

Minutes
Aurora Planning Commission Meeting
Tuesday, June 2, 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: None

VISITORS PRESENT: None

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Chairman Schaefer at 7:01 pm

2. CITY RECORDER DOES ROLL CALL

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

3. CONSENT AGENDA

- a) Planning Commission Minutes – May, 2015
- b) City Council Meeting Minutes – April, 2015
- c) Historic Review Board Minutes – April, 2015

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

City Recorder Richardson informs the group that she will be leaving on vacation July 1st items for the July meeting will need to be in early.

Chair Schaefer informs the group that Aaron Ensign might be interested in joining Planning Commission.

4. CORRESPONDENCE –

- a) NA

5. Public Hearing, Hearing opens at 7:05 pm

- a) Discussion and Home Occupation 15-01 at 21424 Liberty Street Black Star Studio, City Planner gives her staff report,

**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Home Occupation, Type II, 2015-01 (HO-15-01)
DATE: May 26, 2015

APPLICANT/OWNER: Susan Black
21424 Liberty Street NE
Aurora, OR 97002

REQUEST: Type II Home Occupation permit approval to operate an art studio, work rooms, and classroom to teach individual students associated with Black Star Studio.

SITE LOCATION: 21424 Liberty Street NE at the intersection of 4th Street NE and Liberty Street NE in Aurora. Map 041.W.13AB, Tax Lot 300

SITE SIZE: 0.33 acres, or approximately 14,375 square feet

DESIGNATION: Zoning: Low Density Residential (R1)

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.10 Low Density Residential and 16.46 Home Occupations and 16.60 Conditional Uses

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Applicant's Home Occupation Application

I. REQUEST

Type II Home Occupation permit approval to operate an art studio, work rooms, and classroom to teach individual students associated with Black Star Studio.

II. PROCEDURE

Type II Home Occupations are processed as Quasi-Judicial Decisions. Quasi-Judicial Decisions are conducted as stated in Chapter 16.76 of the AMC. Section 16.46 provides the criteria for reviewing Home Occupations. Type II Home Occupations are listed as a Conditional Use under the R-1 zone.

The application was received and fees paid on March 23, 2015. The application was determined complete by staff on April 20, 2015 and notice was mailed to surrounding property owners on May 8, 2015 and a newspaper of general circulation in the City. The City has until **July 21, 2015**, 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 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 Home Occupations are found under 16.46 -Home Occupations of the Aurora Municipal Code (AMC) for Conditional Uses.

16.46.050.B.1.

The Planning Commission shall approve, approve with conditions, or deny any application for a Type II home occupation. The decision to approve, approve with conditions, or deny an application for a Type II home occupation permit shall be made by the planning commission upon findings of whether or not the proposed use:

- a. Is in conformance with the standards contained in this chapter.

FINDING: The property currently meets the standards for Low Density Residential (R1) zoning, including height and accessory structures. The applicant is not proposing new construction or building permit approval but rather use of an existing studio structure in the NE corner of the property and the second floor/attic of the existing garage for the home occupation, if permitted. The studio structure and garage are setback 13 feet and 11 feet, respectively, from the rear property line. Rear setbacks in the zone are ten (10) feet for single story structures and twenty (20) feet for two story structures. The Marion County Assessor shows the 280 square foot multi-purpose building as permitted/constructed in 1988 and the 220 square foot improved attic space over the garage as permitted/constructed in 2003.

Type II home occupations are a permitted use under the zone, pending home occupation permit approval by the Planning Commission under AMC 16.46.

The Home Occupations standards identified in AMC 16.46 include: 16.46.020.D.1., "properties located outside the historic commercial and historic residential overlays shall be permitted one (1) non-illuminated sign, not exceeding one hundred forty-four (144) square inches, which shall be attached to the residence or accessory structure or placed in a window. This is included as a recommended condition of approval.

16.46.020.D.2. limits daily customer or client visits to five (5) per day. Customers and clients may not visit the business between the hours of ten (10) p.m. and eight (8) a.m. and shall not generate excessive traffic or monopolize on-street parking. This is included as a recommended condition of approval.

16.46.020.D. 3. states storage of materials, goods and equipment which is screened entirely from view by a solid fence is permitted. Storage shall not exceed five percent of the total lot area and shall not occur within the front yard or the required side yard setback. Any storage of materials, goods, and equipment

shall be reviewed and approved by the city and the fire department. This is included as a recommended condition of approval.

16.46.040 includes additional conditions for all home occupations, including: prohibition of outside employees to be engaged in the business activity other than persons principally residing on the premises; no more than three (3) deliveries per week to the residence by suppliers; limiting the total square footage of the business activity to use more than 700 square feet of the structure; and/or prohibiting storage, use, or distribution of toxic or flammable materials. Staff recommends the applicant be required to acknowledge that they have read all of AMC section 16.46 for Home Occupations and shall maintain a signed copy acknowledging understanding of and conformance with the provisions of AMC 16.46. This is included as a recommended condition of approval.

AMC 16.46.090. requires a business license to operate a home occupation. A business license shall be on file with the City of Aurora at all times that the Home Occupation is in operation. A home occupation permit shall become invalid if the applicant moves his or her residence. These are listed as conditions of approval below.

- b. Will be subordinate to the residential use of the property.

FINDING: According to Marion County Assessor records, the owner of the property is the applicant. Staff has determined the proposed home occupation/business is subordinate to the primary residence and residential use and this criteria is met.

- c. Is undertaken in a manner that is not detrimental nor disruptive in terms of appearance or operation to neighboring properties and residents.

FINDING: The applicant proposes use of an existing, permitted accessory structure and attic space above the permitted garage, which are both subordinate to the primary residential structure. The proposed use will be contained within the existing accessory structure and does not appear to be one that would create excessive noise, odors, or disruptions to neighbors. The subject property measures 0.33 acres. The studio structure measures 13 feet from rear property line (which is also land outside of the current urban growth boundary) and 21 feet from the northern property line/nearest residential use. The garage measures 11 feet from the rear property line (which is also land outside of the current urban growth boundary) and 32 feet from the southern property line/nearest residential use.

Property owners within 200 feet of the subject property were mailed notice of the proposed home occupation and public hearing. At the time of writing of the staff report, the City not received testimony regarding the application from interested parties. Staff finds this criteria is met.

V. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for a Type II Home Occupation (HO-15-01) 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.
- 3) One (1) non-illuminated sign, not exceeding one hundred forty-four (144) square inches, which shall be attached to the residence or accessory structure or placed in a window. This is included as a recommended condition of approval.
- 4) Customer and client visits shall be limited to no more than five (5) per day. Customers and clients may not visit the business between the hours of ten (10) p.m. and eight (8) a.m. and shall not generate excessive traffic or monopolize on-street parking.
- 5) Storage of materials, goods and equipment screened entirely from view by a solid fence may be permitted. Storage shall not exceed five percent of the total lot area and shall not occur within the front yard or the required side yard setback. Any storage of materials, goods, and equipment shall be reviewed and approved by the city and the fire department.
- 6) The applicant is required to acknowledge that they have read all of AMC section 16.46 for Home Occupations and shall maintain a signed copy acknowledging understanding of and conformance with the provisions of AMC 16.46 on file with the City of Aurora.
- 7) A business license shall be on file with the City of Aurora at all times that the Home Occupation is in operation. A home occupation permit shall become invalid if the applicant moves his or her residence.

VI. PLANNING COMMISSION ACTION

- A. Approve the home occupation permit (file #HO-2015-01) for an art studio, work rooms, and classroom to teach individual students on the property's accessory structure:
 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
- B. Deny the request for a home occupation permit for an art studio, work rooms, and classroom to teach individual students on the property's accessory structure stating how the application does not meet the applicable approval criteria.
- C. Continue the hearing to a time certain or indefinitely (considering the 120 day limit on applications).

Susan Blackwell the applicant gives a brief history of her art career and informs the group that she plans to have one to two students at a time is all. She also informs the Commission that she has read the Municipal Code and has no problem complying with it.

Hearing no more testimony Chair Schaefer closes the hearing at 7:19 pm there is no discussion from the Commissioners.

A motion is made by Commissioner Fawcett to approve the home occupation HO- 2015-01 and is seconded by Commissioner McNamara. Passed by All.

6. 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.

Bill Graupp, Mayor informs the Commission of the results from the last council meeting regarding MMD which were hours of operation 10-5, not to allow in the Historic Commercial District, Waste needs to be in a locked container, 1000 feet from a daycare.

7. NEW BUSINESS

a) None

8. OLD BUSINESS

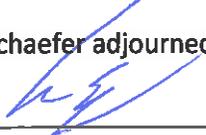
- a) Discussion and or Action on the Aurora Vision Action Plan, Commissioners go over the action plan page by page and make various changes to the document and in the end recommends it to the City Council in the form of track changes.
- b) Discussion and or Action on Beyer Annexation for Discussion Purposes Only As An Example, Chair Schaefer as a training goes over the various steps and procedures that take place during an annexation along with explaining the various forms and documents that need filled out.

9. COMMISSION/DISCUSSION

- a) City Planning Activity (in your packets) Status of Development Projects within the City.
 - Bixler request for extension, City Planner Wakeley gives a brief history of the Bixler project. Bixler has already received 2 extensions and now he is talking about a re-plat/property line adjust. Chair Schaefer states that if he is planning on vacating all of what he has done he will need to come before the Planning Commission before anything is approved. There is also a discussion regarding his performance bond and its requirements.

10. ADJOURN

Chair Schaefer adjourned the June 2, 2015 Aurora Planning Commission Meeting at 8:42 P.M.



Chair Schaefer

ATTEST:



Kelly Richardson, CMC
City Recorder