

Minutes
Aurora Planning Commission Meeting
Tuesday, April 01, 2014 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Renata Wakeley, City Planner

STAFF ABSENT: NONE

VISITORS PRESENT: Tom Potter, Aurora
Craig McNamara, Aurora
Chris Fisher, Aurora
Gary Lovell, Aurora
Dennis Hess, Aurora
Annie Kirk, Aurora
Aron Faegre, Aurora
Lori Sahlin, Aurora
Guy Sperb, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:02 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	Present
Commissioner, Willman	Absent
Commissioner, Gibson	Present
Commissioner, Graham	Present
Commissioner, Fawcett	Present
Commissioner, Weidman	Present
Commissioner, Rhoden-Feely	Present

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –March 04, 2014, there were a few items pointed out by Commissioners regarding the approved Council minutes as follows
 - Pg 3 correction to 5,000 gallons a day
 - Pg 10 regarding drive through being prohibited
 - Clarification on statement made regarding motorized vehicles.
 - No action was taken.
- II. City Council Minutes – February, 2014
- III. Historic Review Board Minutes –

A motion is made by Commissioner Graham to approve the consent agenda as presented and seconded by Commissioner Weidman. Motion Approved by all.

Correspondence

I. NA

4. Visitor

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Planning Commission could look into the matter and provide some response in the future.

No one spoke.

5. Public Hearing, Opens at 7:07 pm

A. Discussion and or Action on Variance Application File VAR-14-01

- Chair Schaefer reads the script and asks for ex-parte contact with the applicant or any reason to declare an issue. No one comments or raises an issue.
- City Planner Wakeley reads her staff report as follows.

CITY OF AURORA PLANNING COMMISSION

STAFF REPORT: Variance 2014-01 [VAR-14-01]
DATE: March 25, 2014

APPLICANT/OWNER: Saul Ramirez
20843 Filbert Street
Aurora, OR 97002

REQUEST: Variance application to waive the requirement for installation of a carport or garage on the subject property.

SITE LOCATION: Map 041.W.13CA. Tax Lot 2800

20843 Filbert Street

SITE SIZE: Approx. 5,227 square feet, or 0.12 acres

DESIGNATION: Zoning: Moderate Density Residential (R2)

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.12 Moderate Density Residential and 16.64 Variances

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Applicant's Variance Application
Exhibit C: Building Permit Site Plan and signed letter regarding installation of carport

I. REQUEST

Variance application to waive the requirement for installation of a carport or garage on the subject property. The

property previously received building permit approval, conditional upon the applicant installing a carport or garage on the property (See Exhibit C).

II. PROCEDURE

Variance applications are processed as Quasi-Judicial Decisions. Quasi-Judicial Decisions are conducted as stated in Chapter 16.76 of the AMC. Section 16.64 provides the criteria for processing Variance applications.

The application was received on March 5, 2014. The application was determined complete by staff and notice was mailed to surrounding property owners and a newspaper of general circulation in the City. The City has until **July 2, 2014**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

Appeals are governed by AMC 16.76.260. An appeal of the Planning Commission's decision shall be made, in writing, to the City Council within 15 days of the Planning Commission's final written decision.

IV. CRITERIA AND FINDINGS

The applicable review criteria for Variance applications are found in AMC Chapter 16.64 Variances.

16.64 *Variances*

The commission may grant a variance only when the applicant has shown that all of the following conditions exist:

A. The proposed variance will not be materially detrimental to the purposes of this title, be in conflict with the policies of the comprehensive plan, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity.

FINDINGS: The Moderate Density Residential zone requires the installation of a carport or garage under AMC section 16.12.040.J. At the time of building permit review, the applicant was required to provide written concurrence of the installation of a carport or garage and the building permit application was approved. According to minimum side yard setback requirements under AMC 16.12.040.F.2, the structure could not be placed further to the northern property line in order to create more space along the southern side yard as the minimum side yard setback is five (5) feet.

While the variance from installing a carport would be in conflict with the zone, staff finds it would not be detrimental to the zoning code or other properties in the same zoning district or vicinity as, based upon staff visits to the area, many of the surrounding properties can be considered permitted non-conforming as they also do not have carports or garages. Staff finds this condition can be met.

B. Special conditions exist which are peculiar to the land or structure involved and are not applicable to lands and structures in the same zone and over which the applicant has no control.

FINDINGS: The minimum lot size under the RM zone is 5,000 square feet. Tax Lot 2800 measure approx. 5,227 sq ft based on Marion County Assessor Records. The minimum lot width for the zone is fifty (50) feet and the minimum lot depth is sixty-five (65) feet. Lot 2800 meets these minimums as well as the minimum front, side, and rear setbacks under the zone.

While the land is not peculiar to others in the same zone, the applicant has stated it is difficult to construct an adjoining carport to the structure due to the rooflines and a non-adjoining carport due to crawl space/foundational

issues with the manufactured home and still meet the southern setback minimum requirement of five (5) feet. Currently, the applicant has a sixteen (16) foot southern side yard, leaving eleven (11) feet for installation of a carport. The property already contains one accessory structure larger than 200 sq ft at the western property line (rear yard) which the applicant wishes to maintain. As only one accessory structure larger than 200 feet is permitted under the zone, the carport would be required to be 200 sq feet or less. AMC 16.13.040.C.1. requires that accessory buildings less than 200 sq ft be less than ten (10) feet in height and AMC 16.13.040.C.2. requires that a five (5) foot separation exist between a principal structure and an accessory structure.

If the applicant were to install an attached carport of less than 200 sq feet, other provisions of the code would leave six (6) feet of width for construction of a detached carport. Section 16.42.130 of the code for off-street parking standards states a minimum width of eight (8) to nine (9) feet for parking spaces is standard. Staff finds the location of the manufactured home in conformance with code requirements and existing accessory structures on the site made the property peculiar for additional accessory structures and this criteria is met.

C. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land.

FINDINGS: The residential use will remain as permitted and setbacks and other RM zone standards will continue to be met. Staff finds this criteria is met.

D. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms, or parks will not be adversely affected any more than would occur if the development were located as specified in this title.

FINDINGS: The footprint of the accessory structure to serve as a carport/garage would need to continue to meet setback requirements, in which case a six (6) ft wide structure would be permitted, or the applicant would need to apply for a variance from the setback requirements in order to install a useable carport or garage. The applicant has instead requested a variance from the requirement to install a carport or garage. Staff finds permitting the requested variance or waiver would not adversely affect surrounding uses, traffic, drainage, or land forms. Staff finds this criteria is met.

E. The variance granted shall be the minimum necessary to make possible a reasonable use of the land and structures.

FINDINGS: The applicant is requesting to vary from the code requirement for installation of a carport or garage on the subject property. The applicant has stated that the narrow lot size does not allow for the installation of a useable detached carport or garage and the nature of the structure does not allow for construction of an attached accessory structure less than 200 sq ft and ten (10) feet in height. Staff finds the waiver is the minimum necessary to meet other code provisions and staff finds this condition is met.

V. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for Variance (file no. VAR-14-01) based upon the following:

- 1) Develop the subject property in accordance with plans approved by the city.
- 2) Comply with all City of Aurora and State of Oregon development, building and fire codes.

VI. PLANNING COMMISSION ACTION

A. Approve the request to waive the requirement for installation of a carport or garage on the subject property.

1. As recommended by staff, or
2. As determined by the Planning Commission stating how the application satisfies all the required criteria, and any revisions to the recommended conditions of approval, or

OR

B. Deny the request to waive the requirement for installation of a carport or garage on the subject property.

OR

C. Continue the hearing to a time certain or indefinitely (considering the 120 day limit on applications).

- Discussion begins with Chair Schaefer summarizing the staff report regarding
 - Existing shed, off street parking, square footage requirements along with setback requirements. The discussion between Commissioners is that this lot is so narrow that at this point they are not sure it would look good and would be hard to enforce with the difficulty surrounding this lot. At this point the Commission feels as though it would be a disservice to the applicant to enforce this requirement on this lot.
 - Testimony by applicant,
 - Brian Saul Ramirez son of the applicant and accompanied by his mother, states that his father had a family emergency and could not be present here tonight and that he would do his best to represent his father. Unsure of what to contribute Chair Schaefer begins asking a few questions of Brian to help get some clarification regarding the application as follows,
 - Do you live at the residence? Brian yes I do. Do you feel as though having the carport would be in the way and make it hard to maneuver your trailer around. Brian and his mother state that if the carport is detached then yes it would be however if it were attached they felt it would be a little bit easier.
 - Chair Schaeffer asks Brian if the carport were moved back further did he think that would work and Brian stated yes but seemed unsure.
 - City Planner Wakeley states that there is a window well or access that jets out that would be problematic for that reason and she explains it to the son and mother and feels as though with her conversations with the father that it would be problematic.
 - Schaefer how far do you think it comes out? Wakeley 3ft.
 - After a brief discussion Chair Schaefer proposes postponing the hearing until next month when the father can be present to make sure that both the city and the applicant are on the same page regarding this issue.

A few Comments from the audience,

Lori Sahlin I would rather see items or possessions than a carport that is not functional for the applicant.

Guy Spurb, during my years as a code inspector I don't believe the manufacturing code would allow an attached carport.

City Planner Wakeley, states that your inspector was on site and it is structural independent.

Tom Potter clarifies with statements made that if it is structural independent then it would be detached and essentially they would have 6 feet to work with?

Gary Lovell, I am troubled on the process here you allowed a home on the property but then once placed the city said he would need to have a carport and no more impervious surface. Wakeley, Once we received the signed statement yes I did approve and once the applicant put the house on then it became clear that it would be difficult.

Annie Kirk, clarifies with the Commission a few items

- In this neighborhood there are homes grandfathered in and not required to have a carport
- Asks why this requirement was brought in and Chair Schafer states that it was an attempt to keep peoples possessions more organized and shielded from view.
- I really think this applicant should be granted the variance because of the surrounding area and neighborhood.

Gary Lovell, in the past this Commission has been very liberal in allowing all types of variances we all voted on this code I think you should take a good look at it. We have codes in place and they should be honored.

Schaefer, calls for any rebuttal hearing none closes the hearing at 7:48 pm.

Discussion begins amongst the Commissioners,

Weidman, I think City Planner Wakeley did good work and I trust her opinion based on the code. I do believe in what Gary is saying as well but I think there are times that we should be compassionate.

Graham, is unclear on the overall space on the building and how it would impede the applicant. Schaefer states that it would be difficult to back up there trailer that they have on the lot for his business. Wakeley it would blocking the front door.

Gibson, there is certainly a very tight space and would be hard to maneuver on the lot.

Mercedes I am inclined to grant the application based on the City Planners report however I think we should look into this particular neighborhood relative to the code requirements.

Fawcett, has no more comments at this time.

Schaefer so the question is do we, grant, deny, or approve with conditions. I will take a motion or entertain more comments.

Gibson I say table the hearing until we hear from the father regarding this application. Chair Schafer we do have time were not up against a 120 day deadline.

Graham continuance.

A motion is made by Commissioner Fawcett to approve the application as presented and is seconded by Commissioner Weidman. Ayes Fawcett, Weidman and Mercedes-Feely, Nays, Schaefer, Graham and Gibson. Motion is a tie and therefore is not considered.

A motion is made by Commissioner Gibson to postpone the hearing until such time that the applicant can be in attendance and until the May 6th meeting and is seconded by Commissioner Graham. Ayes, Schaefer, Gibson, Fawcett and Graham. Nays Weidman and Feely.

Regarding tonight's discussion I would ask that you rethink what we just voted in to our code requirements and make sure this is the path we want.

6. New Business

7. Old Business

A. Presentation and Discussion by Representative from Aurora Airport Water District. Chair Schaefer welcomes tonight's speakers Aaron Faegre and Bruce

Bennett this will be very informal and I ask that you to start to help us understand what is being proposed,

Bruce Bennett, the director with the Airport Water Control District basically the zoning for County in the beginning during development stages they had waived the requirements needed for fire suppression since then they changed that requirement because there were too many waivers at which time the Airport Water Control District was formed, so when the blitz beer company folded we took their tanks and filled them with water and buried them the capacity was 240 thousand gallons in these tanks and lines run up and down the land and this is how we have fire suppression. Currently there is not a lot of land left and there is not a good water system and a few of the wells have arsenic. So the District wanted to start a conversation with Aurora to determine if you would be interested in or would it be beneficial for both of us for Aurora to sell us around 5,000 gallons a day for our needs. The airport is unique most airports are owned by cities, county or state agencies. Ours is owned by both the state and private property owners. The runway is state owned and much of the property is privately owned.

Aron Faegre, I have owned property at the airport for many years and have helped form the district, I would add that in the beginning there were no code requirements for sprinklers however now there are requirements. Smaller airports like this the Oregon Revised Statutes allows owners to be exempt from taxes and because we are privately owned we are not exempt and so we contribute to the community per our taxes dollars which are a sizeable amount.

- Two strongest reasons to connect is because it is not potable at this point and I believe you have a system that could remove arsenic
- As the airport grows it would allow us more water to take care of those needs.
- Schaefer asks if the district has water rights and could they obtain more if needed. (airport not sure they would need to look into this)

Weidman, do you have reports on the arsenic levels. We gave it to the Mayor and it is on the website.

Schaefer it's all on the website.

Weidman, I believe I heard the amendment to the county comp plan to circumvent the emergency.

Wakeley current county standards don't allow extension of water lines so the amendment was to remove that block and go ahead and allow it so if Aurora wanted to move forward with this endeavor they could.

Bruce I think what Brandon was saying this because it was a safety issue regarding the arsenic levels so that essentially it was an emergency and could likely be proved and approved through the county.

Aaron, I was asked to do some research and I did and those reports are on your website and it did show that some were contaminated and others were not. There also could be a seasonal difference as well that exists so there is a certain amount of uncertainty. Schaefer Brandon's report is on the website as well.

Graham, the water you need is for fire and potable water correct Airport rep yes we would need both. The wells that are good would that go back into our system my guess would be no because the city wouldn't want it since there is potential risk of contaminating your system.

Fawcett, you mentioned 5,000 a day is there a peak usage time frame because we experience problems in August. I produced that number but what I discovered was that many owners didn't have meters on their property so I had to do what I could to do on an approximate number.

Aaron, there is not a lot because it would be light industrial use. I would say 5,000 is low I would say between 5 to 10 thousand gallons may be more realistic. There really isn't a lot of usage.

Graham is the helicopter businesses connected to the district? No not at this time they have their own wells. However they did give money so possibly they would want to later on if there was a problem. I think it would be very beneficial to all.

Schaefer, I think looking forward we need to get a more realistic number especially if Columbia and the other helicopter business want to hook up as well. I realize it wouldn't come close to residential uses but the more data we have the better.

Weidman, that's great information what about in September when Aurora is low on water. The airports reps state if you don't have this water to give then I don't think it would work. We heard that with a small upgrade to your system then you would be more than capable of supplying our need.

Graham, it's my understanding that the Mayor thinks that we can do another well and that this could be quite lucrative to all in a partnership.

Wakeley, if there was an annexation then we do acquire water rights to grow. So do you think that if we were to move forward on this would the airport want to give up their water rights? Wakeley have you had a discussion to have a limit and if you go over then we cut you off. I really don't think that they would be open to that especially if they gave up their water rights because they want to make sure Aurora would have enough supply to handle the extra demands.

Nick Kaiser, we have thrown around a lot of numbers and not sure if they are accurate. The city has done a lot of work and the city has a completed water master plan and study of accurate numbers and flow along with water rights.

In 2009 a water rate study certified by state and adopted by council was done with accurate information We need to have information before we could even allow this to start both at the airport and the City.

Lovell, who will pay for all this?

Schaefer we are having conversations now and this will be on our agenda now and for a while no decisions will be made before the city has all the information needed to make an accurate decision.

Airport agrees with Nick we didn't want to spend money before it was even a thought for the city. I think we need to look into our water rights and see where we are at on this. Maybe begin conversation with the state regarding water rights.

Tom Potter, I have the water analysis report from the water district, here he reads some statistics off. (currently on web-site).

I am sure individual owners could do better filtration we can operate without Aurora water we just simply are looking at a joint venture here that benefits both parties.

Annie Kirk, help me understand what that mutual benefit in your mind would be people on the airport would pay for the water and if you need to drill a new well to help accommodate the demand then they would help pay for that drilling attempt. Also there are a lot of water rights at the airport and if they would be willing to give up some of those. Because we use such a small amount of water a new well could really benefit Aurora and there usage needs.

HTC they have a well and they have less than 20 employees. They do not use a lot of water and they also created their own pond for fire suppression just like Columbia.

Nick, I assume you will look at data and compare the depth of the well it is important to know for surrounding area wells and who is pumping out of what aquifer we don't want to compete for same water.

Graham does anyone know if the airport is on the same aquifer no one had an answer.

Weidman, to clarify airport can operate as is.

Spurb, point clarification, I realize numbers are vague would this be in addition to what you draw now or replace. The reason I am asking is because there is a cross connection issue based on ORS for

contaminating the city water supply. Yes we realize it would be all or nothing and it was a scientific approach and based on my calculations and data that is how I came up with the number.

Mercedes, do the hangers have overnight accommodations showers and so forth. Yes some of them do and they are looking to expand that but not for residential use.

Schaefer we are worried about potential growth or expansion of usage. The law has changed regarding residential usage and FFA is very strict and I don't for see this type of usage here and that is why the legislature changed the law. Because it is a private owned everyone would contribute. No plans to become residential and the zoning wouldn't allow it at this point. There are a few caretaker residents.

Annie Kirk,

Clarification you are an hourly contract services correct (referring to the City Planner) and I would like to go back where we would not be spending the city money on this are we not doing so by having these lengthy meetings?. *Schaefer* I will state that we won't spend any extra time other than the regular meetings. Because of the public hearing and a few other reasons this meeting has gone longer. She has not been directed to do any work on this. *Annie* I just want to point out that I am not in any way insinuating that you are but lengthy meetings will.

Tom Potter, well 5 is it down? correct do you know the status of that and Chair Schaefer states that is a question for the council.

Chair Schaefer hearing no more comments thanks the guests for coming.

B. Discussion and or Action on the City Regulation of Marijuana.

Schaefer, last month's meeting we discussed if HB 1531 would pass and I want to report it has passed the city has two options regulate time, place, manner or a moratorium for one year. So the question for us tonight do we want to recommend either one of these options to the Aurora City Council, last month we did have a consensus of the Planning Commission to regulate the zone.

After a brief discussion it is the consensus of the Aurora Planning Commission to allow retail/dispensary of Medical Marijuana in the Commercial zone. It is therefore the recommendation to Aurora City Council to regulate the zone. It is also discussed to keep it on the West verses East side of Hwy 99E.

Discussion goes on to clarify a few points regarding the earlier discussion regarding a grow facility in the industrial zone.

C. Discussion and or Action regarding Manufacturing in Commercial zone.

No minimum lot size in commercial zone.

Fisher, would this include residencies in commercial zone? Schaefer no this would not affect them if you're already in the commercial zone than it would not provide a buffer for you.

Another question, what about residences on commercial properties you don't get protection from our code.

It's a good point on distance rather than abutting. I hear you that as a residence in the commercial zone you could potentially grow more there than what the commercial warehouse is.

That is why we are saying have it on the West side only away from the residential zone. You could also add language regarding additional 1000 feet from the residential zone and a phrase from section D.

Definition of Commercial zone per city but it would allow 100 percent manufacturing?

Industrial really doesn't allow retail they try to keep it out because of the noise and products being produced.

D. Discussion and or Action on Endangered Species Act and Changing Floodplain Regulations.

Update on this and flood plain, Christine Shirley was here about a year ago and since the Obama administration there really hasn't been any change so the state has done the same.

7. Commission Action/Discussion

A. City Planning Activity (in Your Packets)

Status of Development Projects within the City.

- City Planner Wakeley had no discussion items in addition to what has been previously discussed or presented on her report.
- Brief update on Smetco application regarding the statement in writing that no employees will be added to the site it is only for storage.
- The Bixler project is almost ready for the Mylar's to be signed and recorded.

8. Adjourn

Chairman Schaefer adjourned the meeting at 10.00 pm



Chairman, Schaefer

ATTEST:



Kelly Richardson, City Recorder