

AUMSVILLE PLANNING COMMISSION

DEVELOPMENT ORDINANCE UPDATE 2021 STAFF REPORT

HEARING DATE: March 18, 2021
REPORT DATE: March 8, 2021
FILE NUMBER: Development Ordinance Update 2021
CRITERIA: Aumsville Development Ordinance (ADO)
Section 15.00: Amendments

EXHIBITS: A: Development Ordinance 670 markup

SUMMARY:

- A. Section 1. Definitions
- The word "mature" was added to Landscaping or Landscaped Area definition to be consistent with later language of this ordinance, specifically a mature living plant.
 - Signs definitions were removed from Definitions, as all are in Section 19, Signs.
- B. Section 6. RM – Residential Multi-Family
- Section 6.11 (E) "+/-" added after 16 (feet), as some of the existing manufactured home lots in the city do not meet that requirement exactly, to prevent conflict in the future.
- C. Section 7. CL - Commercial
- Section 7.03 (I) Retail or wholesale trade removed from this section. With increased available Industrial land in the city, more consistent with intended uses in the Commercial zone.
 - Added 7.10 Business District 5-8 to match the design requirements in the ID zone for Commercial development, so that the zone design requirements are consistent with the allowable uses.
- D. Section 10. ID – Interchange Development
- Section 10.03 Conditional Uses: (H) Apartments above permitted ground floor commercial. Added as a conditional use to be consistent with Commercial use within the city.
- E. Section 12. Administrative Procedures
- Section 12.01 (B) revised for clarity. Intent of the code unchanged.

- F. Section 19. Signs
 - 19.01 Purpose added.
 - 19.02 Definitions revised for clarity.
- G. Section 21. Site Development Review
 - 21.03 (A) 6. Revised to match existing permitting process.
- H. Section 22. Supplemental Zone Regulations
 - 22.04 revised to match existing permitting process.
 - 22.15 (B) added for clarity.
- I. Section 23. Landscaping Design
 - Combined the two purpose sections.
- J. Section 26. Temporary Uses
 - 22.02 (C) limiting temporary food services locations to 90-day breaks every 180 days of permitted use, to prevent permanent locating and encourage brick and mortar locations.
- K. Section 27 Mobile Food Services
 - 27.04 (B) revised to match Site Development Review requirements and give room for food pods sites.
- L. Illustrations: Wall Height illustration added to aid definition.

TEXT AMENDMENT FINDINGS

- A. The decision criteria to amend the Ordinance text are contained in Section 15.00 of the Ordinance. The Section and findings relative to the decision criteria, are found in the following subsections.
- B. Section 15.01 Commission: The Commission is authorized to conduct public hearings on all amendments to development regulations. The Commission shall consider amendments if initiated by the Commission, either on its own or at the request of the Council, or upon the petition of a majority of the property owners in the area proposed for change. A recommendation by the Commission shall be forwarded to the Council.

FINDINGS: This project was initiated by the City Council, directing the Planning Commission to consider appropriate amendments to the Development Ordinance. Consistent with the requirements of this Section, the Commission will hold a public hearing on March 18 to consider the amendments.
- C. Section 15.02 Administrative Official: The Administrative Official is authorized to

set for public hearing before the Commission, written petitions of property owners for amendments, and those initiated by either the Commission or Council.

FINDINGS: This is an administrative requirement. The March 18, 2021 hearing before the Commission complies with this requirement.

- D. Section 15.03 Application: The request by a property owner (other than the city) for an amendment to this ordinance or zoning map shall be accomplished by filing an application with the Administrative Official using forms prescribed and paying the posted fee.

FINDINGS: An application was not required as the City initiated the amendments to the Ordinance text.

- E. Section 15.04 Public Hearing: Public hearings before the Commission shall be in accordance with the procedures in Section 12.00, Administrative Procedures.

FINDINGS: Notice was provided pursuant to provisions in Section, therefore complying with the provisions.

- F. Section 15.05 Criteria of Recommending an Amendment:

1. 15.05(A) - That the requested change is in conformance with the adopted Comprehensive Plan of the city.

FINDINGS: Many of the administrative changes are "housekeeping" measures. As such, there are no Plan policies that are affected by these changes. While there are no policies directly affected by these revisions, the purpose of the amendments is consistent with the City's desire to create an attractive community.

2. 15.05(B) - That there was a mistake or an update needed in the original ordinance or map.

FINDINGS: Through an active City encouraged review process, the community determined certain portions of the Ordinance required updating. Most of the changes were for procedural clarity of existing process.

3. 15.05(C) - That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDINGS: Conditions related to specific areas or zoning maps have not changed. The amendments are driven more by housekeeping and Code

reorganization/clarity issues.

4. 15.05(D) - The amendments will not interfere with the development or value of other land in the vicinity.

FINDINGS: The changes are more related to Development Ordinance organization and aesthetic matters and are not anticipated to devalue or adversely impact property.

5. 15.05(E) - The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDINGS: The amendments are more housekeeping measures and simply help organize and administer existing development provisions.

6. 15.05(F) - That there is no other appropriately zoned property that could be used.

FINDINGS: The amendments generally relate to design standards, processes, and a number of housekeeping measures. On balance, these changes are not directly related to the zoning of a particular property. Therefore, this criterion does not directly apply.

7. 15.05(G) - That the amendment will not over-burden existing and future capacity of public facilities.

FINDINGS: In general, these changes do not alter permitted land uses or activities on existing property and therefore does not establish new uses that will impact public facility demand. On balance, the amendments are neutral with regard to impacts.

8. 15.05(H) - That the amendment shall comply with applicable state and federal laws and regulations.

FINDINGS: The Statewide Land Use Goals establish the basis for all planning within the State. All local plans and implementing ordinances are required to be consistent with the policies and objectives of the Statewide Goals. Compliance with the Statewide Goals is noted as follows:

Goal 1, Citizen Involvement: Public hearings on the proposed amendments will be held before both the Commission and City Council. This is consistent with City procedures.

Goal 2, Land Use Planning: The proposal does not involve exceptions to

the Statewide Goals. Adoption actions are consistent with the acknowledged Development Code.

Goal 3, Agricultural Lands: The proposal does not involve or affect farm land.

Goals 4, Forest Lands: The proposal does not involve or affect identified forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: Identified historic, cultural, or natural resources are not affected by the proposed changes.

Goal 6, Air, Water and Land Resource Quality: The proposed change does not establish uses or activities which will adversely affect the environment.

Goal 7, Natural Hazards: The amendments establish a separate flood plain Section (Section 25) that complies with updated requirements of federal law.

Goal 8, Recreational Needs: The proposed amendments do not alter the adopted parks master plan or otherwise affect identified recreational needs.

Goal 9, Economic Development: The amendments are expected to be generally neutral regarding economic development, although changes to the design standards for the commercial core may spur interest in improving aesthetics and create greater interest.

Goal 10, Housing: The amendments do not involve changes to housing density or similar regulations that would affect the City's ability to successfully address its housing needs.

Goal 11, Public Facilities and Services: The proposed changes do not amend provisions regarding public facilities or create uses or activities that will impact existing public facilities.

Goal 12, Transportation: The Ordinance still calls for a traffic impact study for all new developments, and expansions, to ensure street capacity is maintained. Otherwise, nothing in this action impacts public streets or transportation systems.

Goal 13, Energy Conservation: The proposed changes neither promote nor reduce energy conservation.

Goal 14, Urbanization: The amendments relate to administrative and regulatory requirements for permitted and conditionally allowed land uses and do not encourage the development of urban uses outside of the UGB.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments to the Development Ordinance do not directly affect issues addressed by the Statewide Goals.

9. 15.05(I) - That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the city and Marion County.

FINDINGS: The proposed amendments to the text of the Development Ordinance and does not impact the location of the Urban Growth Boundary.

- G. Section 15.06 Final Action by the Council: The Commission, having conducted a public hearing on the proposed amendment shall within 15 days after the hearing, recommend to the Council approval, disapproval, or modified approval of the proposed amendment. After receiving the recommendation of the Commission, the Council shall hold a public hearing on the proposed amendment.

FINDINGS: This is an administrative requirement regarding the Commission and Council responsibilities. The hearing before the Commission, and the scheduled hearing before the City Council comply with these provisions.

- H. Section 15.07 Record of Amendments: The Administrative Official shall maintain records of amendments to the text and zoning map of this ordinance.

FINDINGS: This is an administrative requirement of the Administrative Official. Appropriate recording of the material will occur upon final adoption of the amendments.

- I. 15.08 Effective Date of Amendments: Amendments are final following the action and order resulting from the public hearing by the Council.

FINDINGS: The Council will conduct a separate hearing and consider the Commission recommendation and public input in rendering a decision.

- J. 15.09 Appeals: Appeals from any action by the Council may be taken as provided by Oregon law.

FINDINGS: Oregon law permits and affected party to file an appeal to the Land Use Board of Appeals (LUBA) within 21 days of the date of the City Council ordinance adopting the proposed amendments. Appeals are subject to the provisions established by LUBA.

- K. 15.10 Limitation of Reapplication: Denials of a proposed amendment shall not be reconsidered within 1 year following a previous denial.

FINDINGS: This is an administrative provision regarding the potential reapplication of the amendments.

- L. 15.11 Protest Petitions: When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent, or in the rear thereof extending 300 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of such opposite lots, then such amendment shall not become effective except by the favorable vote of 3/4 of the entire governing body.

FINDINGS: This provision does not apply as the proposed amendments do not rezone property.

The Planning Commission may either:

- A. Recommend City Council approval of the Development Ordinance amendments, adopting findings contained in the staff report;
- B. Recommend City Council approval of the Development Ordinance amendments with modified findings and/or language; or
- C. Recommend denial of the proposed amendments, specifying reasons why the request does not meet the decision criteria.

SAMPLE MOTION: APPROVE THE PROPOSED AMENDMENTS TO THE DEVELOPMENT ORDINANCE AS CONTAINED IN THE ATTACHED EXHIBIT "A", ADOPTING THE FINDINGS AND CONCLUSIONS CONTAINED IN THE SUBMITTED STAFF REPORT.