

Minutes
Aurora Planning Commission Meeting
Tuesday, March 1, 2016, 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 7:02 pm

2. CITY RECORDER DOES ROLL CALL

Chair Joseph Schaefer - Present
Commissioner Craig McNamara- Present
Commissioner Bud Fawcett – Present
Commissioner Jonathan Gibson - Present
Commissioner Mercedes Rhoden-Feely - Present
Commissioner Tara Weidman - Present
Commissioner Aaron Ensign - Absent

3. CONSENT AGENDA

- a) Planning Commission Minutes – February, 2016
- b) City Council Meeting Minutes – NA
- c) Historic Review Board Minutes – None

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

4. CORRESPONDENCE –

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.

Jim and Kathy Page along with Randy Parker the new owners of the Eddy property at 21520 Main Street is here to observe and pitch there concept for the tiny house motel.

6. PUBLIC HEARING

- a) Discussion and or Action on SDR-16-01 Application for Property 21317 Hwy 99E, Hearing opens at 7:04pm Chair Schaefer declares that he has been on site when previously owned by James Frackowaic. Commissioner Gibson also declares he was on site a number of years ago and Commissioner McNamara declares he was on site when it was the Deer Creek Mercantile. Chair Schaefer begins by reading the ORS regarding public hearing processes. He then turns the meeting over to City Planner Wakeley who then begins the staff report.

The recommendation of staff is to continue the hearing until April 5th, 2016 because noticing requirements were not met we were unable to get it printed in the local newspaper in time. We did receive comments from Aurora Fire District. You will see that the applicant has provided two separate scenarios one as a detached and the other attached Commissioner Gibson asks the slope of the driveway and if there is parking allowed on 99E Wakeley states in my research of the 2009 TSP it is not called out I had thought it to say no parking on the west side of 99E so we will need confirmation from ODOT. Regarding the slope it starts at 199' and before you even get to the front of structure its now 194' so a 5 to 6 'drop.

**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Site Development Review 2016-01 [SDR-16-01]
DATE: February 24, 2016 (for the March 1, 2016 Planning Commission meeting)

APPLICANT/OWNER: Warren and Bernice Bean/Valerie Troyer
P.O. Box 446, Hubbard OR 97032

REQUEST: Site Development Review approval for construction of approximate 5,650 sq. ft. addition to rear of an existing structure; on-site improvements including approximately 2,050 sq. ft. of outdoor patio seating area and decorative pathways; provision of 36 on-site parking spaces; and installation of a new access drive from Highway 99E.

SITE LOCATION: 21317 Highway 99E NE, Aurora, OR
Map 41.W.13BA Tax Lot 2300

SITE SIZE: 99,752 square feet or 2.29 acres

DESIGNATION: Zoning: Commercial (C) with Historic Commercial Overlay (HCO)

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.22 Historic Commercial Overlay and 16.58 Site Development Review

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Application and site plan
Exhibit C: Historic District Inventory #122 and Historic Review Board minutes (February 25, 2016)

I. REQUEST

Site Development Review approval for construction of approximate 5,650 sq. ft. addition to rear of an existing structure; on-site improvements including approximately 2,050 sq. ft. of outdoor patio seating area and decorative pathways; provision of 36 on-site parking spaces; and installation of a new access drive from Highway 99E.

II. PROCEDURE

The application was submitted to the City on February 4, 2016 but was determined incomplete by staff on February 17, 2016. The applicant submitted supplemental materials on February 17th and 22nd. The request for comments to interested parties and notice to property owners within 100 feet of the subject property was mailed on 2/23/17- 7 days prior to the Planning Commission meeting. Aurora Municipal Code (AMC) requires notice to surrounding property owners 14 days prior to the Planning Commission meeting and notice published in the paper 20 days prior to the Planning Commission meeting under Limited Land Use decisions, AMC 16.78. Time constraints and submission of supplemental required application materials did not allow for sufficient notification requirements. Therefore, staff is recommending the Planning Commission continue the hearing to a date and time certain to allow staff to adequately meet the procedural requirements of the subject application under the AMC.

The City has until **June 20, 2016**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

Appeals are governed by AMC 16.78.120. An appeal of the Planning Commission's decision shall be made, in writing, to the City Council within 15 days of the Commission's final written decision.

IV. CRITERIA AND FINDINGS

The applicable review criteria for Site Development Review are found in AMC 16.58.

16.58.100 Approval Standards

The review of a Site Plan shall be based upon consideration of the following:

A. Provisions of all applicable chapters;

FINDINGS: The subject parcel is zoned Commercial (C) with a Historic Commercial Overlay (HCO). According to the Marion County assessor, the existing structure was built in 1865 and includes an approx. 993 sq. ft. main floor, 693 sq. ft. finished attic and 693 sq. ft. unfinished basement. The existing structure is estimated to be 30 feet from the front property line with a brick patio within the front yard. The applicant proposes an approx. 5,650 sq. ft. addition to rear (west) of the existing structure with on-site improvements including approximately 2,050 sq. ft. of outdoor patio sq. ft. and a gravel parking area with an estimated 36 parking spaces. Staff finds the property and proposal meet the HCO zone requirements for lot depth, width, and height. AMC 16.22.040.D. states, "no front setbacks shall be permitted, except as

necessary to maintain visual clearance areas. No rear or side setbacks are required. The existing structure is setback approximately 30 feet from the front property line and can be considered a pre-existing non-conforming use to the no front setback code requirements.

The existing structure is also identified in the Aurora Historic Building Inventory as the Maria Mohler House (Resource #122), and has a Primary Significant classification.

AMC section 17.040.020.A. governs additions to contributing commercial structures (which applies to the existing structure/subject property as follows:

1. New additions may only be placed on the rear elevation. Architectural detailing including roofing, siding, trim, doors, and windows shall match the existing structure in design and materials unless supported by evidence in the historic inventory.
2. Previous additions to the original structure that were added prior to 1921 shall be subject to the same standards and criteria as the original portion of the structure; however, in the event that the addition does not match the original, the exterior features of the addition may be altered to match the original.
3. Additions to contributing structures that were built in 1921 or later may be removed, and following removal, the exterior materials on that portion of the structure must match the remainder of the structure.
4. Additions to commercial structures are exempt from the parking requirements in Title 16.

Staff believes requiring new construction be placed in front of the historic structure or parallel to the existing would be in conflict with AMC 17.040.020 and staff finds the proposed addition to the rear of the historic structure satisfies both AMC section 16 and 17.

AMC 16.22.040.I states all properties, uses, and structures in the historic commercial overlay shall be subject to the requirements of Title 17, Historic Preservation. The Aurora Historic Review Board (HRB) reviewing the application at a February 25, 2016 meeting and comments from the HRB are included under Exhibit C. Staff finds the proposed addition and site improvements (see Exhibit B) can meet the requirements of AMC Title 16 and Title 17- Historic Preservation.

Staff finds this criterion can be met, with conditions.

- B. Buildings shall be located to preserve topography and natural drainage and shall be located outside areas subject to ground slumping or sliding;*

FINDINGS: Exhibit B11 provides a contour map of the property, as well as the location of the existing structure and proposed new construction. The most significant slope on the property is located along the frontage of Highway 99E and to the west of the existing structure and proposed new construction. According to the applicant, the "proposed addition to the existing building fits nicely into the existing topography, as does the parking area".

Staff finds this criterion is met.

- C. Privacy and noise;*

- 1. Buildings shall be oriented in a manner which protects private spaces on adjoining residential properties from view and noise;*

2. *On site uses which create noise, lights, or glare shall be buffered from adjoining residential uses;*

FINDINGS: The subject property measures approx. 99,752 square feet or 2.29 acres. The property abuts the urban growth boundary and city limits to the west and Highway 99E to the east. The property to the north is zoned HCO and is buffered by approximately 150 feet of existing landscaping proposed to remain (see Exhibit B11). The property to the south is zoned Commercial but is outside the Historic Commercial Overlay. The lot to the south of the subject property measures approximately 50 feet to the south of the existing structure and proposed addition. The applicant proposes installation of a new asphalt parking area to the south of the existing structure and addition and proposes to buffer the parking area with five (5) ft. fence (see Exhibit B18).

A lighting plan was not included with the subject application. A lighting plan in conformance with criteria 16.58.100.C.2. and I.3-4. shall be submitted for City review and approval prior to final occupancy permit approval. This is included as a recommended condition of approval.

Staff finds this criterion can be met, with conditions.

D. Residential private outdoor areas:

FINDINGS: Staff finds this criterion does not apply.

E. Residential shared outdoor recreation areas:

FINDINGS: Staff finds this criterion does not apply.

F. Shared outdoor recreation space shall be readily observable for reasons of crime prevention and safety;

FINDINGS: The proposed outdoor space abuts the proposed structures. However, the property is completely under private ownership and staff finds this criterion does not apply.

H. Demarcation of public, semipublic, and private spaces;

FINDINGS: Staff finds this criterion does not apply as the space is private, commercial property.

I. Crime prevention and safety:

1. *In residential developments, interior laundry and service areas shall be located in a way that they can be observed by others;*

2. *Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic;*

3. *Exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime;*

4. *Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person.*

FINDINGS: Criteria I.1 and I.2 are related to residential development and found not to apply. A lighting plan for the site was not provided by the applicant. A lighting plan in conformance with the above criteria shall be submitted for City review and approval prior to final occupancy permit approval. The lighting plan must also show that lighting shall not reflect onto surrounding properties. This is included as a recommended conditional of approval.

J. Access and circulation;

- 1. The number of allowed access points for a development shall be as determined by the City Engineer in accordance with standard engineering practices for city rights-of-way, as determined by Marion County for county rights-of-way, and as determined by the Oregon Department of Transportation for access to Highway 99E.*
- 2. All circulation patterns within a development shall be design to accommodate emergency vehicles.*

FINDINGS: Comments from the Aurora Rural Fire District are included under Exhibit D and included as a recommended condition of approval. The applicant proposes to close the existing access to the property and add a new access further south along Highway 99E at the location of the proposed parking area. According to the applicant, they have met with ODOT staff and ODOT has indicated they believe the proposed change is approvable by them. A recommended condition of approval is for the approved access permit to be submitted to the City of Aurora prior to occupancy permit approval.

Staff finds this criterion can be met, with conditions.

K. Public transit;

FINDINGS: Access to the property is proposed via Highway 99E. No transit stops abut or are adjacent to the subject property. Staff finds this criterion does not apply.

- L. All parking and loading requirements shall be design in accordance with the requirements set forth in Chapter 16.42.*

FINDINGS: Parking shall be in conformance with the AMC 16.22 for the historic commercial overlay zone and Title 17-Historic Preservation. AMC 16.22.040.F. states, "Parking shall be in accordance with Chapter 16.42 except as specifically exempted by Chapter 16.28 and Title 17, and should be located to the rear of the building. The planning commission may approve parking to the side of the building where parking to the rear is not feasible. AMC 17.40.020.A.4. states, "Additions to commercial structures are exempt from the parking requirements in Title 16". Staff finds parking is not required.

As the applicant does propose parking and while parking space minimums are exempt under the HCO, proposed parking shall still be required to conform with the public works standards under 16.38 and 16.42 for screening and buffering as the property does not abut residentially zoned property. Additionally, the proposed location of the parking area to the south of the existing structure and proposed addition appears to provide good access and least impact upon existing topography. Staff recommends the planning commission approve the proposed parking to the side of the building as parking to the rear has the potential to have a greater impact upon existing property slope.

No ADA parking is shown on the proposed site plan. Staff recommends the Planning Commission defer to the building inspector to determine whether ADA parking is required on site. If ADA parking is provided or required, it shall be constructed in accordance with the Oregon Structural Specialty Code, in conformance with AMC 16.42.100. This is included as a recommended condition of approval.

16.42.050.A. states, "All parking and maneuvering surfaces shall have a durable, hard and dustless surface such as asphalt, concrete, cobblestone, unit masonry, scored and colored concrete, grasscrete, compacted gravel, or combinations of the above". According to the applicant, "we concur with this requirement" and the applicants representative has stated the parking area will be gravel with the exception of the first twenty (20) feet at the property line, which would be asphalt as required by ODOT. In addition, there may be a small area paved for ADA parking.

Criteria under 16.42.050.B-I. contain requirements for service drives and/or residential developments and are found not to apply to the subject property and application.

16.42.050.J states, "J. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way". 16.42.050.K requires, "The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height, and at least three feet from the lot line or any required fence. This is included as a recommended condition of approval.

Staff finds this criterion can be met, with conditions.

M. All landscaping shall be designed in accordance with the requirements set forth in Chapter 16.38.

FINDINGS: A preliminary landscape plan with minor improvements for outdoor seating and pathways is included under Exhibit B. AMC 16.38 require properties larger than twenty thousand (20,000) square feet in size shall have at least ten (10) percent of the total lot area landscaped. Staff finds this criterion is met.

AMC 16.38.50.D. requires any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area, shall be screened from view by placement of a solid wood fence, masonry wall or evergreen hedge between five and eight feet in height. All refuse materials shall be contained within the screened area. According to the applicant, the garbage enclosure will be screened with concrete masonry units and the exterior would be wood siding painted white to match the building. Staff recommends inclusion of screening of refuse containers, disposal areas and service facilities to be screened in compliance with 16.38.050.D be included as a condition of approval.

If landscaping improvements exceed \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with AMC 17.04.050.B.2. This is included as a recommended condition of approval.

N. All public improvements shall be designed in accordance with the requirements of Chapter 16.34.

FINDINGS: The subject property is generally considered developed. Extension/sizing of water, sewer, or storm drainage improvements are required to comply with Chapter 16.34 and the City of Aurora public works design standards and City of Aurora and State of Oregon development, building and fire codes. This is included as a recommended condition of approval.

At the time of this staff report, staff did not have comments from the city engineer or city public works.

The Aurora Transportation System Plan (TSP) defers to the Oregon Department of Transportation (ODOT) for frontage improvements along Highway 99E, classified as a State Principal Arterial. Staff does not believe additional right-of-way dedication will be required at this time based upon existing widths. At the time of writing of this staff report, the City did not have comments from ODOT on the subject application.

Staff does not believe the subject Site Development Review application will require completion of a Traffic Impact Analysis (TIA) as the proposed application is not determined by staff to result in more than 250 vehicle trips per day as specified in the TSP. At the time of writing of this staff report, the City did not have comments from the city engineer on the subject application. Parking is discussed under criteria L.

Staff finds this criterion can be met, with conditions.

O. All facilities for handicapped shall be designed in accordance with the requirements set forth in the ADA requirements;

FINDINGS: The subject application includes new construction which will be subject to Oregon Structural Specialty Code requirements and ADA requirements. Remodel, if applicable, and construction shall be required to comply with all City of Aurora and State of Oregon development, building and fire codes. This is included as a recommended condition of approval. Staff finds this criterion can be met, with conditions.

P. All of the provisions and regulations of the underlying zone shall apply

FINDINGS: Staff finds the applicant can meet the zone criteria under the HCO and can meet the criteria for Site Development Review approval, with recommended conditions of approval. The application meets the minimum side and rear yard setbacks and meets the height limitation of 35 feet. While the application does not meet the zero front yard setback, the applicant is proposing for the new construction to be complementary and subordinate to the existing historic structure. The applicant has also shown the slope considerations of the site which would make construction along the front property line much more difficult than would be possible for smaller properties in the HCO zone to the north of the subject property.

Staff finds this criterion is met.

V. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, staff recommends that the Planning Commission *CONTINUE* the planning commission hearing and decision on the application for Site Development Review (SDR-2016-01).

If the Planning Commission does not decide to continue the hearing, staff has outlined suggested conditions of approval based upon the information and comments received at the time of writing of this staff report:

- 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 in effect at the time of *building permit application*).
- 3) A lighting plan in conformance with AMC 16.58.100.C.2. and 16.58.100.I.3-4. shall be submitted for City review and approval prior to building permit approval. The lighting plan shall also show that lighting will not reflect onto surrounding properties. The approved lighting plan shall be installed *prior to final occupancy permit approval*.
- 4) An ODOT approved access permit shall be submitted to the City of Aurora *prior to occupancy permit approval*.
- 5) If ADA parking is provided or required, it shall be constructed in accordance with the Oregon Structural Specialty Code, in conformance with AMC 16.42.100.
- 6) In accordance with 16.42.50.J.-K., Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way. The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height, and at least three feet from the lot line or any required fence. Parking improvements shall be completed *prior to occupancy permit approval*.
- 7) Screening of refuse containers, disposal areas and service facilities shall be screened in compliance with 16.38.050.D., *prior to occupancy permit approval*.
- 8) If landscaping improvements exceed \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with AMC 17.04.050.B.2.

VI. PLANNING COMMISSION ACTION

- A. Continue the hearing to the April 5, 2016 Planning Commission meeting to allow for additional staff review of comments from various interested parties and incorporation into the Planning Commission staff report and decision.
- B. Approve the site development review application (SDR 2016-01) for new construction/additions to the existing structure, on-site landscaping improvements including approx. 2,050 sq. ft. of

outdoor patio seating area and decorative pathways; provision of 36 on-site parking spaces; and installation of a new access drive from Highway 99E.

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
- C. Deny the request for site development review approval for SDR 2016-01 stating how the application does not meet the applicable approval criteria.
- D. Continue the hearing to a time certain or indefinitely (considering the 120-day limit on applications).

The Commissioners ask the applicant which version they would prefer and it is determined in that conversation the applicant would prefer it to be attached.

- The applicant Bernice Bean addresses the Commission and gives a brief background of her over 35 years in the hospitality industry and feels as though this would be a good sound project in Aurora.
- Aaron Fabre comments that we were hoping to get a sense on whether or not this project could move forward as our option to purchase is until March 15th. We have discussed the project with ODOT and it is my understanding that we can have parking along 99E. Initially our goal was to keep the driveway and put in a second one and we learned that would not be possible so we moved it. They do have some requirements that we will address.
- The Historic Review Board seemed to like the project they had a few comments I would only add that my understanding was that they were not expecting us to come to next meeting just bring it to the board when ready for permit process.

There were no Comments for or against.

Motion is made by Commissioner McNamara to continue the hearing until the April 5, 2016 meeting and is seconded by Commissioner Fawcett. Motion Passes.

7. NEW BUSINESS

- a) Discussion and or Action on Non-Remonstrance Agreement for 15050 Park Avenue. Chair Schaefer summarizes the application, the property is a flag lot and they currently have building permits for a single family dwelling currently there are no sidewalks surrounding the flag lot therefore the applicant is asking for a Non-Remonstrance Agreement instead of putting in sidewalks at this time.
- Planner Wakeley comments that this is an interpretation and a limited land use decision and therefore no public hearing is required. Once a decision is made abutting property owners would be notified. There have been a few concerns in the past regarding drainage on the south side but not on the north side. IN the last 5 years development has required sidewalks on the north side most of the drainage problems are on the south side only. In the past it has been determined that these could be a safety issue if left too long without connecting sidewalks so your code does allow for a non-remonstrance agreement.

At this point the recording stopped at 7:55PM the recorder is full.

Motion to approve the Non-Remonstrance agreement application for 15050 Park Avenue is made by Commissioner Gibson and is seconded by McNamara. Passed by all.

8. OLD BUSINESS

- a) Discussion and or Action on Orchard View Subdivision Storm Drain Issues.
Chair Schaefer gives a brief history of the issue and informs everyone that there are no new updates as of yet. Councilor Southard informs the group that this will be addressed in the Storm Water Master Plan update that should be completed very soon. The City has provided the group with estimates on maintenance costs however the City is really hoping for the group to form an HOA to take care of the situation.
- b) Discussion and or Action on Possible Urban Growth Boundary Expansion for the Airport.
Chair Schaefer, after our last meeting and with discussions with City Council we are to the point of moving forward and I would like your thoughts on this process.
- We need to now get the funds together in order to move forward with the EOA (Economic Opportunities Analysis) which will be completely funded by donations and or grants. This portion of the project will cost approximately \$50,000 based on similar projects and about \$10,000 for the City Planners time and maybe another \$5,000 for our City Attorney. We will have the budget committee set up a line item on the budget.
 - Citizen involvement is a big part of this process we need to get feedback from our community.
 - Identification of possible lands 360 degrees surrounding Airport.
 - Assessment of land potential and expectation of Airport growth.
 - Industry specific EOA for the Airport is where were going with this.

Consensus of the commission is to wait until there is more information before we begin obtaining citizen feedback.

Councilor Southard is in the audience and he just wanted to remind everyone that we are the servants for our community and that it is our job to help our citizens to succeed in their projects. There are so many vacant buildings and we need to figure out ways to make applicants successful.

9. COMMISSION/DISCUSSION

- a) City Planning Activity (in your packets) Status of Development Projects within the City. NA.

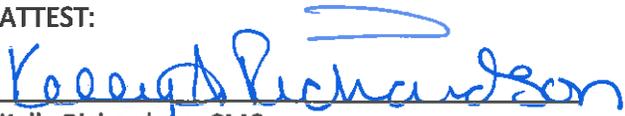
10. ADJOURN

Chair Schaefer adjourned the March 1, 2016 Aurora Planning Commission Meeting at 8:50 P.M.



Chair Schaefer

ATTEST:



Kelly Richardson, CMC
City Recorder