

Minutes
Aurora Planning Commission Meeting
Tuesday, August 4, 2015, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

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

STAFF ABSENT:

VISITORS PRESENT:

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Chairman Schaefer at 7:00 pm

2. CITY RECORDER DOES ROLL CALL

Chair Schaefer - Present
Commissioner McNamara- Present
Commissioner Fawcett - Present
Commissioner Gibson - Present
Commissioner Rhoden-Feely - Absent
Commissioner Weidman - Present
Commissioner TBA

3. CONSENT AGENDA

- a) Planning Commission Minutes – July, 2015
- b) City Council Meeting Minutes – NA, 2015
- c) Historic Review Board Minutes – June, 2015

Motion to approve the consent agenda as presented was made by Commissioner McNamara and is seconded by Commissioner Gibson. Motion approved by all.

4. CORRESPONDENCE –

- a) DLCD Legislative Report for 2015
- b) DLCD Directors Report for 2015.

Chair Schaefer points out that SB534 is on the Governor’s desk but not yet signed.

5. VISITORS

Anyone wishing to address the Aurora 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 Aurora Planning Commission could look into the matter and provide some response in the future.

6. Public Hearing , Opens at 7:08 PM

Commissioner Weidman declares a conflict of interest as she works at the location. Chair Schaefer declares ex-parte contact regarding what the zoning was and why it is conflicting, so therefore that is why I asked that the city initiate the process as it was an error and I spoke to the Corcoran's regarding this.

- a) Discussion and or Action on Comprehensive Plan Map Amendment (CPMA-2015-01) Zone Change (ZC 2015-01) 21348 Hwy 99E.

CITY OF AURORA PLANNING COMMISSION STAFF REPORT

FILE NUMBER: ZC-2015-01 and CPMA-2015-01
HEARING DATE: August 4, 2015

APPLICANT: City of Aurora
OWNER: Timothy & Susan Corcoran, PO Box 73, Aurora, OR 97002
REQUEST: Zone Change and Comprehensive Plan Map Amendment
SITE LOCATION: 21348 Hwy 99E, Aurora, OR 97002
Property ID R98010, Map 041.W.12BA, Tax Lot 3000
SITE SIZE: 0.166 acres
ZONING: Low Density Residential (R-1) Zone with Historic Residential (HR) Overlay
COMP PLAN DESIGN: Low Density Residential with Historic District Overlay
CRITERIA: Aurora Comprehensive Plan Chapter IX. Policies
Aurora Municipal Code (AMC)
Chapter 16.76 Procedures for Decision Making -Quasi-Judicial
ENCLOSURES: Exhibit A: Assessor Map

I. REQUEST

Applicant has requested the following two actions:

- 1) Zone change from Low Density Residential (R-1) with Historic Residential (HR) Overlay to Commercial (C) with Historic Commercial (HC) Overlay; and
- 2) Comprehensive Plan map amendment from Low Density Residential with Historic District to Commercial with Historic District

II. PROCEDURE

Procedures and standards dictating review of map amendments and zone changes are provided in AMC

16.80.30. Quasi-judicial amendments shall be in accordance with the procedures set forth in Chapter 16.76. The Council shall decide the applications on the record. A quasi-judicial application may be approved, approved with conditions or denied.

The decision on an amendment to the Comprehensive Plan Map must precede the decision on a proposed zone change. Plan map amendments are not subject to the one hundred twenty (120) day decision making period prescribed by state law and such amendments may involve complex issues. The applicant requested consolidation of the plan map amendment and a zone change and waived the one hundred twenty (120) day time limit prescribed by state law for zone change and permit applications.

Notice of the August 4, 2015 and August 11th hearings was provided on July 23, 2015 to the applicant, owners of the subject property, and all owners of property within 200' of the subject property. Notice was also mailed to the Department of Land Conservation and Development and Aurora Public Works.

Appeals are governed by AMC 16.76.260 and 16.78.120 and 16.80.030.

ID. CRITERIA AND FINDINGS

Subchapter 16.80030 provides the criteria for amendments to the Code, Comprehensive Plan, and Maps and states quasi-judicial amendments shall be in accordance with the procedures set forth in 16.76. The City Council shall decide the applications on the record. A quasi-judicial application may be approved, approved with conditions, or denied.

FINDINGS: Aurora Municipal Code (AMC) sections 16.76.020 through 16.76.110 outline the procedures for the application process, noticing requirements, approval authorities, and hearings procedures. Noticing requirements are summarized above. The Planning Commission makes a recommendation to the City Council for final decision. Staff finds the criteria under 16.76.020 through 16.76.110 are met.

Aurora Comprehensive Plan, Chapter IX. POLICIES

J. Historic Resource Policies (Goal 5)

Objective: Protect the community's historic character and sense of identity by conserving buildings and sites of historic significance and increasing the zone of control to include more of the original colony property.

FINDINGS: Staff finds the proposed rezone will maintain the historic overlay zone and, based upon input from the property owner, will conserve buildings and properties of historic significance.

K. Economic Policies (Goal 9)

2. The City will encourage the preservation and enhancement of the community's historic character.

FINDINGS: The proposed rezone and map amendment affects property located in the City's historic district. The zone change and map amendment will allow a dilapidated residential structure in the historic district to be refurbished and used for commercial purposes. On February 26, 2015, the Historic Review Board (HRB) heard and subsequently approved the property owners request to refurbish the roof, paint, windows, foundation, and doors of the existing structure. Based on the proposed use and the approval of the HRB, Staff finds the request will encourage the preservation and enhancement of the community's historic character.

3. *The City will promote the retention and expansion of existing business activities while promoting the recruitment of new businesses.*

FINDINGS: The property abutting the subject property to the north currently houses the Aurora Family Health Clinic. The proposed rezone and map amendment will allow the health clinic to expand into the subject property. Preliminary renderings submitted by the property owner show an expansion and remodel of the existing residential structure on the subject property for the purpose of accommodating the Aurora Family Health Clinic. Upon approval of a rezone and map amendment, the construction and change in use would be subject to Site Development Review. Staff finds the request will promote retention and expansion of existing business activities.

Aurora Municipal Code (AMC)

16.76 Procedures for Decision Making - Quasi-Judicial

16.76.120 Standards for the decision. An application for quasi-judicial comprehensive plan map amendment or zone change shall be based on proof by the applicant that the application fully complies with:

1. *Applicable policies of the city comprehensive plan and map designation; and*

FINDINGS: Applicable Comprehensive Plan policies are addressed above. Staff finds the request complies with applicable Comprehensive Plan policies and this criteria is met.

2. *The relevant approval standards found in the applicable chapter(s) of this title, the public works design standards, and other applicable implementing ordinances, including but not limited to, the Aurora Design Review Guidelines for Historic District Properties.*

FINDINGS: As stated above, on February 26, 2015, the HRB heard and subsequently approved the property owners request to refurbish the roof, paint, windows, foundation, and doors of the existing structure. Upon approval of the proposed rezone and map amendment, Historic District overlays will continue to apply, and any commercial development will be subject to Site Development Review and the Public Works Design Standards. Staff finds the request meets the criteria.

1. *In the case of a quasi-judicial comprehensive plan map amendment or zone change, the change will not adversely affect the health, safety and welfare of the community.*

FINDINGS: The proposed rezone and map amendment will result in Commercial (C) zoning of the subject property with Historic Commercial Overlay (HCO) zone, which will allow the dilapidated dwelling currently on site to be refurbished and used for commercial purposes. The redevelopment of a vacant and dilapidated structure will remove a potential safety and welfare hazard. Furthermore, preliminary plans for the subject property include an expansion of the neighboring Aurora Family Health Clinic. Notice of the proposed zone change and comprehensive plan map amendment was also mailed to property owners within 200 feet and provided to Aurora Public Works. At the writing on this staff report, Staff had no received written testimony regarding the subject application. Consequently, Staff finds the request will not adversely affect the health, safety, and welfare of the community. Staff finds this criteria is met.

B. Consideration may also be given to:

1. Proof of a substantial change in circumstances or a mistake in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application; and

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

FINDINGS: Properties to the north, south and west of the subject property are zone Commercial (C) with a Historic Commercial Overlay (HCO) zone. The property owner and Staff were able to locate documentation regarding the property zoning which conflicts with the current Residential zone shown on City maps and County assessor records. Staff believes that, at some point in the past during a map update, the City inadvertently mislabeled the subject property as Residential with a Historic Residential Overlay as previous land use applications for the subject property have identified it as Commercial with no evidence that the property was rezoned to Residential.

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, Staff recommends that the Planning Commission approve the request, subject to the following conditions of approval:

- 1) Future development shall occur in accordance with plans approved by the city.
- 2) Future development shall comply with all City of Aurora and State of Oregon development, building and fire codes.

V. PLANNING COMMISSION OPTIONS / SAMPLE MOTIONS

- 1) Recommend the City Council approve the request for Comprehensive Plan Map Amendment and Zone Change (File ZC-2015-01 and CPMA-2015-01) and adopt the findings and conditions contained in the Staff Report.
- 2) Recommend the City Council approve the request for Comprehensive Plan Map Amendment and Zone Change (File ZC-2015-01 and CPMA-2015-01), with findings/conditions as amended by the Planning Commission (stating revised findings/conditions).
- 3) Recommend the City Council deny the request for Comprehensive Plan Map Amendment and Zone Change (File ZC-2015-01 and CPMA-2015-01), with amended findings that the request does not meet the applicable approval criteria.
- 4) 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 Closes at 7:23 PM

There is a brief discussion regarding clarification of setbacks and square footage.

Motion is made to approve and Recommend to City Council (ZC 2015-01 and CPMA 2015-01) as recommended by staff in sample 1 by Commissioner McNamara and is seconded by Commissioner Fawcett. Motion passes by all.

7. New Business

- a) Discussion and or Action on Code Sections 16.36.50, 16.52.040, 10.08.040, 10.08.100 along with Oregon Vehicle Code referencing parking, storage and RV parking and storage.

There is a brief discussion regarding various issues in and around town regarding parking and storage of Recreational Vehicles and using them as an accessory structure. During the discussion they came up with three items; no more than 1 RV, not to be used as a shed or accessory structure, and a parked RV must be mobile and cannot have a porch up to it. No decision was made.

Action Item; put this back on the agenda for the September meeting.

8. OLD BUSINESS

- a) Discussion and or Action on Recreational Marijuana, there has been several laws passed regarding recreational marijuana, local jurisdictions have more options than they did before Chair Schaefer states he would like Council direction before we pursue this further. Time, space and manner are much the same as during MMD. There are a few options Council can consider.
- b) Discussion and or Action on Aurora Corridor Study, ODOT made some changes and this is just for review and FYI.

9. COMMISSION/DISCUSSION

- a) City Planning Activity (in your packets) Status of Development Projects within the City. Chair Schaefer discusses with the group the container that was recently approved in the commercial zone, I personally don't feel we should have storage containers being installed in the commercial zone, and Chair Schaefer states he thinks it's more an industrial zone use. I (Schaefer) admit it is painted and has a window but I am surprised to see it. I suggest tightening the code regarding these.

10. ADJOURN

Chair Schaefer adjourned the August 4, 2015 Aurora Planning Commission Meeting at 7:59 P.M.



Chair Schaefer

ATTEST:



Kelly Richardson, CMC
City Recorder