6:00 pm on Thurs., Dec. 14, 2017** in the Aumsville Community Center, 555 Main Street, Aumsville.

Applicant: Ed DeWilde for Richard & Ruth Schafer **Landowner:** Richard and Ruth Schafer

Type of Application: Partition into 3 parcels

City File Number: 2017-15

Street Address: 8605 Olney, Aumsville **Assessor's Map:** 082W25B00300

Existing Plan Designation: I **Zoning:** Industrial (I)

Proposed Plan Designation: - No change - **Proposed Zoning:** - No change -

Summary of Request:

The applicant has submitted an application on property owners behalf to partition a piece of property into three lots. The applicant must comply with the standards found in Section 20.00 (land divisions), as well as the requirements of Section 8.00 (Industrial) in the Aumsville Development Ordinance No. 323.

Comments: (Attach additional sheets as needed)

DISCUSSED THIS PARTITION w/STEVE OSIE PRUKS.
At this point, we have no objection to this
PARTITION.

By: [Signature] Date: 11/24/2017
Agency: CITY ENGINEER

The decision criteria for these applications are found in the Aumsville Development Ordinance, Sections 8.00 and 20.00. The Development Ordinance can be viewed at the City of Aumsville's website: <http://www.aumsville.us>. Failure to raise an issue in writing precludes appeal; and failure to specify to which criterion the comment is directed, precludes appeal based on that criterion. You may note your comments above or on an attached sheet and return them to the City of Aumsville before the date mentioned above. A map depicting the parcel and surrounding land area is attached. The file is available for inspection at the Aumsville City Hall, 595 Main Street.

Notice provided to:

- City of Aumsville: PW Supervisor City Engineer
- Marion County: Planning Assessor Bldg Pub Wrks Floodplain Adm Surveyor
- Local Agencies: Pacific Power NWNG SCTC Frontier FTX Communications WAVE Broadband
- Cascade School District Aumsville RFD
- State of Oregon: DLCD ODOT DSL Dept. of Forestry ODFW Other: _____

Enclosures: Site Plan &/or Assessor's Maps.



After Recording Return To:
 City Administrator
 City of Aumsville
 595 Main Street
 Aumsville, OR 97325

**THE CITY OF AUMSVILLE, MARION COUNTY, OREGON
 NON-REMONSTRANCE AGREEMENT**

This Non-Remonstrance Agreement made this 31st day of July, 2017, by and between the City of Aumsville, a Municipal Corporation of the State of Oregon, ("City"), and Richard and Ruth Schaefer ("Owner") owner of the real property, described as follows:

Parcel 1 and Parcel 2 of Partition Plat 2011-013, and recorded at Reel 3286, Page 426, Marion County Deed Records.

Witnesseth

Whereas, Owner has applied to City for approval with respect to development of the above described real property;

Whereas, approval has been conditioned upon Owner's execution of this Non-Remonstrance Agreement to ensure construction of future street and public utility improvements in compliance with the comprehensive plan and other applicable development standards and criteria for the City;

NOW, THEREFORE, in consideration of the approval by the City of Aumsville, Oregon, the undersigned Owner does hereby promise and agree as follows:

to install public utility and street improvements for Olney Street adjacent to the partition, consistent with approved engineering plans. Development of such improvements must occur prior full build out of the property (as per official Notice of Aumsville City Council Decision dated August 20, 2010).

The undersigned promises and declares that this Non-Remonstrance Agreement and the promises contained herein constitute a covenant and restriction henceforth running with the land described above and shall henceforth be binding upon the undersigned, his/her or their heirs, successors or assigns and directs that the Non-Remonstrance Agreement shall be filed for record in the deed of records of Marion County, Oregon as affecting the title to the above described property in Reel 3286, Page 426, deed records for Marion County, Oregon.

IN WITNESS WHEREOF, the Owner has executed the above as of the date first above written.

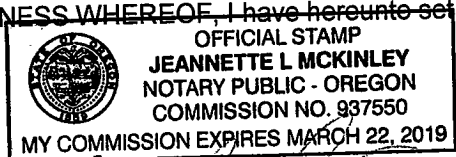
Owner: Richard Schaefer
Ruth Schaefer

Mailing Address: _____
41869 NORTHSTAR CT. NE
SALM, OREGON 97305
Richard Schaefer
Ruth Schaefer

STATE OF OREGON)
) ss.
 County of Marion)

THIS CERTIFIES that on the 31st day of July, 2017, before me, the undersigned Notary, personally appeared Richard + Ruth Schaefer, known to me to be the identical person whose name is subscribed to the within instrument and acknowledged that he/she/they executed the same voluntarily for the purposes herein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Jeannette L. McKinley
 Notary Public for Oregon
 My Commission Expires: 3/22/19

APPROVED: _____
 City of Aumsville

SCRIPT TO BE READ AT COMMENCEMENT OF A LEGISLATIVE LAND USE PUBLIC HEARING

Good evening, [Introduce yourself and Commission members].

I will be presiding over this hearing.

This public hearing conducted by the Aumsville Planning Commission is now open for amendments to Aumsville Development Ordinance. This hearing is conducted as a legislative amendment recommendation.

Oregon land use law requires a statement be made available to those in attendance. The detailed Statement, with the information required under ORS 197.763(5), is printed and available at the back table.

The Council will consider the application, written and oral testimony, the Planning Commission's recommendation, and the criteria listed in the Aumsville Land Development Ordinance when making a decision. All testimony, arguments and evidence received during this public hearing must be directed to the approval criteria, or to such other rule, law, regulation or policy which you believe to apply to this case.

If anyone has any questions or objections regarding the Statement or these proceedings, please raise those questions when it comes to your turn to speak during the hearing.

If you testify, please state your name, address, if you support the proposal, are opposed to the proposal or have questions. Please limit your testimony to 3-5 minutes.

Objections

At this time, I would ask the audience if there are any objections:

- (1) Are there any objections to the notice that was sent in this case?
- (2) Are there any objections to the jurisdiction of the City Council to hear and consider this case?

[If there are none, announce "there are no objections".]

Declarations of Conflict of Interest, Bias and Ex Parte Contact

I will now ask the Council members if they are ready to consider the proposal:

(1) Are there any declarations of conflict of interest; ex parte contact or bias by any members of this body?

[if there are, have the Council member(s) state what the conflict, bias on ex part contact is and whether it will affect their ability to give an impartial vote on the application(s) or they will recuse themselves.]

We are now ready for the applicant's presentation.

Follow the Hearing Agenda Format for the order of the staff report and public testimony.

CLOSING STATEMENT

At the close of the public hearing, please read:

The City Council's decision action may be appealed to the Land Use Board of Appeals (LUBA) or filed as an objection to the Department of Land Conservation and Development. The objection shall be with, and accompanied by statements or evidence, sufficient to afford this body an adequate opportunity to respond to each issue.

AUMSVILLE PLANNING COMMISSION STAFF REPORT

HEARING DATE: January 18, 2018

REPORT DATE: January 11, 2018

FILE NUMBER: Legislative Amendment 2017-ID Chng

APPLICANT: City of Aumsville

REQUEST: Amendments to the following section of the Aumsville Development Ordinance: Section 10.00 ID-Interchange Development Zone. The proposed text amendment will change some of the permitted, conditional, and prohibited uses within the Interchange Development Zone. Changes to the criteria for approval of conditional uses are also proposed.

EXHIBITS: A: Strike and Underline Draft of Development Ordinance Amendments
B: Comment – ODOT

CRITERIA: Aumsville Development Ordinance (ADO)
Section 10.00 Interchange Development Zone
Section 15.00 Amendments

I. BACKGROUND

Staff has compiled amendments to the Aumsville Development Ordinance which are attached to this Staff Report as Exhibit A. As provided in Section 15.06 of the Development Ordinance, the City Council takes final action on proposed amendments after recommendation by the Planning Commission. The proposed amendments are summarized below:

II. PROCEDURE

An amendment to the Development Code is a Type IV action. A Type IV action is a legislative review in which the city considers and enacts or amends laws and policies. Private parties cannot request a Type IV action, except as set forth in Section 15.00 of the development ordinance and Oregon initiative law (ORS 250.305). It must be initiated by city staff, Commission, or Council. Public notices and hearing are provided in a Type IV process.

Notice of the proposed amendment was filed with the Department of Land Conservation and Development (DLCD) on November 3, 2017, over 35 days before the first scheduled hearing.

Measure 56 notice was mailed to all owners of property within the Interchange Development

Zone on November 21, 2017, between 20 and 40 days in advance of the first scheduled hearing.

Notice of Planning Commission and City Council hearings on the proposed amendment was published in the December Aumsville Newsletter.

Per Section 22.16 of the Aumsville Development Ordinance, the Oregon Department of Transportation (ODOT) was consulted and provided an opportunity to review the proposal for changes to the Interchange Development Zone, Section 10.00. See Exhibit B for comment from ODOT.

The Planning Commission hearing was originally scheduled for December 14, 2017, but was continued to January 18, 2018, due to lack of a quorum.

III. STAFF FINDINGS

AUMSVILLE DEVELOPMENT ORDINANCE

Section 15.05 Criteria of Recommending an Amendment:

(A) That the requested change is in conformance with the adopted Comprehensive Plan of the city.

FINDING: Conformance with the applicable sections of the Aumsville Comprehensive Plan are addressed below.

The Comprehensive Plan includes an economic opportunity analysis, adopted in 2011, that identifies a need for commercial opportunities in the Interchange Development zone: “Develop the interchange district along State Highway 22 to provide better access and visibility to Aumsville and improve opportunities for commercial businesses serving both area resident and visitor needs.”

Goal 1 of the Commercial section of the Comprehensive Plan states:

“To maintain existing businesses and encourage a variety of new business activities to locate in the city.”

Goal 2 of the Industrial section of the Comprehensive Plan states:

“To increase and broaden employment opportunities for area residents and stimulate growth of retail and service-related activities.”

The proposal to amend the permitted, conditional, and prohibited uses in the Interchange Development zone is intended to allow for a greater variety of commercial business in the zone and to provide for a gateway to the City that is inviting to prospective business, in order to encourage economic growth. The proposal conforms to the goals of the Aumsville

Comprehensive Plan. Staff finds this criterion is met.

(B) That there was a mistake or an update needed in the original ordinance or map.

FINDING: No mistake was made in the original ordinance or map. Staff finds this criterion is not applicable.

(C) That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDING: Conditions in the area of the Interchange Development zone have not changed significantly since adoption of the ordinance. Staff finds this criterion is not applicable.

(D) The amendments will not interfere with the development or value of other land in the vicinity.

FINDING: It is not anticipated that the proposed amendment will have a negative effect on the development or the value of other land in the vicinity. Staff finds this criterion is met.

(E) The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDING: The proposal for an amendment to the Aumsville Development Code to allow for more commercial uses in the Interchange Development zone and to limit some industrial uses in the zone is in response to a public need for an attractive gateway to the City with commercial uses intended to encourage additional economic activity in the area. It is not anticipated that the amendment will have a detrimental effect on the general interest of the City. Staff finds this criterion is met.

(F) That there is no other appropriately zoned property that could be used.

FINDING: The proposed amendments do not change the zoning of any property. Therefore, staff finds this criterion is not applicable.

(G) That the amendment will not over-burden existing and future capacity of public facilities.

FINDING: It is not anticipated that the proposed amendments will over-burden existing and future capacity of public facilities or have a negative effect on these facilities. Staff finds this criterion is met.

(H) That the amendment shall comply with applicable state and federal laws and

regulations.

FINDING: The Department of Land Conservation and Development (DLCD) has been notified of the proposed amendments. Acknowledgement by DLCD confirms that ordinances and plans comply with state planning regulation. Upon adoption of any proposed amendments, the City will again notify DLCD. The proposal was submitted to the Oregon Department of Transportation (ODOT), as ODOT was an initial party to the establishment of the Interchange Zone, as required by Section 22.16 of the Aumsville Development Code. ODOT was provided the proposed amendments and had no objection to the proposed draft language. (See Exhibit B.)

(I) That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the city and Marion County.

FINDING: The proposed amendments do not address the Urban Growth Boundary and have no effect on existing Policy Agreements between the City and Marion County regarding the Urban Growth Boundary. Staff finds this criterion is not applicable.

IV. CONCLUSIONS/RECOMMENDATIONS:

Based on the findings contained in this report, Staff concludes that the proposed amendments comply with the applicable decision criteria. Staff recommends that the Planning Commission adopt the findings in the Staff Report and recommend approval of the Development Ordinance amendments to the City Council.

IV. PLANNING COMMISSION OPTIONS

The Planning Commission has the following options regarding the proposed amendments to the Development Ordinance:

- A. Make a motion to recommend City Council approval of the Aumsville Development Ordinance No. 323 Amendments, and adopt the findings contained in the staff report, as recommended by staff; or
- B. Make a motion to recommend City Council approval of the Aumsville Development Ordinance No. 323 Amendments, adopting modified findings and/or conclusions as determined by the Planning Commission; or
Note: The Commissioner making the motion needs to state the reasons for the modifications.
- C. Make a motion to continue the public hearing to a time certain and indicate the additional information needed to allow for a future decision; or

D. Make a motion to recommend City Council denial of the Aumsville Development Ordinance No. 323 Amendments.

Note: The Commissioner making the motion needs to state the reasons for denial.

Recommended Motion: I make a motion to recommend City Council approval of the Aumsville Development Ordinance No. 323 Amendments, adopting the findings contained in the staff report.

SECTION 10.00

ID – INTERCHANGE DEVELOPMENT ZONE

10.1	Purpose
10.2	Permitted Use
10.3	Conditional Uses
10.4	Prohibited Activities
10.5	Performance Standards
10.6	Minimum Lot Area and Dimensions
10.7	Maximum Height of Structure
10.8	Setbacks
10.9	Design Requirements
10.10	Landscaping
10.11	Signs
10.12	Parking and Loading
10.13	Transportation Impact Analysis
10.14	Site Development Review Required
10.15	Trip Budget

[Section 10.00 amended by Ord. No. 552, sec. 4, passed August 8, 2005; Ord. No. 594, sec. 26, passed Dec. 14, 2009; amended by Ord. No. 608, sec. 3, passed March 14, 2011]

ID – Interchange Development Zone

10.1 Purpose. To provide for industrial, commercial and office uses on property located at the State Highway 22 interchange. The transportation amenities offered by Highway 22 will be a factor in attracting industrial and commercial users. However, the community views the interchange area as the key entry point into the City. For this reason, the quality of the site design will be emphasized. In providing for the development of the interchange area, it is essential that the principal function of the intersection be preserved.

10.2 Permitted Use: The following uses are permitted, subject to a Site Development Review and conformance with the provisions in the Section. In interpreting this Section, these uses are considered allowed unless the Planning Commission determines the activity or use as implemented will violate provisions in Section 23.04(S):

(A) Industrial-Related Activities

1. Manufacturing: **Light manufacturing, Warehouses and distribution facilities;** assembly, including light manufacturing, processing, and packaging, of non-edible products, treatment, fabrication of goods or merchandise, and similar uses.
2. Research centers and laboratories.
3. Telecommunication centers, including call centers, **except for antenna towers.**

(B) Retail and Services

1. ~~Commercial and government~~ offices.
2. Restaurants, **delicatessens, taverns, snack shops, and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.** ~~with drive-in facilities and specialty restaurants. Other eating and drinking places are conditional uses.~~
3. Banks **and other financial institutions.**
4. Business services, such as photocopy and mailing centers.
5. Traveler accommodations, including hotels and motels; but excluding camping and recreational vehicle parks.
6. **Professional offices including, but not limited to, medical, dental, veterinary, engineering, and legal services. Veterinary clinics shall not provide on-site services for farm animals.** ~~Veterinary Services~~
7. **Services, such as c**leaning and maintenance services **provided** to dwellings and other buildings.
8. Mobile Food Vendor operating as a Food Stand, Food Cart, Food ~~(Can we say Mobile vendor must be an accessory use to a main business?)~~ Van/Trailer, or Food Kiosk **as an accessory use.** (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors). ~~Other eating and drinking places are conditional uses.~~

(C) Other Uses:

Other uses, which the city may find to be similar to those listed as permitted in this zone that are consistent with its purpose.

~~(G)~~

- ~~1. Accessory buildings, structures and uses normal and incidental to~~

~~the uses permitted in this district; (can we limited accessory structure to a % of the main business- accessory structures examples Garbage can, fuel tank enclosures must be less than 10% SQ Footagesquare footage of the main business.~~

- ~~2. Public right-of-way;~~
- ~~3. Other similar developments which the city may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.~~

[Section 10.02 amended by Ord. No. 632, sec. 14, passed November 10, 2014 – *scriveners error*
10.02, not 10.2]

- 10.3 Conditional Uses: The following activities are conditionally allowed in the ID zone:
- (A) Convenience stores.
 - (B) Service stations; but excluding repair facilities.
 - (C) Towing services; but excluding storage of vehicles.
 - ~~(D) Eating and drinking places, other than drive through and specialty restaurants.~~
 - (D) Retail activities that are designed to serve the community or region.**
 - (E) Establishments serving liquor.**
 - ~~(F) Construction, including building construction general contractors.~~
 - (F) House of worship**
 - (G) Gymnasium**
 - (H) Other uses determined by the Planning Commission to be of similar character **or to have similar impacts as to** those specified above.
 - ~~(I) In addition to the criteria of Section 14, conditionally permitted uses shall not be approved unless the proposal satisfies the following specific criteria:~~
 - ~~1. There is a demonstrated need in the interchange development area for such a use.~~
 - ~~2. The use will primarily service interchange development area customers.~~
 - ~~3. Traffic will not be generated by the use, which would substantially hinder or impair truck circulation in the area.~~
 - ~~4. There is no suitable commercial land located elsewhere within the City.~~

Conditionally permitted uses shall not be approved unless the proposal satisfies the following criteria:

- 1. The proposal will be consistent with the Comprehensive Plan, the provisions of the Development Ordinance, the underlying land use zone, and other applicable policies of the city.**
- 2. Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the livability, value, and appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.**
- 3. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.**
- 4. The proposal will preserve assets of particular interest to the community.**
- 5. The applicant has bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal.**

[Section 10.03 amended by Ord. No. 594, sec. 27, passed Dec. 14, 2009; Ord. No. 632, sec. 15, passed November 10, 2014]

- 10.4 Prohibited Activities: The following uses are prohibited in the ID Zone

- (A) Agriculture and Forestry:
 - 1. Agriculture production crops;
 - 2. Forest nurseries and tree seed gathering and extracting.
- (B) Tanneries.
- (C) Energy plant.
- (D) Rendering plants.
- (E) Wrecking, demolition, junk yards, including recycling firms.
- (F) Waste transfer stations.
- (G) Chemical manufacturing plants
- (H) Cement, concrete, lime or gypsum manufacturing.
- (I) Asphalt plants; aggregate plants.
- (J) Fertilizer manufacturing or distribution.
- (K) Manufacturing activities involving primary metal industries such as foundries/forge shops, smelters, blast furnaces, boiler-works, and rolling mills; manufacture of flammable, hazardous, or explosive materials; creosote and related products; coal tar and related products
- (L) Storage warehouses ~~for public use~~.
- (M) Manufacture or storage of oil, gasoline, or petroleum products for distribution, not including service stations.
- ~~(N) Processing and packaging of food products.~~
- ~~(O)(N)~~ Commercial outdoor recreational uses, amusement parks, or sports arenas, not including golf courses or country clubs.
- ~~(P)(O)~~ Truck, trailer, heavy machinery, or farm equipment storage.
- ~~(Q)(P)~~ Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element ~~is in~~ such amount as to adversely affect the surrounding area or premises, as may be determined by the Planning Commission.

[Section 10.04 amended by Ord. No. 562, sec. 1, passed January 23, 2006; Ord. No. 594, sec. 28, passed Dec. 14, 2009]

- 10.5 Performance Standards: The discharge of solids, liquids or gases which are detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is prohibited in the ID Zone. Further, no land or structure shall be used or occupied unless therein continuing compliance with the following standards:
- (A) Heat, glare and light: All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, evergreen plantings, that such heat, glare or light is not reflected onto adjacent properties or streets.
 - (B) Noise: No noise or sound shall be of a nature, which will constitute a nuisance as documented by the chief of police.
 - (C) Sewage: No categorical wastewater discharges are allowed. Adequate provisions shall be in place for the disposal of sewage and waste materials and such provisions shall meet the requirements of the city of Aumsville sewage disposal system.
 - (D) Vibration: No vibration other than that caused by highway vehicles and trains shall be permitted which is discernible without instruments at or beyond the

- 10.6 Minimum Lot Area and Dimensions: None.
- 10.7 Maximum Height of Structure: 50 feet. ~~[the maximum height in multi-family, commercial, and industrial is 70 feet]~~
- 10.8 Setbacks:
- (A) Highway 22: 30-feet
 - (B) Designated arterial or collector: 20-feet
 - (C) Local Street: 15-feet ~~[there is a 3 foot setback limit in Commercial]~~
 - (D) Side yard: 15-feet ~~[seems like a lot]~~
 - (E) Rear yard: 15-feet
 - (F) Setback Exceptions: Notwithstanding the requirements set forth in this subsection, the following exceptions apply:
 - 1. Setbacks from any street may be reduced by 5-feet when landscaping, screening material, or other mitigation techniques are provided, to a degree greater than that called for in this section, which effectively screen the parking areas and building service areas from the street.
 - 2. Setbacks of up to zero feet along all local designated streets and property lines may be provided in commonly planned projects which exhibit characteristics of an urban village which includes extensive amenity areas, strong pedestrian, transit, and bicycle orientation, varied and high quality building materials, complex and interesting building massing, and extensive landscaping.
- 10.9 Design Requirements: Building design shall be subject to the following:
- (A) Building material should be of high quality and attractive appearance using matte texture earth tones. Masonry, brick, and stone in their natural state are preferred as principal cladding materials. Textured concrete, architectural block, stucco, modulated in jointed patterns and pre-cast concrete with appropriate detailing are also acceptable materials. Materials, detailing, and colors should be repeated on all building facades.
 - (B) Unpainted or un-textured concrete or masonry, metal buildings, and unpainted metal are prohibited.
 - (C) The use of roof or facade offsets or breaks is encouraged. Roof planes should be varied. Facade lines should be broken at least every forty feet on all building sides.
 - (D) All mechanical equipment to be screened from view in a manner consistent with the design of the structure and site.
 - (E) The color palette should be simple and consistent within projects. Colors should be compatible with neighboring development. Bright or primary colors shall be limited to accent elements.
- 10.10 Landscaping. All rights-of-way and setbacks are to be landscaped and maintained by property owners as follows: (See also Section 23.00, Landscaping Design)
- (A) Sites shall include landscaped areas, hard surface landscapes, public plazas, walks, and sidewalks.
 - (B) All setback areas shall be landscaped; parking or other physical improvements shall be prohibited within required setback areas.
 - (C) Street trees: At least one tree per forty lineal feet shall be provided between the sidewalk and back of curb. An additional tree and ten

shrubs per forty lineal feet must be provided within ten feet of the sidewalk.

- 10.11 Signs: Signs shall be subject to the provisions in Section 19. The following additional provisions shall apply to development within the ID zone. Where conflicts occur, the more restrictive regulations shall apply.
- (A) A sign plan is required for all development. All signs shall be architecturally integrated with the overall project design.
 - (B) Permitted freestanding signs are limited to monument signs. Monument signs shall not exceed thirty-two square feet per face nor shall the sign area exceed four feet in height or six feet total for the sign structure, and the horizontal length shall not exceed eight feet. A sign not complying with these provisions may be established through a Conditional Use Permit pursuant to provisions in Section 14.
 - (C) Wall signs may not extend above roof line and shall be consistent throughout the project.
- 10.12 Parking and Loading: See the Parking and Loading section of this ordinance (Section 18.00). In addition to compliance with the provisions in Section 18.00, all lots exceeding 50 spaces shall include the following landscaping provisions:
- (A) At least 5% of the parking area shall be landscaped. The landscaping improvements may count toward the minimum landscaping requirements.
 - (B) The ends of parking rows must have six-foot wide planting islands with a minimum of two shade trees and eight shrubs.
 - (C) Landscaped medians shall be required between every fourth parking row with at least one shade tree and eight shrubs for every thirty lineal feet of median.
- 10.13 Transportation Impact Analysis. In addition to the site development review provisions in Section 21.00, the City may request a transportation impact analysis for development within the ID zone. This study shall be based on the requirements of the Oregon Department of Transportation.
[Section 10.13 amended by Ord. No. 594, sec. 29, passed Dec. 14, 2009; amended by Ord. No. 608, sec. 3, passed March 14, 2011]
- 10.14 Site Development Review Required. All new **structures and** uses and any expansion of existing structures or uses shall be subject to a Site Development Review.
- 10.15 Trip Budget. A trip budget is established for uses within the ID zone that limits the aggregated trip-making to a total of 1,361 peak hour trips (inbound and outbound). To manage the trip budget, the City shall maintain a cumulative tally of AM and PM peak hour trip-making associated with all development within the ID zone. At least every five years (to be specifically defined in a subsequent IGA between ODOT and the City of Aumsville), the City shall report the cumulative AM and PM peak hour trip tally to the ODOT Region 2 Transportation Planning Manager. When the PM peak hour trips **exceed 1,361**, the City shall coordinate with ODOT to determine the need to modify the City's TSP or the OR 22/Shaw Highway IAMP to accommodate future traffic volume growth expectations.

From: FRICKE Daniel L
Sent: Wednesday, October 25, 2017 7:55 AM
To: ZWERDLING Naomi
Subject: RE: Aumsville Interchange Area Management Plan

Naomi –

I looked at the city's ID zoning, where this language comes from. Couple things:

- I agree that several of the provisions would be difficult (if not impossible) to “prove”
- The ID zone includes a trip budget for the zoned property (1361 peak hour trips) that would limit development more than any arbitrary criteria

Personally, I think that whole section (1-4) could be deleted without any loss in protection for the interchange. The trip budget, along with the permitted and conditionally permitted uses, does more to preserve the interchange operations than these criteria which are difficult to comply with. If they are looking to change anything in the ID zone, I would recommend they fix the trip budget section which appears to be missing part of a sentence:

10.15 Trip Budget. A trip budget is established for uses within the ID zone that limits the aggregated trip-making to a total of 1,361 peak hour trips (inbound and outbound). To manage the trip budget, the city shall maintain a cumulative tally of AM and PM peak hour trip-making associated with all development within the ID zone. At least every five years (to be specifically defined in a subsequent IGA between ODOT and the City of Aumsville) the city shall report the cumulative AM and PM peak hour trip tally to the ODOT Region 2 Transportation Planning Manager. When the PM peak hour trips, <something missing here>the city shall coordinate with ODOT to determine the need to modify the City's TSP or the OR 22/Shaw Highway IAMP to accommodate future traffic volume growth expectations.

I suspect what is missing relates to what happens when the trip budget is met or exceeded. Perhaps we can suggest something like: *When the PM peak hour trips generated by development in the ID zone reach the trip budget, the city shall . . .*

Dan

Lisa –

I have reviewed the proposed revisions and have no problem with the changes to various uses in the ID zone. Also, I agree that the trip budget section be retained. The budget was included to protect the operation of the interchange and assure that the traffic generated by future development would not exceed the mobility target in the Oregon Highway Plan. Regarding monitoring the trip budget, nothing elaborate is required. A simple spreadsheet could be created that tracks individual developments in the ID zone and the number of PM peak trips are projected to be generated.

Let me know if you need a more formal response or anything else regarding this proposed amendment.
Dan

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