

AGENDA
Aurora City Council Meeting
Tuesday, March 11, 2014, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

1. Call to Order of the City Council Meeting

2. City Recorder Calls Roll

Mayor Graupp
Councilor Sallee
Councilor Brotherton
Councilor Sahlin
Councilor Vlcek

3. Consent Agenda

- I. City Council Meeting Minutes – February 11, 2014
- II. Planning Commission Meeting Minutes – February, 2014
- III. Historic Review Board Minutes –January, 2013

Correspondence

I. Email from Citizen Annie Kirk

4. Visitors

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

5. Mayor's Report

A.

6. Discussion with Parks Committee

7. Discussion with Traffic Safety Commission

8. Reports

A. Marion County Deputy Report – (included in your packet)

Aurora City Council Agenda

March 11, 2014

This is a public meeting and all interested citizens are invited to attend. The meeting place is not handicapped accessible; those needing assistance should contact the city Office three (3) working days before regularly scheduled meetings. The minutes of this and all public meetings are available at City Hall during regular business hours. All meetings are audio taped and may be video taped

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- B. **Finance Officer's Report – Financials** (included in your packets)
 1. Revenue & Expense Report
 2. Discussion on Audit Report
- C. **Public Works Department's Report** – (not included in your packet)
 1. Monthly Status Report (Storm Water)
 2. Monthly Status Report (Water)
 3. Parks Report, OSU Tree Report
- A. **Waste Water Treatment Plant Update** (not included in your packet)
- D. **City Recorder's Report** (included in your packet)
- E. **City Attorney's Report** – (not Included in your packet)

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9. Ordinances and Resolutions & Proclamations

- A. **Discussion and or Action on Ordinance 474 An Ordinance to amend the Aurora Municipal Code. Second & Final Reading**
- B. **Discussion and or Action on Resolution Number 681 Transfer and Re-Appropriation of Funds.**
- C. **Discussion and or Action on Proclamation Determining March as Red Cross Month.**
- D. **Discussion and or Action on Resolution Number 682 to Consider the Formation of a Marion County Extension Office.**

10. New Business

- A. **Discussion and or Action on Recommendation from Planning Commission to Re-Appoint Bud Fawcett.**
- B. **Discussion and or Action on Utility Billing Mailing Policy and Newsletter Policy.**
- C. **Nomination of Budget Officer for the Upcoming Budget Year.**
- D. **Discussion with Joseph Schaefer Planning Commission Chair Regarding Recent Marijuana Legislation.**

11. Old Business

- A. Discussion and or Action on approval of ACVA Draft Letter to Citizens Regarding Weed Control.**
- B. Discussion and or Action on ACVA Grant Fund Request for Island Maintenance.**

12. Adjourn

Minutes
Aurora City Council Meeting
Tuesday, February 11, 2014, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Pete Marcellais, Marion County Deputy
Dennis Koho, City Attorney
Mary Lambert, Finance
Darrel Lockard, Public Works Superintendent

STAFF ABSENT:

VISITORS PRESENT: Jim Fisher, Aurora
Ben Williams, Aurora
Tom Potter, Aurora
Joseph Schaefer
Lori Sahlin, Cody Lane Aurora
Kathe Geoff, Liberty
Annie Kirk, Main Street
Mercedes Rhoden-Feely Liberty Street
Ron & Mary Van Kleef
Scott Reilly
Tara Weidman

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Bill Graupp at 7:00 p.m.

2. City Recorder does roll call

Mayor Graupp – present
Councilor Sallee- present
Councilor Brotherton -present
Councilor Sahlin – present
Councilor Vlcek – Absent

3. Consent Agenda

- I. City Council Meeting Minutes – January 14, 2014, corrections;
- correct 2013
 - Kart to cart

- Potter Address from 2124 to 21244 pg 4
- II. Planning Commission Meeting Minutes – January, 2014
- III. Historic Review Board Minutes –December, 2013

Correspondence

I. Senate Bill 1531 Regarding Medical Marijuana, March 1st roll out this year for medical marijuana at the state level. It is complicated in my opinion. We will need to review it carefully we will discuss this during Planning Commission meetings.

Motion to approve the consent agenda was made by Councilor Sahlin and is seconded by Councilor Sallee. Motion Approved by all.

4. Visitors

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

Ron Van Kleef 20787 Yukon Street, 6 months ago we asked about paving Yukon Street and when the city thought the builder would be doing that. Councilor Sahlin states that the development agreement didn't specify a time frame. City Recorder Richardson is instructed to get in touch with G. Cam the builder and ask what his schedule for this is.

Annie Kirk, 21370 Main Street I wanted to inform Council about a sink hole starting in the apron in front of our house.

Scott Reilly, Walnut Street states that the hearing with Marion County regarding selling water to the Airport was cancelled. I think a few council members called in and spoke to Don Russo with Marion County and I would like to have an update. Mayor Graupp states that it is currently being discussed at the Aurora Planning Commission meetings and awaiting a staff report regarding this issue.

Mayor Graupp again explains that by email Marion County contacted him regarding this issue and that there were two meetings following with the discussion pertaining to safety concerns regarding the airport and if one existed then we could discuss whether or not Aurora would be interested in talking about selling water to the airport or not. Once we had received proof of a safety issue at the very least.

Councilor Sahlin, are we reacting to anything at these meetings, No stated by Mayor Graupp the Planning Commission so far has stated that it would be against code to sell water outside of city limits.

Reilly what do you need to hear from your citizens to stop this process so we don't spend city resources regarding this issue. **Mayor Graupp** no paid staff time is being exhausted so far only non paid volunteers from the City Council and Planning Commission have spent time on this issue.

Tom Potter, you would only consider moving forward if there were a safety issue. Mayor Graupp yes some data has come forth and it is on the Marion County web-site and at this time I cannot speak to it all because I have not had the opportunity to read it all as of yet.

Kathy Geoff Liberty Street why would you even think about selling water?

Mayor Graupp, there has been a lot of work towards why the water shortage from last summer happened and we are fixing well 5 to make the flow better and analyze what went wrong last year. We had data that confirmed it at the time. I can't tell you the future and cannot predict water. Currently California is in a drastic drought situation and if it moves this way then it could affect us so I cannot predict the future. The public needs to take some responsibility for the water shortage as well. We all need to protect all of our natural resources. Drought situations are possible especially with the lack of snow and rainfall.

Fisher, Can Aurora be forced to sell water to the airport? Councilor Sahlin we cannot be forced to supply something we don't have. **Mayor**, I would love to answer this but I am learning this job on the fly and I am hearing about new laws every day. **Fisher**, If we would benefit financially we could possibly join in on a collaborative effort. Then I would be ok with that.

Councilor Sallee, solution is looking at all the options and think outside the box. It doesn't mean we are looking at all of them and not doing. We need to look at all options so we are doing our jobs good or bad.

Mayor it is my job to do this and look at all options and laws. We need data. Comment to Scott, when we had issues last summer it was because the community was using around 224 thousand gallons a day and the airport is only asking for 5,000 gallons for the entire year.

Annie, I would say everyone would need to be responsible for our actions.

Councilor Sahlin, we are not on the other side of the fence we live with you we use the same water we had to be restricted right along with you. We have nothing to gain. I have the same concerns you do and I do care. I would ask that you come to these meetings and ask and we will attempt to get you the information you are asking about. These meetings are our way to get information out to the public.

Mayor there is a lot being done right now for the water quality and the pumps in the last 6 months we are working on it so there hopefully will not be any problems this summer.

When someone comes and presents something that could financially benefit us I have to look at this.

Where are we with water quality at this point, Darrell my job is to provide the best water to you all. I have started a few tests to help water quality and I think along with the filtration we can.

Thank you for comments.

No one else spoke.

5. **Public Hearing, opens at 744pm**

- A. **LA-14-01 which would amend sections of the Municipal Code.**

Staff report given by Joseph Schaefer,

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

105 HIGH STREET S. E. SALEM, OREGON 97301-3667

TELEPHONE: (503)588-6177

FAX: (503)588-6094

TO: Aurora City Council
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 2014-01 (LA-14-01)
DATE: February 5, 2014 for presentation at February 11, 2014 hearing

REQUESTED ACTION

The City Council's options for taking action on Legislative Amendment 14-01 include the following:

- A. Motion to adopt the findings in the staff report and adopt Legislative Amendment 14-01:
 - 1. As presented by staff and the Planning Commission; or
 - 2. As amended by the City Council (stating revisions)

- B. Motion to take no action on Legislative Amendment 14-01; or

- C. Continue the public hearing:
 - 1. To a time certain, or
 - 2. Indefinitely

BACKGROUND

Aurora's Municipal Code does not currently provide provisions for mobile food units in the commercial core. Several residents and business owners have expressed interest in the addition of mobile food units (food carts) to their existing commercial eating and drinking establishments to help offset costs of running a restaurant and as a means to supplement seating areas with less costly and impactful "walk away" food services. The Planning Commission and staff reviewed the development code over several months in 2013 and submitted an application in January 2014 to initiate public hearings on the proposed revisions. The Planning Commission is also recommending decreasing the "trigger" for initiating site development review applications, clarify several minor areas of the code for ease of reference and/or correct citations, and amend the medium density residential zone to include residential care facilities as recommended by the Fair Housing Council of Oregon.

The following section of the Aurora Municipal Code (AMC) are proposed for amendment:

- Miscellaneous pages throughout Title 16 correcting title references to elected official and staff such as Mayor, Planning Commission, City Council, Planning Director, etc.
- 16.02 Definitions; 16.12 Residential Low/Moderate Density; 16.13 Accessory Buildings; 16.22 Historic Commercial Overlay; 16.52 Temporary Uses; 16.58 Site Development Review; and 16.60 Conditional Uses.

Legislative Amendment 14-01 includes the adoption of the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold** and ~~striketrough~~ format for review purposes (see Exhibit A).

FINDING OF FACT AND CONCLUSIONS

The Aurora Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact and Conclusions:

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on January 8, 2014, which was 28-days prior to the first evidentiary hearing and 35-days prior to the City Council hearing scheduled for February 11, 2014.
2. Amendments to the Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Legislative Amendments shall be made in accordance with the procedures and standards set forth in AMC 16.74-Procedures for Decision Making-Legislative. A legislative application may be approved or denied.
3. AMC 16.74.030 outlines notice requirements. Ten days prior to the first evidentiary hearing, the City sent written notice of the hearing to affected neighborhood planning

organizations- the Aurora Historic Review Board. At least ten days prior to the first public hearing, the City published notice in a newspaper of general circulation- Canby Herald on January 22, 2014.

4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action, not a quasi- judicial action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the planning commission and the decision by the city council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.
6. The Planning Commission reviewed the proposed legislative amendments at a February 4, 2014 public hearing.

FINDINGS

- A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:
 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197;

FINDINGS: Goal 1, Citizen Involvement: A public hearing on the proposed amendments was held before the Planning Commission on February 4, 2014 and a second hearing will be held by the City Council on February 11, 2014. Notice was posted at City Hall, published in the Canby Herald, and provide to the Historic Review Board. The staff report was available for review one week prior to the planning commission and city council hearings. This is consistent with City procedures. Staff and the Planning Commission find Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged AMC for process. Goal 2 generally supports clear and thorough local procedures. Staff and the Planning Commission find Goal 2 is met.

Goal 3, Agricultural Lands and Goal 4, Forest lands: Goals 3 are not found to be applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources intent is to "protect natural resources and conserve scenic and historic areas and open spaces" and requires procedures for the establishment of historic areas and inventories. As the proposed code updates does not amend or alter the historic area or inventory. Staff finds Goal 5 does not apply.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreational Needs: Goal 8 is not applicable. The proposal does not address Goal 8 resources.

Goal 9, Economic Development: The draft code amendments respond to a need identified within the business community. The proposed code amendments are not found to deter employment or business opportunities. Staff and the Planning Commission find Goal 9 is met.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: The draft code amendment encourages economic development in the commercial core and a pedestrian friendly atmosphere. The code amendments attempt to provide a system that allows for economic development of existing eating and drinking establishments while also reducing the need for a lengthy application process when traffic impacts are determined to increase by less than 25 percent. Staff and the Planning Commission find Goal 12 issues are met.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

ORS 197 does not include specific notice requirements for legislative processes but the City met all notice requirements under AMC for Legislative Amendments. ORS 227.186, more commonly known as Measure 56 notice, does not apply as the proposed amendments do not reduce permissible uses of properties in the affected zones.

2. Any federal or state statutes or rules found applicable;

FINDINGS: Staff finds the adoption actions are consistent with Oregon Revised Statute 197.610(1) for notice to the Department of Land Conservation and Development. Measure 56 notice was not required as the proposed amendments do not reduce permissible uses on commercial lands. Applicants for mobile food units will be required to show compliance with County and Oregon Health Department rules, such as a food handler's permit. Staff and the Planning Commission find this criterion is met.

3. The applicable comprehensive plan policies and map; and

The following Comprehensive Plan Goals and associated policies were found to be applicable to this application:

Goal 1- Citizen Participation: Develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS: A public hearing on the proposed amendments was held before the Planning Commission on February 4, 2014 and a second hearing will be held by the City Council on February 11, 2014. Notice was posted at City Hall, published in the Canby Herald, and provide to the Historic Review Board. The staff report was available for review one week prior to the planning commission hearing. This is consistent with City procedures. Staff and the Planning Commission find this condition is met.

Goal 2- Planning Process: Establish a land use planning process and policy framework document (comprehensive plan) as a basis for all decisions and actions related to use of land and ensure an adequate factual base for such activities.

FINDINGS: Adoption actions are consistent with the acknowledged AMC. Staff and the Planning Commission find this condition is met.

Goal 9- Economic Policies

3. *Foster commercial and industrial activities to meet the expressed needs of City residents.*

FINDINGS: The draft code amendments respond to a need identified within the business community. The proposed code amendments are not found to deter employment or business opportunities but rather to support commercial activities and increased economic opportunities. Staff and the Planning Commission find this condition is met.

Goal 12- Transportation Policies

2. *Encourage transportation improvements which support the community's economic development and create a pedestrian friendly atmosphere.*
3. *Establish a street system which is consistent with orderly growth, minimizes conflicts with adjacent land uses, and provides a circulation system which is safe and efficient for both vehicles and pedestrians.*

FINDINGS: The draft code amendments respond to a need identified within the business community and encourage a pedestrian friendly atmosphere by allowing for the provision of

mobile food units that are accessible to pedestrian activities and encourage economic activities within the historic core which has sufficient infrastructure to support vehicle and pedestrian demands. Location of mobile food units will be upon property's already serving as eating and drinking establishments. The reduction of change in use applications or new businesses that would be subject to land use application (Site Development Review) due to traffic impacts is found to be waived on minimal impacts to traffic increases. Therefore, staff and the Planning Commission find this condition is met.

4. The applicable provisions of the implementing ordinances.

FINDINGS: The Historic Commercial Overlay are intended to provide areas for retail, eating and drinking establishments, and service uses. The provision for allowing mobile food carts is not contradictory but rather complementary to permitted uses within the zone. The purpose of the code revision is to permit and encourage additional commercial activity, vending, and a pedestrian oriented environment that creates a visually attractive atmosphere and promotes commerce. Staff and the Planning Commission find the proposed code amendments can be established in compliance with the development requirements of the Aurora Municipal Code.

B. Consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

FINDINGS: Staff does not find a change in circumstance, mistake or inconsistency in the comprehensive plan or implementing ordinances. This criterion does not apply.

Encl: EXHIBIT A- Title 16
EXHIBIT B- Historic Review Board review comments

- 1st trigger on site plan review requirement changing to 25% rather than 10%.
- 2nd, Food Carts, We had no provision for food carts in town and we have a new text amendment for food carts in the historic district only.
- Only allowed on existing business location
- None of structure located on buffering and must be setbacks
- Drive through
- Signage code applies
- One per site
- No internal floor space
- Size limit

- Mobile and fully operable and DMV licensed.
- In good repair with no exterior damage.
- 3rd housekeeping typo changes regarding many references between title 17 that was done last year.

No exhibits presented at this time.

Testimony time, in favor of

- No one responded
- Again no one responded.

Do you have a special occasion language for carts during that time? Schaefer this would be a different situation.

Councilor Brotherton, question just the historic district is what you're talking about here yes.

Annie Kirk, change in code only applies to historic commercial district yes. Outside of this area is it allowed? Schaefer no not now.

OPPOSED

- Jim Fisher, This simply only affects very few business and only those with enough area to support a cart. Schafer our point here was that we wanted to make it possible for established business already here not to bring in competition.
- It appears to me looking in that someone is pressuring the city to do this that has a larger lot that can afford the space.
- Weidman, you don't have to be the owner of the business to be owner of cart therefore it would benefit other types of businesses.

Public hearing closed at 7:58pm

Council Discussion,

Councilor Sahlin, I think I agree and I am of with the language as a start to see what happens.

Mayor, I think there is an advantage for these businesses. The concept was to not allow just anyone to come in and open up a cart.

Mayor other there businesses could set up a food cart; scatter creek could work a deal with Colony pub to have a cart on their property for example.

Councilor Sallee, Would it be possible to use the city right away area that we use during the Colony Days for food carts? Schaefer again we were trying to keep it to businesses that are already established here.

Councilor Sahlin have any restaurants responded with any comments on this. Have we received any negative feedback I guess is what I am asking? My position would be to approve it if we

have not had any negative feedback. I just don't want a food cart come in with bright neon colors and terrible exterior features to distract from what we are trying to achieve in the historic district.

Councilor Brotherton do you think this would open it up for other carts and other areas later on. I see a great advantage for economy and businesses down the road.

Councilor Sallee, signage is my concern.

Mayor, I have an idea for a text amendment change give an allowance for a 4x2 signage area that is not subject to the code requirements. It would need to be a small flesh mounted sign on cart itself. They decide to hold off on this one.

Councilor Sahlin is there any language on what the cart needs to look like? **Schaefer** we came up with good repair and no exterior damage. At what point does one in bad repair constitute a nuisance was one of our topics during our Planning meeting.

One item that is not here is the requirement for water or sewer hookup and disposal. It was discussed briefly and it was Council consensus to insert language for sewer and grey water disposal.

A motion is made by Councilor Sallee to approve LA-14-01 with amended language to show that there are no sewer or grey water hookups and is seconded by Councilor Sahlin. Passed by all.

Staff comments,

6. Mayor's Report,

Not a lot to report,

A. Presentation of Plaque to City Recorder, Kelly Richardson for Achieving CMC (Certified Municipal Clerk) Certification.

There is a brief discussion regarding the Community Forum that took place earlier today regarding the legalization of Marijuana. Clearly at this forum there was more talk against the legalization. The final statement that was made was that everyone should join together to fight the legalization of marijuana.

Currently the Aurora Planning Commission has been discussing this issue regarding our code language because at this time we have none to use for the regulation of this in our town. We need to examine this issue and research what some of the larger communities are doing or not doing to make sure that we don't make any mistakes because it could be costly.

7. Discussion with Parks Committee, Councilor Sahlin had placed a park maintenance proposal to the council for discussion since it has been proposed that our Public Works

Department take park maintenance back. I just want everyone to be clear of what needs to be done.

8. **Discussion with Traffic Safety Commission**, I have found out that there will be little to no cost for the items I am proposing regarding the crosswalk or 551.

9. **Reports**

A. Marion County Deputy Report – (included in your packet)

- Nothing Major any questions about calls for service,
- There had been an issue regarding a dark van in Hubbard and apparently it has now been sited here, we are aware of it.
- During this last snow store there were really no issues except one car in the ditch along Ehlen.
- The store on 99E had been broken into and I am working on that it apparently may have been some youths from the Hubbard area.

No more questions at this time.

B. Finance Officer's Report – Financials (included in your packets)

1. Revenue & Expense Report

You should see on your desk tops the corrected November's treasures report along the December report. Also you each should have a copy of the Audit.

Want to remind Council that on February 20th Kelly and I will be attending a budget class so City Hall will be closed all day. Any members of council that would like to attend it is a free class given by the State at Clackamas Community College on budget basics.

Mayor Graupp, informs the council that it was not necessary to do a supplemental budget after some research with Mary and the state. This will come up at the March meeting again in the form of a resolution to transfer money within a fund.

Any questions, none

C. Public Works Department's Report – (included in your packet)

1. Monthly Status Report (Storm Water)
2. Monthly Status Report (Water)
3. Parks Report, OSU Tree Report
 - Lift station issue it needs new wiring at the tune of 6,000.00 installed.
 - During the recent snow and ice there were really no issues
 - Marion County did remove the trees near the retaining wall
 - Currently looking at the functions of the water filtration unit to see if we can get better function from it.

- ❖ Councilor Sahlin reluctantly brings up the storm water master plan. During a council meeting Bob Southard the then Public Works Superintendent had told council that it was finished and we were waiting on our City Engineer however a status report from him

revealed we are still waiting on data from Southard. I know this is not your issue but it really needs to be done. Mayor Graupp I will talk with Bob about this and the police items that were in his possession as well.

No more questions,

D. City Recorder's Report (included in your packet) reads her report and there were no questions from Council.

- ❖ I have finally after 5 years received my CMC and thank you to the council for the opportunity.

E. City Attorney's Report – (not Included in your packet)

- Not a lot going on
- I did receive a letter finally from Mr. Eddy's attorney however we are back to asking about putting a tarp over it. I had informed the attorney that this would not work and that Council would not entertain this as an option.
- I also received a phone call from a realtor regarding the Eddy property.

9. Ordinances and Resolutions

A. Discussion and or Action on Ordinance 474 An Ordinance to amend the Aurora Municipal Code. First Reading, Chair Schaefer reads the ORD entirely.

Motion to approve the first reading of Ordinance 474 regarding amending the code is made by Councilor Sahlin and is seconded by Councilor Sallee. Motion passes by all.

10. New Business

A. Discussion and or Action on Possible Fee Increase for Building, Mechanical and Plumbing Permits. Presented by Charlcie Kaylor, Building Dept LLC. Discussion, proposing to increase your permit fees for applications, it is quite a long list of recommended fees, I used a starter home to show your examples based on a 2000 square foot home. This is based on the Marion County fee structure the difference that we are talking about is \$211.00 and again the city does retain their 25% of this as well. We want to encourage people to get permits and make it reasonable. We serve 20 cities in the area and they have this same fee schedule.

- Planning fee and or a technology fee are some of the ways other cities are trying to recoup some of the costs involved with doing business.

Motion to approve notifying building codes division of the potential fee increase is made by Councilor Sahlin and seconded by Councilor Sallee. Passes by all.

B. Discussion and or Action on Miscellaneous Contracts for Services. Landscaping, Councilor Sahlin wanted this in to clarify TTT park maintenance contract which was discussed during the parks report.

C. Discussion and or Action on Proposals for Setting up Well 5.

There have been two bids presented

- Westerberg Drilling, Molalla - \$14,835.00
 - Schneider Water Services out of St. Paul - \$9, 695.00
- We need to present to citizens what our capacity is and give them cost involved and so forth.

Hopefully this will all work and give us better water quality and more of it, however there is no guarantee on this.

Councilor Sallee asks Darrel with public works if he has a preference. We have worked with both companies and they both do very good work.

Annie Kirk, have you put out for an RFP on this. No it was not necessary stated City Attorney Koho.

It is the consensus of the council to go with the lower bid from Schneider of St. Paul.

D. Discussion and or Action on Recommendation from Planning Commission regarding Open Position on Commission New Applicant Mercedes Rhoden-Freely.

Motion to appoint Mercedes Rhoden-Freely to the Aurora Planning Commission is made by Councilor Sahlin and seconded by Councilor Brotherton all passes.

11. Old Business

- A. A. Discussion and or Action on approval of ACVA Draft Letter to Citizens Regarding Weed Control. Look park internal proposal. Tabled.**
- B. Discussion and or Action on ACVA Grant Fund Request for Island Maintenance. Tabled**

12. Adjourn

Mayor Graupp adjourns the February 11, 2014 meeting at 9:08 pm.

Bill Graupp, Mayor

ATTEST:

Kelly Richardson, City Recorder

DRAFT

Minutes
Aurora Planning Commission Meeting
Tuesday, February 04, 2013 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder

STAFF ABSENT: Renata Wakeley, City Planner

VISITORS PRESENT: Annie Kirk, Aurora
Christopher Ross, Aurora
Mercedes Rhoden-Feely, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:03 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	Present
Commissioner, Willman	Present
Commissioner, Gibson	Present
Commissioner, Graham	Present
Commissioner, Fawcett	Present
Commissioner, Weidman	Present

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –January 07, 2014
- II. City Council Minutes – December, 2013
- III. Historic Review Board Minutes –

No comments....

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

Correspondence

I.

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

A. Public Hearing regarding LA-14-01 which would amend sections of the Municipal Code.

Staff summarizes her staff report,

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

105 HIGH STREET S. E. SALEM, OREGON 97301-3667

TELEPHONE: (503)588-6177

FAX: (503)588-6094

TO: Aurora Planning Commission
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 2014-01 (LA-14-01)
DATE: January 28, 2014 for presentation at February 4, 2014 hearing

REQUESTED ACTION

The Planning Commission's options for taking action on Legislative Amendment 14-01 include the following:

- A. Adopt the findings in the staff report and recommend that the City Council adopt Legislative Amendment 14-01:
 - 1. As presented by staff; or
 - 2. As amended by the Planning Commission (stating revisions)
- B. Recommend that the City Council take no action on Legislative Amendment 14-01
- C. Continue the public hearing:
 - 1. To a time certain, or
 - 2. Indefinitely

BACKGROUND

Aurora's Municipal Code does not currently provide provisions for mobile food units in the commercial core. Several residents and business owners have expressed interest in the addition of mobile food units (food carts) to their existing commercial eating and drinking establishments to help offset costs of running a restaurant and as a means to supplement seating areas with less costly and impactful "walk away" food services. The Planning Commission and staff reviewed the development code over several months in 2013 and submitted an application in January 2014 to initiate public hearings on the proposed revisions. The Planning Commission is also recommending to decrease the "trigger" for initiating site development review applications, clarify several minor areas of the code for ease of reference and/or correct citations, and amend the medium density residential zone to include residential care facilities as recommended by the Fair Housing Council of Oregon.

The following section of the Aurora Municipal Code (AMC) are proposed for amendment:

- Miscellaneous pages throughout Title 16 correcting title references to elected official and staff such as Mayor, Planning Commission, City Council, Planning Director, etc.
- 16.02 Definitions; 16.12 Residential Low/Moderate Density; 16.13 Accessory Buildings; 16.22Historic Commercial Overlay; 16.52 Temporary Uses; 16.58 Site Development Review; and 16.60 Conditional Uses.

Legislative Amendment 14-01 includes the adoption of the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold** and ~~striketrough~~ format for review purposes (see Exhibit A).

FINDING OF FACT AND CONCLUSIONS

The Aurora Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact and Conclusions:

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on March 18, 2011, which was 45-days prior to the first evidentiary hearing on January 8, 2014.
2. Amendments to the Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Legislative Amendments shall be made in accordance with the procedures and standards set forth in AMC 16.74-Procedures for Decision Making-Legislative. A legislative application may be approved or denied.
3. AMC 16.74.030 outlines notice requirements. Ten days prior to the first evidentiary hearing, the City sent written notice of the hearing to the applicant and affected neighborhood planning organizations. At least ten days prior to the first public hearing, the City published notice in a newspaper of general circulation- Canby Herald on January 22, 2014.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action, not a quasi-judicial action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the planning commission and the decision by the city council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.
6. The Planning Commission reviewed the proposed legislative amendments at the February 4, 2014 public hearing.

FINDINGS

- A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:
 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197;

FINDINGS: Goal 1, Citizen Involvement: A public hearing on the proposed amendments was held before the Planning Commission on February 4, 2014 and a second hearing will be held by the City Council on February 11, 2014. Notice was posted at City Hall, published in the Canby Herald, and provide to the Historic Review Board. The staff report was available for review one week prior to the planning commission and city council hearings. This is consistent with City procedures. Staff finds Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged AMC for process. Goal 2 generally supports clear and thorough local procedures. Staff finds Goal 2 is met.

Goal 3, Agricultural Lands and Goal 4, Forest lands: Goals 3 are not found to be applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources intent is to "protect natural resources and conserve scenic and historic areas and open spaces" and requires procedures for the establishment of historic areas and inventories. As the proposed code updates does not amend or alter the historic area or inventory. staff finds Goal 5 does not apply.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreational Needs: Goal 8 is not applicable. The proposal does not address Goal 8 resources.

Goal 9, Economic Development: The draft code amendments respond to a need identified within the business community. The proposed code amendments are not found to deter employment or business opportunities. Staff finds Goal 9 is met.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: The draft code amendment encourages economic development in the commercial core and a pedestrian friendly atmosphere. The code amendments attempt to provide a system that allows for economic development of existing eating and drinking establishments while also reducing the need for a lengthy application process when traffic impacts are determined to increase by less than 25 percent. Staff finds Goal 12 issues are met.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

ORS 197 does not include specific notice requirements for legislative processes but the City met all notice requirements under AMC for Legislative Amendments. ORS 227.186, more commonly known as Measure 56 notice, does not apply as the proposed amendments do not reduce permissible uses of properties in the affected zones.

2. Any federal or state statutes or rules found applicable;

FINDINGS: Staff finds the adoption actions are consistent with Oregon Revised Statute 197.610(1) for notice to the Department of Land Conservation and Development. Measure 56 notice was not required as the proposed amendments do not reduce permissible uses on commercial lands. Applicants for mobile food units will be required to show compliance with County and Oregon Health Department rules, such as a food handler's permit. Staff finds this criterion is met.

3. The applicable comprehensive plan policies and map; and

The following Comprehensive Plan Goals and associated policies were found to be applicable to this application:

Goal 1- Citizen Participation: Develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS: A public hearing on the proposed amendments was held before the Planning Commission on February 4, 2014 and a second hearing will be held by the City Council on February 11, 2014. Notice was posted at City Hall, published in the Canby Herald, and provide to the Historic Review Board. The staff report was available for review one week prior to the planning commission hearing. This is consistent with City procedures. Staff finds this condition is met.

Goal 2- Planning Process: Establish a land use planning process and policy framework document (comprehensive plan) as a basis for all decisions and actions related to use of land and ensure an adequate factual base for such activities.

FINDINGS: Adoption actions are consistent with the acknowledged AMC. Staff finds this condition is met.

Goal 9- Economic Policies

3. *Foster commercial and industrial activities to meet the expressed needs of City residents.*

FINDINGS: The draft code amendments respond to a need identified within the business community. The proposed code amendments are not found to deter employment or business opportunities but rather to support commercial activities and increased economic opportunities. Staff finds this condition is met.

Goal 12- Transportation Policies

2. *Encourage transportation improvements which support the community's economic development and create a pedestrian friendly atmosphere.*
3. *Establish a street system which is consistent with orderly growth, minimizes conflicts with adjacent land uses, and provides a circulation system which is safe and efficient for both vehicles and pedestrians.*

FINDINGS: The draft code amendments respond to a need identified within the business community and encourage a pedestrian friendly atmosphere by allowing for the provision of mobile food units that are accessible to pedestrian activities and encourage economic activities within the historic core which has sufficient infrastructure to support vehicle and pedestrian demands. Location of mobile food units will be upon property's already serving as eating and drinking establishments. The reduction of change in use applications or new businesses that would be subject to land use application (Site Development Review) due to traffic impacts is found to be waived on minimal impacts to traffic increases and therefore, Staff finds this condition is met.

4. *The applicable provisions of the implementing ordinances.*

FINDINGS: The Historic Commercial Overlay are intended to provide areas for retail, eating and drinking establishments, and service uses. The provision for allowing mobile food carts in not contradictory but rather complementary to permitted uses within the zone. The purpose of the code revision is to permit and encourage additional commercial activity, vending, and a pedestrian oriented environment that creates a visually attractive atmosphere and promotes commerce. Staff finds the

proposed code amendments can be established in compliance with the development requirements of the Aurora Municipal Code.

- B. Consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

FINDINGS: Staff does not find a change in circumstance, mistake or inconsistency in the comprehensive plan or implementing ordinances. This criterion does not apply.

Encl: EXHIBIT A- Title 16

EXHIBIT B- Historic Review Board review comments, as summarized by staff

- 16.22 Historic Commercial Overlay
- 16.58 Site Development Review

Hopefully tonight we will be making recommendation to council in order to do this there are 4 categories for discussion.

We placed notice outside of city hall and printed notice in the Canby Herald on January 27th and I believe this went to Historic Review Board at their last meeting for comments. We have not noticed each land owner because we are not limiting but expanding use so it was not necessary to do so.

Wakeley, My recommendation is to approve LA-14-01

On Pg 2 of the staff report, state wide rules required that DLCD be notified and it used to be 45 days and its now at 35 I noticed them by email 28 days prior to tonight however 35 days before the council meeting.

Schaefer my question is regarding just a few particulars I had thought we agreed on text that the vehicles were going to be motorized self contained moving vehicle. Discussion is that we agreed on wheels that it had to be able to move many members do not recall this being as motorized.

Discussion begins with a review of items marked in red,

Begins with in favor of,

Carl McKnight, Main Street, I am wondering where your conversation is at because most of the trailers and carts out there are not motorized. I am opposed to the motorized. **Schaefer** this has gone back and forth between HRB and Planning at first HRB opposed motorized vehicles however after speaking with Chair Townsend they are more open to it.

Fawcett, I thought that we discussed a skirt around to conceal the wheels

Annie Kirk, question I have no opinion either way but my question is 15 to 20 feet in length will there be height exclusion as well. **Schaefer** not so far I would assume 14ft **Renata** this would be considered an accessory structure and our code states 18ft **Annie**, well that's high. Do you have an idea on what it would be **Schaefer**, no but I think it would be worth the PC time to discuss it and take it into consideration.

Tara McKnight, where did the length stipulation come from? **Schaefer** we have discussed it for months and so since it states 15-20 we may have not finished the entire discussion. **Tara**, during the Colony Days we used our wine-a-bego and it is 22 feet. **Fawcett** I think originally we said 30 but it was a little long **Gibson** we discussed it at 25 feet the length of the room. **Schaefer**, 22 to 24 feet and we do not want to prohibit drive away carts is what I am hearing from the PC.

Wakeley, In my research of this point other cities require fully licensed through DMV and must obtain a business license.

Hearing closed at 7:28 pm

- #4 keep Food Cart
- #6, length 26 height 13 width 9 feet.
- #7 mobile at all times and on inflated wheels.

Not sure we need a minimum length at this time. **Fawcett** Portland has wording for sidewalk vending kart. **Fawcett** another issue is the actual size of the cart some of the ones at the Canby Fair open up quite large. What is your suggested length and height you would say. **Gibson** I can't imagine it would be over 20.

- Make sure the height doesn't exceed where a fire truck can travel.
- **Sallee**, going back to height and length you could state it includes any expansions.
- **Weidman**, then I feel we would have to go longer. We are only talking what rolls down the road.
- Renata, Gresham has 26ft

Regarding HRB comments on appearance it would be tough to regulate and it's subjective.

- We could add 8 and say it must be in good repair with no exterior damage. Annie Kirk suggests something regarding nuisance issues unless it is somewhere else in the code.
- HRB comments regarding storage, they don't want it to be stored the entire time on site. Wakeley if it's on private property then you really can't regulate. **Willman**, suggests, if it is DMV licensed to the property owner then we cannot regulate however if not then it would need removed. Wakeley I think we see if this is an issue and worry about regulating it if it becomes an issue then.
 - **Gibson**, I don't think we should worry about this
 - **Weidman** I need to think
 - **Graham**, not sure,
 - **Fawcett**, don't we have a nuisance ordinance already?
 - **Schaefer** I suggest leave it alone let council deal with it
- Hours of operation, should we regulate it? Consensus is to not regulate.
- Prohibit type of refreshments served. No

Do we have consensus on width 10 feet is agreed upon by all.

A Motion to make recommendation to City Council to adopt Legislative Amendment (14-01) is made by Commissioner Fawcett and is seconded by Commissioner Graham. Motion Passed by all.

6. New Business

A. Discussion and or Action of Letter of Interest to join the Aurora Planning Commission from Mercedes Rhoden-Feely.

Motion to recommend Mercedes to City Council to fill vacant position and filling Sallee vacated position is made by Commissioner Weidman and seconded by Commissioner Willman. Motion passes by all. No opposed.

7. Old Business

A. Discussion and or Action on View Corridor's, This should be added to our next code revision.

B. Discussion and or Action on the Possible or Impending Legalization of Recreational sale of Marijuana as it could pertain to our code.

- Christopher, with Property Management Company, for 21668 Highway 99E. is enquiry regarding medical marijuana for a grow site. I would like to take a minute and explain.
 - the grow sites are highly secure,
 - minimum doors and windows,
 - Locks & alarms installed
- The question in my (Schaefer) mind is where in town do we want this sort of thing located at with bars and such, big draw on PGE. My biggest thing is a highly secure warehouse type building, in our community we have R1,R2 Commercial and Industrial zones, the property you are managing currently is commercial zone and I think that commercial would be the appropriate zone,
- I imagine if it passes to sell recreationally they would also want a secure facility.

Renata, There is language in your packets for proposed language. I want to clarify this question is different than a dispensary situation.

Grow site, what are your thoughts,

- Which zone is applicable? **Willman** do we have a jurisdiction to regulate on this because I thought Renata to say we could allow it in residential zone.. **Schaefer** the state doesn't but local government does.
Willman I need to think about it.
Fawcett I tend to look at what the state does and not to restrict it.
Graupp, clarify amount to able to grow.
Schaefer, a medical grow cite can service 4 patients with 24 plants each.

Tara, I am thinking about situations like OLCC ultimately they have the regulation authority on liquor control so will we really be regulating.

Schaefer he has to abide by State law but also by local laws and ordinances regarding time place and manner.

Annie, interesting so to your comments a minute ago helps me with the difference between Commercial and Industrial. In commercial zone we do not allow manufacturing more that 60% of the use & more activity. Industrial is quieter and less activity. **Schaefer** I think industrial is more fitting for the warehouse situation.

Schaefer Put on agenda on for March regarding unused commercial properties to change to industrial zone.

Annie, I think that you have to consider the warehouse look and secure versus what property owners concerns are.

Willman, I don't like the idea living close to a secure grow especially since we only have one police officer on staff.

Applicant states, I think it would be more secure because of the amount of security and the cameras in the area. **Willman** when you say security is there someone there with guns securing it?

Schaefer would you suggest a minimum distance from a residential zone **Willman** yes.

Schaeffer, I think that you simply put it at this one location because really this is the only site that would work in Aurora. What would the impact be on this site; applicant states that there are a lot of rules and regulations that they would have to follow.

So potentially we could say so many feet from residential zone so less impact

What do you think? **Graham**, industrial is more fitting I think

It could be that you make it a conditional use and PC reviews each application.

Weidman it would be nice to see shops and more jobs but it doesn't seem to be the ideal thing that is happening currently.

Sallee, this is a grow facility for 4 patients and commerce for that. How many employees are you bringing to town? (Applicant) You want to bring people to town let it happen be the first one.

Applicant I think you need to remember that we are not proposing bringing a bad element to town quite the opposite and at least the property is being used for something.

Fawcett, security as far as the business what is the expectation for police and fire protection for insurance purposes. Applicant whatever the standard is.

Who are these people you are referring to at this point I am imagining men in black suits and it's really kind of scary.

We screen and along with the state.

Annie, food for thought how is Colorado handling this? Applicant that state is making a killing on this from taxes. I think it would be nice to meet the property owners and the applicants so we are able to discuss this with them.

Willman I think it would be nice to ask surrounding property owners.

Schaefer Put this off till next meeting and do research. Wakeley I have a few properties or cities that are rolling out the red carpet.

All of the tax revenue stays with the state. .

C. Discussion on LA-13-1 regarding sale of water to the Aurora Airport.

Recap a bit an amendment to the Marion County comp plan to allow us to run a water line up Airport Rd and sell water to a small water district.

Marion County was going to put it straight to the commission and vote some of us were surprised by how fast it went.

I want to see what all of you think regarding this issue;

Weidman, why are we talking annex because the Mayor stated at the last PC meeting no way will the airport annex. **Schaefer** its sort of the elephant in the room

Graham, why would we not want to possibly strike a deal with the airport if it meant that our system could receive some updates. Is the aquifer separate? **Graupp**, yes it is.

Mayor, It is a hot topic because of the recent restrictions and we need to be careful.

I think it safe to say Marion County is very supportive of the airport.

Wouldn't it be more prudent to gather data before we make a decision?

Schaefer I would say this would require us to get more new wells to supply the demand at a cost to the airport.

Annie, is this is only about water? **Schaefer** not in my mind I think it is more complicated than that and I am not sure if you aware of recent comp plan amend for runway expansion all of these things impact Aurora so if they are going to ask for water we obviously have a bargaining chip. Here are our terms.

Annie, let's go back to recap Marion County proposed? A Comp plan text amendment that would essentially run city water across their land to the airport. **Schaefer**, The city currently cannot extend water outside of the city limits. That would be a goal exception and it is very costly. I would be curious to see that data that is being collected on both sides.

Willman let's get the data before we discuss it.

Graham, yes data before discussion.

Gibson, not sure what we can accomplish.

Graupp, what other areas are concerning the group at the airport so maybe I can gather that data as well.

Annie, is there any way they can move forward on this without our involvement? No.

Graham, why can't airport do another well, **Graupp** its quality not amount.

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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.

8. Adjourn

Chairman Schaefer adjourned the meeting at 9:50 pm

Chairman, Schaefer

ATTEST:

Kelly Richardson, City Recorder

**HISTORIC REVIEW BOARD MINUTES
21420 MAIN ST. NE, AURORA OR 97002
January 23, 2014**

Staff Members Present: Kelly Richardson, City Recorder

Others Present: Bill Graupp, Aurora

The meeting of January 23, 2014 was called to order at 7:00 p.m. by Chairman Townsend.

Chairman Townsend takes Roll Call

Chairman Karen Townsend – Present
Vice-Chair Gayle Abernathy – Present
Member Bill Simon – Absent
Member Merrra Frochen – Absent
Member Mella Dee Fraser – Present

CONSENT AGENDA

A. Minutes

- I. **Historic Review Board Minutes – December 19, 2013, pg 2**
New business 21825 Airport put the name of the applicant,

A motion to approve the HRB minutes of December 19, 2013, with changes stated was made by Member Fraser, seconded by Member Abernathy and passed unanimously.

CORRESPONDENCE

VISITORS

No one spoke.

5. OLD BUSINESS

- A. **Discussion and/or action on paint color list. *This was tabled***
- B. **Discussion and/or action on Historic Inventory list. *This was tabled***

6. NEW BUSINESS

Discussion and or Action on Sign Application for Noelle Brooks and CANVAS 21607 Hwy 99E. ,

Sign application for part of the Southend Antique building

- Wall sign, a vinyl product that adheres directly to the building. Chair Townsend states that we don't have precedence for letters applied on a building. Sign code pg 419 7:24:100; signs on buildings shall be consistent with historical documentation, would require that lettering be applied to a board and then attached to the building. Applicant is fine with that solution.
- Color would be cream.
- Americana Font
- Shapes, 17:24:070, colors and graphics, windows- 17:24:100

17.24.100

- Aboard, color cream
- Material, plywood
- Cream back ground
- Black lettering
- Americana Font

Motion to approve application as with changes discussed was made by member Abernathy and is seconded by member Fraser motion passes by all.

B. Discussion and/or action on application for complete remodel at 21668 Hwy 99E from Timber Green, LLC. Members discuss the proposed application comments are below. Non-Contributing structure.

- Paint, black and white
- Roofing, antique black
- Brick, will be removed and replaced with new brick because it would be too hard to match the color of the old bricks.
- Siding, horizontal lap with 6 inch reveal it is a cedar product that is sanded but you can see some of the grain.
- Windows all will be replaced and two will be added on Liberty street side, they will be trimmed in wood. Trim will be black. Grids of windows will be white.
- Trim color black will be, windows, door, corner boards. Fascia board trim behind the gutter and gutter will be black.

- Lamp post supports proposing black; however applicant is open to suggestion. Board mentions that it's a lot of black and we normally prefer less. Member Abernathy also states that it's a lot of black and we just want to keep it at a minimum.
- One horizontal window it's in the rear, and not visible.

Some design help is given as an FYI to the applicant,

- The bracket is wood. This particular building is not historic and it's more colonial and so these brackets may not go with the design and it looks added and almost detracts from the building and in the correct period.
- Just FYI black doors are often taken as open. You could do an accent color for the door. Talk about a rust color for door.
- One horizontal window I believe it's in the rear, and not visible.

Applicant states that we will submit a landscape plan at a later date. Because we will be taking out concrete and asphalt and be turning it into a planting bed.

Motion to approve application as presented was made by Member Abernathy and is seconded by Member Fraser. Passed by all.

Recommended is to talk with the ODOT regarding t the planting area.

C. Discussion of pending Legislative Amendment 11-01 (LA 14-01) to the Municipal Code.

Joseph Schaefer presents information regarding LA 14-01

Most of the discussion is regarding Food Carts,

Consensus of the entire Board is that we have the concerns that are listed below and would like to make them apart of the discussion at the hearing next week.

- Storage of unit itself, hours of operation
- Hours of operation limited
- Unit is in good visual repair, Motorized fully operable licensed vehicle
- All trash and debris would need removed daily
- Display of merchandise, is ok at this point

Increase of allowable vehicle trips, Chair Schaefer of the Aurora Planning Commission explains the background and the reason for the proposed change. He referenced the old bank drive

through at the corner of 2nd and Main. Our current trigger is 10% and through discussion with the planning commission we determined that it was low so we decided to increase the trigger to 25%. It would then lower the amount of applications for site development review and costs per applicant.

No more comments....

The members discuss the impending resignation of Chair Townsend. It is suggested to have a new Chair each year. Because of the resignation from Chair Townsend they all agree before they elect a new chair everyone would be in attendance.

7. ADJOURN

Chairman Townsend adjourned the meeting of January 23, 2014 at 8:50 pm.



Karen Townsend, Chairman

ATTEST:



Kelly Richardson, City Recorder

From: P. Annie Kirk [annie@redbirddesign.net]
Sent: Monday, March 03, 2014 4:15 PM
To: recorder
Cc: Joseph Schaefer; mayor; Nick Kaiser; Jason Sahlin; Lori Sahlin; Potter, Tom; Gus Wettstein
Subject: Fwd: Call for Task Force for any future Airport strategic planning

Kelly,

I understand from my call to Mary at City Hall today that you likely have not been forwarded this correspondence.

Please see below for an email I sent on Feb 12, 2014 wherein I request that:

- A) Council and Planning Commissions read this correspondence aloud during the next (March 2014) meetings
and
- B) that it is enter into the record, formally and officially.

Please provide confirmation that this email correspondence is included in the March packets for City Council and Planning Commission members.

Thank you in advance for your assistance.

Annie Kirk
21370 Main Street NE
Aurora, Oregon 97002
503-887-3439

Begin forwarded message:

From: "P. Annie Kirk" <annie@redbirddesign.net>
Subject: Call for Task Force for any future Airport strategic planning
Date: February 12, 2014 at 6:42:59 PM PST
To: mayor <mayor@ci.aurora.or.us>
Cc: Jason Sahlin <jasonsahlin@gmail.com>, Nick Kaiser <nkgemini@centurytel.net>, Lori Sahlin <lasahlin@msn.com>, "Potter, Tom" <tom.potter@te.com>, Gus Wettstein <gustavan13@gmail.com>

Bill,

--- Please forward this email to Planning Commission Chair and enter this email into the record at the March 2014 Planning Commission Meeting and City Council Meeting by reading aloud (if allowed by rules). Thank you. ---

Thank you Mayor, Planning Commission and City Council volunteers for your efforts to digest the Airport water selling issues along with the other tremendous load of City business that take your time and energy.

The time, effort and commitment lent by you volunteers - my neighbors - does not go unrecognized. Thank you.

To support your efforts and the wellbeing of our City, I implore you, Planning Commission and City Council to share your burden in an official, public-process way.

More minds are needed to help with objective analyzing of data, filtering through previous planning efforts, arriving at reasonable and responsible solutions in terms of positive, long-standing relations with the Airport.

Simply, the responsible strategic planning for a positive relationship with the Airport cannot rest on the shoulders of just one person. The Mayor's position is, unfortunately a transitory position. The Airport is not so transitory.

Please consider activating an Airport relations-specific Task Force to conduct larger scale exploration and planning to review all/any aspects related to the City's engagement with the Airport.

A relationship with the Airport is inevitable. What kind of relationship is the community's decision.

The Task Force areas of focus might be:

annexation

water infrastructure

sewer

infrastructure

noise

traffic

etc.

This Task Force might be charged with exhaustive and thorough review, reporting and recommendations for strategic planning, taking in account the many previous/archived planning processes and documents. The Task Force would be comprised of a cross section of citizens and property owners within the UGB to fairly represent all sides. They would report officially to you and be a part of crafting clear, objective, concise series of Town Hall meetings to share and collect information from the citizens.

Not unlike recent past Work Groups.

Please do not attempt to make a decision re: selling of water to the Airport in isolation nor without thorough review and understanding of the City's Water Master Plan.

There is a history of long discussions and processes of which longer-standing residents have invested many hours of volunteer time to collaborate and participate in. This emeritus status is a critical to fully understanding the broader landscape.

Please tap these resources.

Share the burden.

Bring the bright minds that have valuable institutional knowledge together to help find the very best answers to looming questions. Rely on the good council from neighbors invested in helping -- for the long term.

Please review previous planning documents, particularly in light of recent concern re: water and sewer capacity.

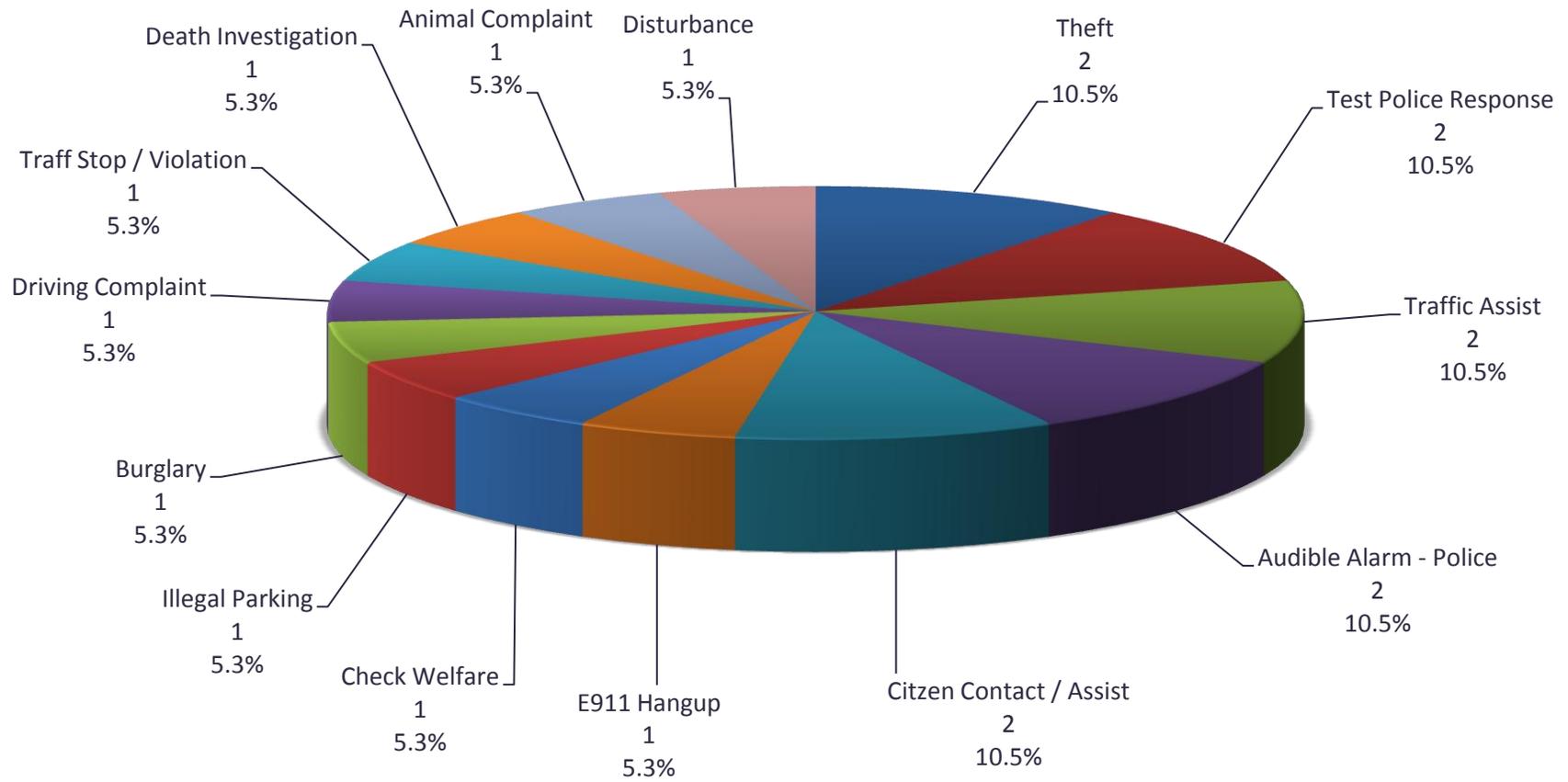
From my many conversations with Nick Kaiser (10 years on Planning and as Mayor), I implore you to review the City's Water Master Plan as an initial start.

And by all means slow the process of communications and discussions with the Airport to a tempo that suits Aurora's wellbeing and quality of life.

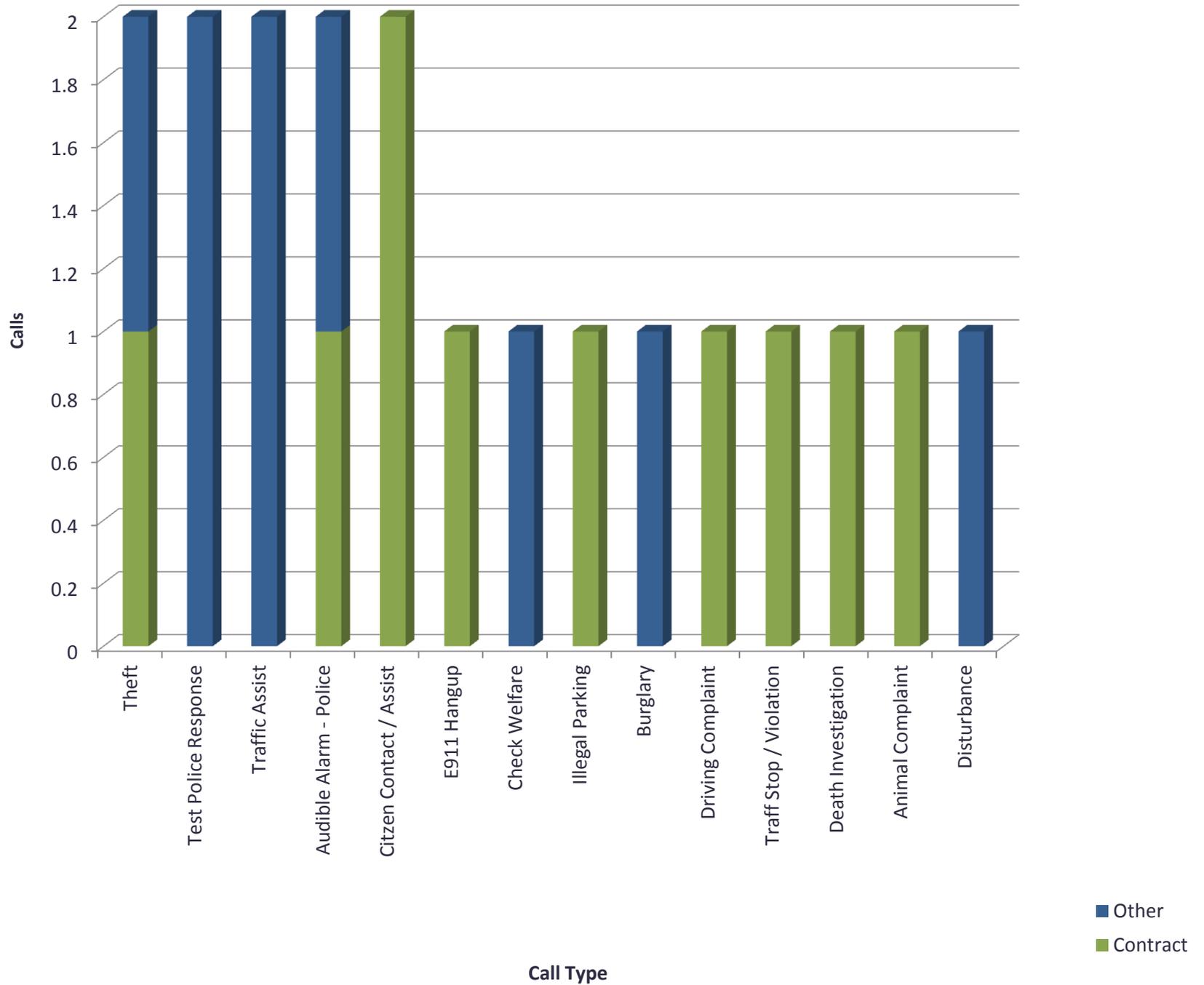
Thank you in advance for your consideration and please let me know how I might help assist.

Annie Kirk
21370 Main Street NE
Aurora, Oregon

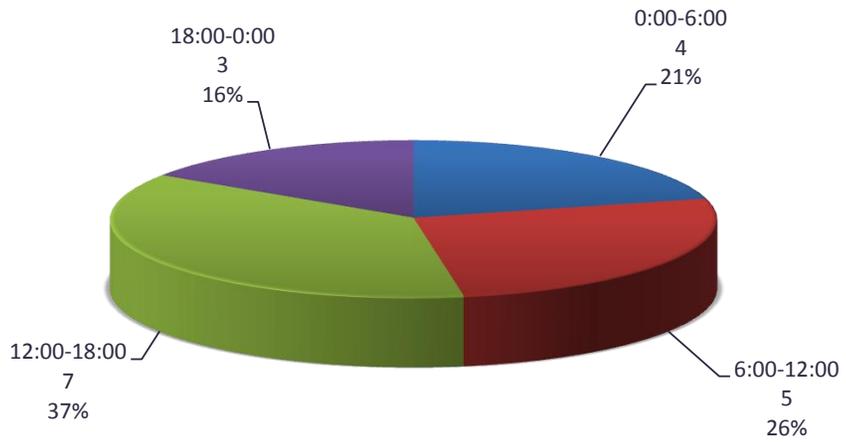
Aurora Top Calls for Service February 2014



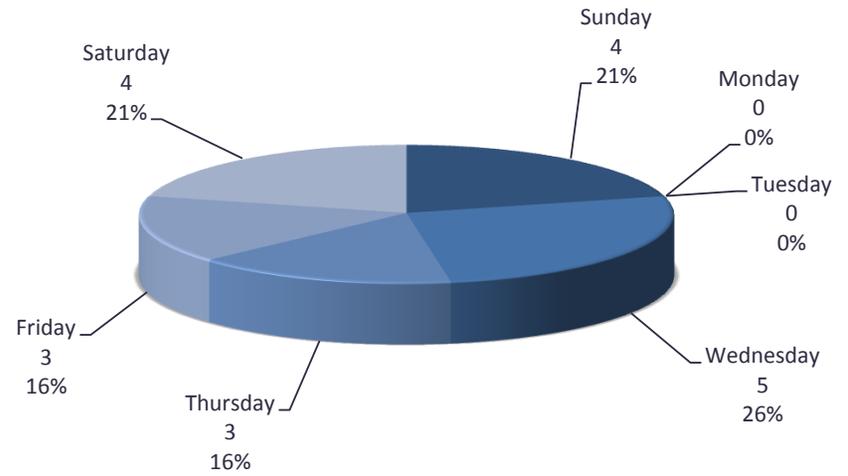
Call Type by Primary Deputy February 2014



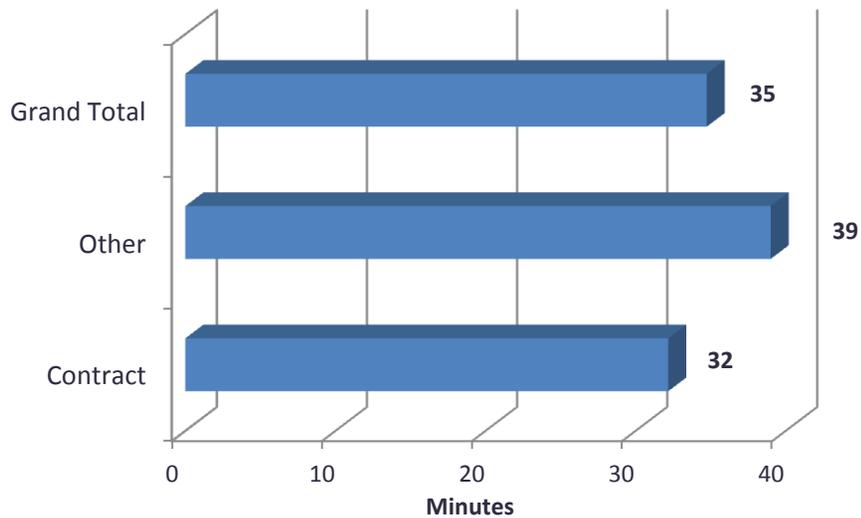
**Aurora Calls for Service by Hours Range
February 2014**



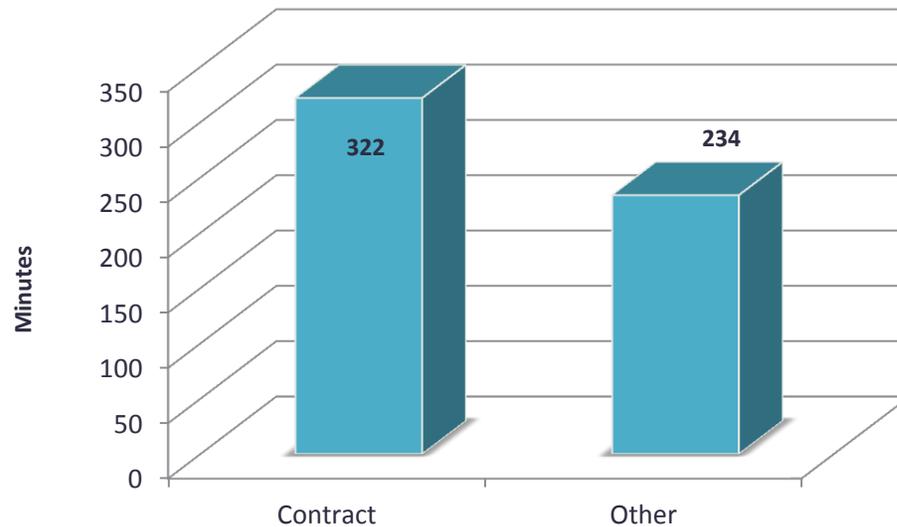
**Aurora Calls for Service by Day of Week
February 2014**



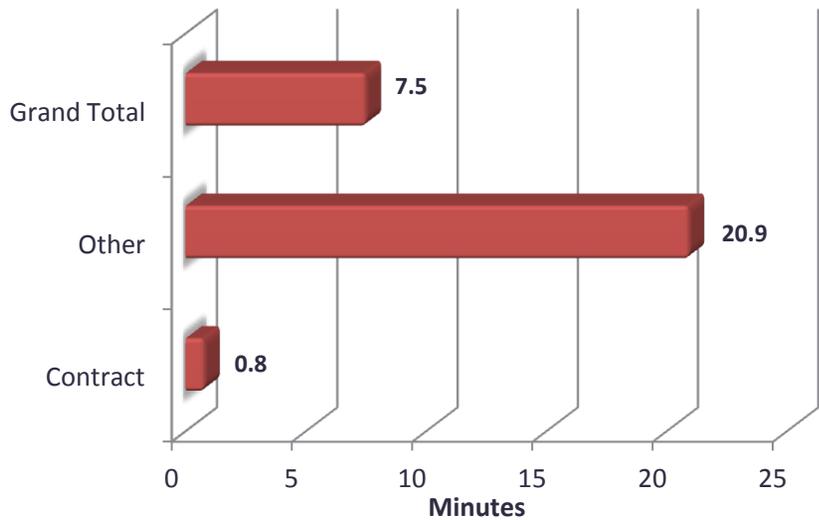
Aurora Calls Average Call Length February 2014



Aurora Calls Total Call Length February 2014



Aurora Calls Average Call Arrival Time February 2014



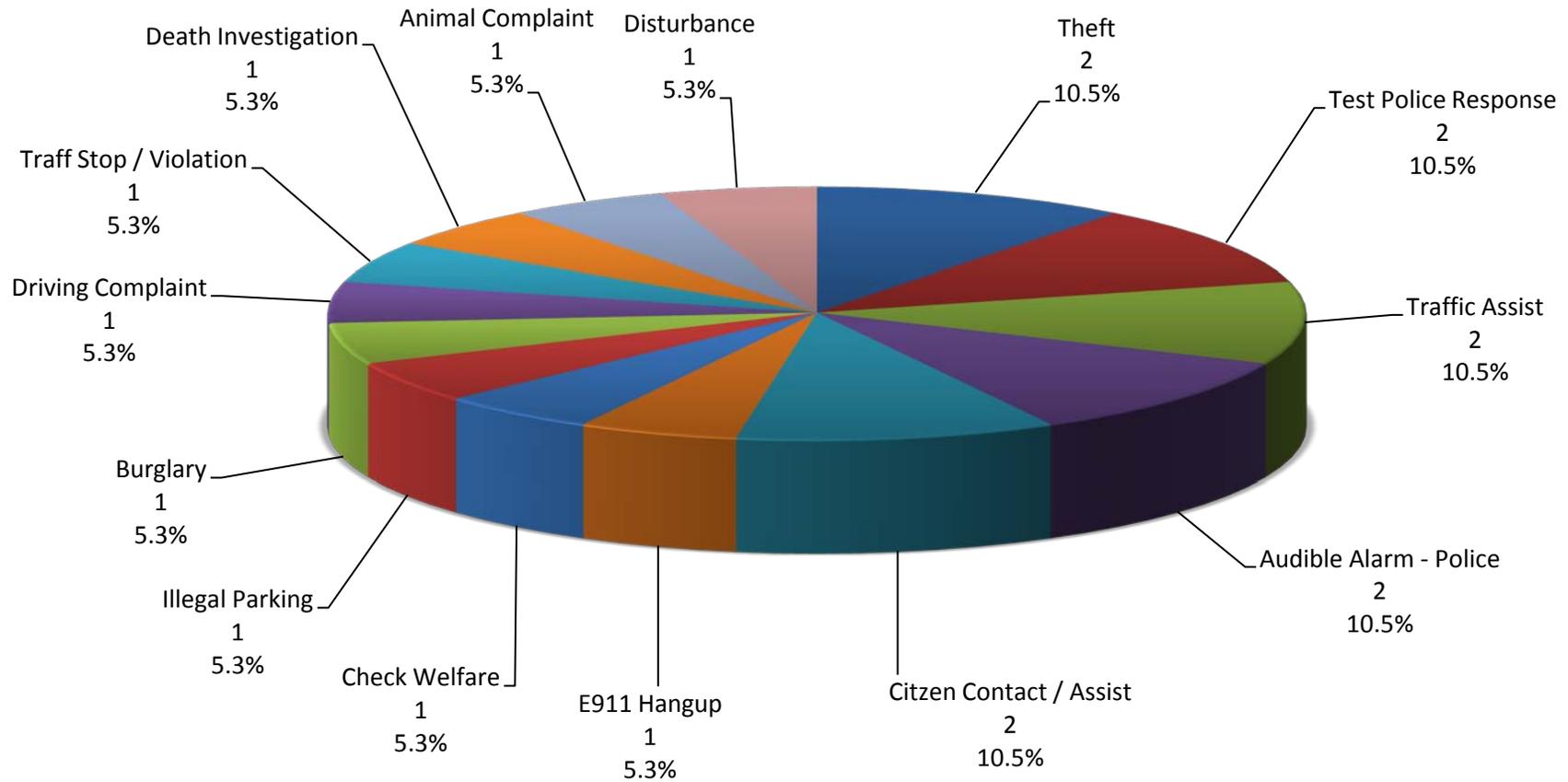
Aurora Calls by Primary Deputy February 2014



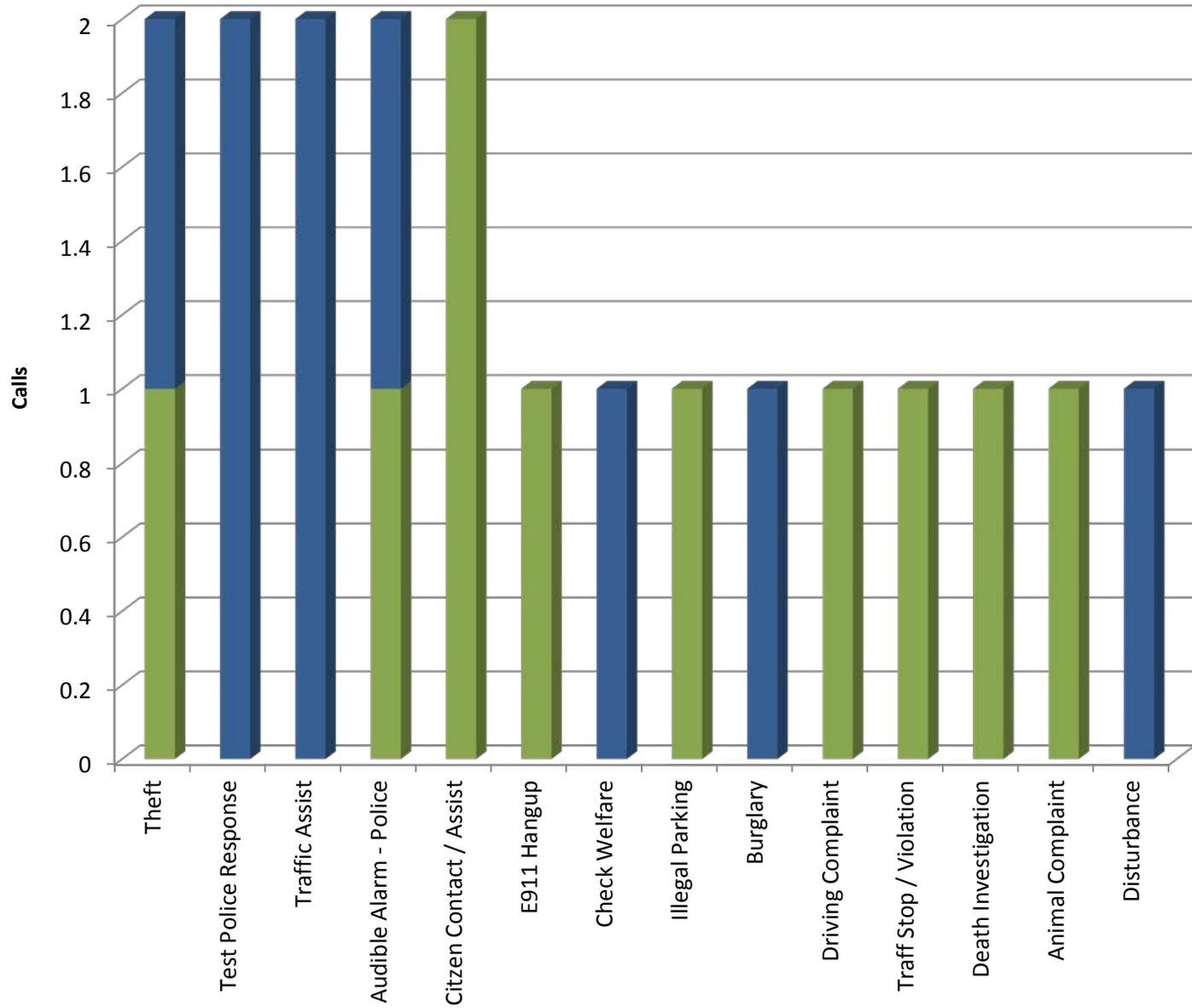
Aurora Calls for Service February 2014

EVENTID	CASEID	Combined Type	PRIMARY_UNIT	CREATE_DATE	DISPATCH_DATE	ARRIVAL_DATE	CLEARED_DATE	Arrival in Minutes	Call Length in Minutes	DISPOSITION	ZONE	PRIORITY	AGENCY	SOURCE	LOCATION
SMS201402010070	SMS14001898	Disturbance	A136	2/1/2014 12:16	2/1/2014 12:17	2/1/2014 12:29	2/1/2014 13:37	11.97	68.62	1	SMS01-AUI	3	SMS		21148 HIGHWAY 99E NE (MapBook:1532), @TOBY JS CUSTOM CARVING AND LOG FURNITURE, AURORA (BOBS AV NE/OTTAWAY RD NE)
SMS201402050055	SMS14002144	Audible Alarm - Police	A195	2/5/2014 10:57	2/5/2014 10:58	2/5/2014 11:01	2/5/2014 11:17	3.13	16.32	5	SMS01-AUI	5	SMS		21627 HIGHWAY 99E NE (MapBook:1432), AURORA 97002 (LIBERTY ST NE, 1ST ST NE/2ND ST NE)
SMS201402060081		Traffic Stop / Violation	A195	2/6/2014 13:13	2/6/2014 13:13	2/6/2014 13:13	2/6/2014 13:25	0.00	11.53	0	SMS01-AUI T6		SMS		EHLEN RD NE, MARION COUNTY/MILL RACE LN NE, MARION COUNTY(MapBook:1432)
SMS201402060082	SMS14002205	E911 Hangup	A195	2/6/2014 13:17	2/6/2014 13:21	2/6/2014 13:26	2/6/2014 13:41	4.58	14.63	5	SMS01-AUI	3	SMS		14853 OTTAWAY RD NE (MapBook:1532), AURORA (YUKON ST NE/FILBERT ST NE)
SMS201402070058		Audible Alarm - Police		2/7/2014 15:25			2/7/2014 15:36			0	SMS01-AUI	5	SMS		21610 MAIN ST NE (MapBook:1432), AURORA 97002 (1ST ST NE, EHLEN RD NE/2ND ST NE)
SMS201402070067	SMS14002281	Traffic Assist	A141	2/7/2014 18:51	2/7/2014 18:59		2/7/2014 19:07		7.45	5	SMS01-AUI	3	SMS		99E MP 25 (HW 99E MP 25, @HW 99E MP 25 (MapBook:1432),)
SMS201402090064	SMS14002377	Theft	A199	2/9/2014 20:46	2/9/2014 20:46	2/9/2014 21:03	2/9/2014 21:18	16.52	15.30	5	SMS01-AUI	3	SMS		20754 WALNUT ST NE (MapBook:1532), AURORA (FILBERT ST NE/ORCHARD AV NE)
SMS201402190068		Citizen Contact / Assist	A195	2/19/2014 12:33	2/19/2014 12:33	2/19/2014 12:33	2/19/2014 13:36	0.00	62.52	0	SMS01-AUI	4	SMS		14853 OTTAWAY RD NE (MapBook:1532), AURORA (YUKON ST NE/FILBERT ST NE)
SMS201402210067	SMS14003069	Check Welfare	A106	2/21/2014 14:26	2/21/2014 15:10	2/21/2014 15:42	2/21/2014 15:54	32.40	12.00	5	SMS01-AUI	3	SMS		21115 HIGHWAY 99E NE (MapBook:1532), AURORA 97002 (BOBS AV NE/OTTAWAY RD NE)
SMS201402220060		Citizen Contact / Assist	A195	2/22/2014 11:00	2/22/2014 11:00	2/22/2014 11:00	2/22/2014 11:23	0.00	23.10	0	SMS01-AUI	4	SMS		20804 WALNUT ST NE (MapBook:1532), AURORA (FILBERT ST NE/ORCHARD AV NE)
SMS201402230120		Test Police Response		2/23/2014 18:57			2/23/2014 19:02			0	SMS01-AUI	3	SMS		21390 MAIN ST NE (21390 MAIN ST NE, @AURORA FIRE STATION 900 (MapBook:1532), AURORA)
SMS201402230121		Test Police Response		2/23/2014 19:04			2/23/2014 19:29			0	SMS01-AUI	3	SMS		21400 MAIN ST NE (MapBook:1532), AURORA 97002 (3RD ST NE/4TH ST NE)
SMS201402010049	SMS14001888	Burglary	A136	2/1/2014 9:13	2/1/2014 9:15	2/1/2014 9:35	2/1/2014 11:34	19.85	118.97	1	AAP	3	SMS		21338 HIGHWAY 99E ST NE, AURORA, 97002 (4TH ST NE/BOBS AV NE)
SMS201402120067	SMS14002506	Driving Complaint	A195	2/12/2014 11:25	2/12/2014 11:25	2/12/2014 11:25	2/12/2014 11:46	0.00	20.83	5	AAP	1	SMS		14853 OTTAWAY RD NE, AURORA, 97002 (YUKON ST NE/FILBERT ST NE)
SMS201402120108	SMS14002519	Theft	A195	2/12/2014 13:58	2/12/2014 13:59	2/12/2014 13:59	2/12/2014 14:21	0.02	22.17	5	AAP	4	SMS		14633 OTTAWAY RD NE, AURORA, 97002 (HIGHWAY 99E NE/)
SMS201402130099	SMS14002588	Animal Complaint	A195	2/13/2014 12:51	2/13/2014 12:51	2/13/2014 12:51	2/13/2014 13:05	0.02	14.42	5	AAP	4	SMS		20812 FILBERT ST NE, AURORA, 97002 (WALNUT ST NE/HEMLOCK AV NE)
SMS201402190134	SMS14002976	Death Investigation	A195	2/19/2014 18:31	2/19/2014 18:31	2/19/2014 18:31	2/19/2014 20:35	0.02	123.72	1	AAP	3	SMS		20804 WALNUT ST NE, AURORA, 97002 (FILBERT ST NE/ORCHARD AV NE)
SMS201402220056	SMS14003129	Illegal Parking	A195	2/22/2014 10:51	2/22/2014 10:51	2/22/2014 10:51	2/22/2014 11:04	0.00	12.57	5	AAP	4	SMS		20848 FILBERT ST NE, AURORA, 97002 (WALNUT ST NE, WALNUT ST NE/HEMLOCK AV NE, HEMLOCK AV NE)
SMS201402230108	SMS14003217	Traffic Assist	A181	2/23/2014 17:50	2/23/2014 19:52	2/23/2014 20:16	2/23/2014 20:28	23.87	11.65	5	AAP	3	SMS		SMITH ROCK AV NE/YUKON ST NE(MapBook:1532)

Aurora Top Calls for Service February 2014



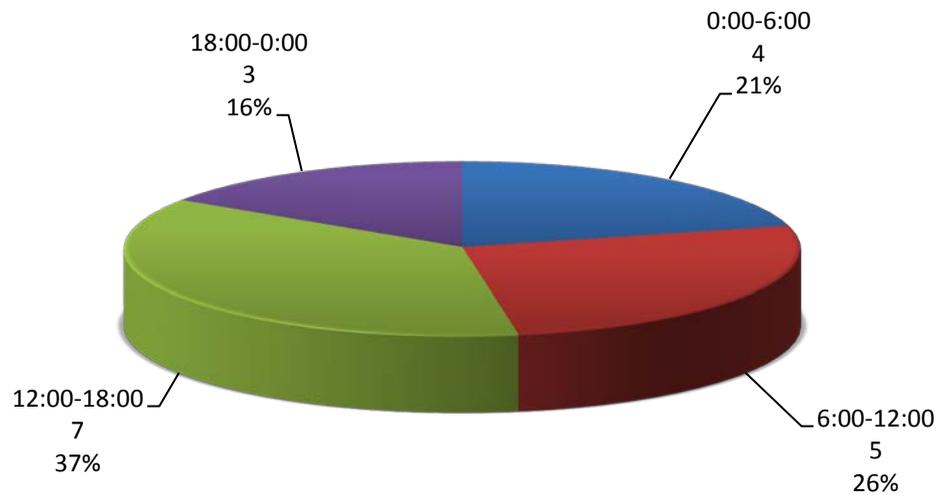
Call Type by Primary Deputy February 2014



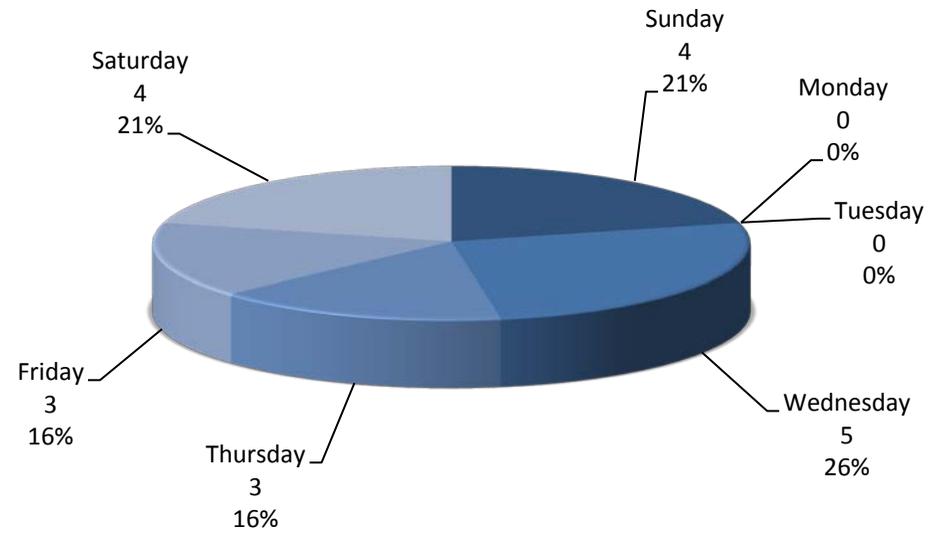
Other
Contract

Call Type

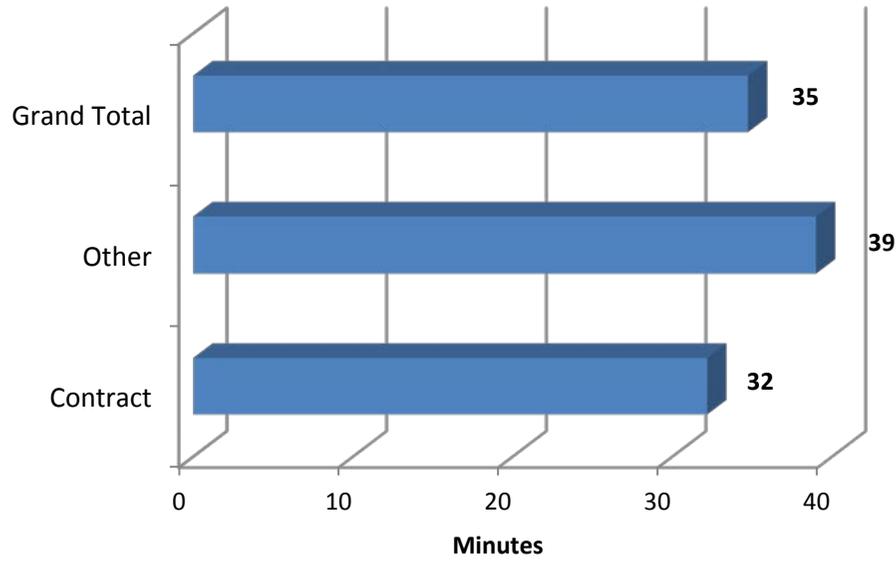
**Aurora Calls for Service by Hours Range
February 2014**



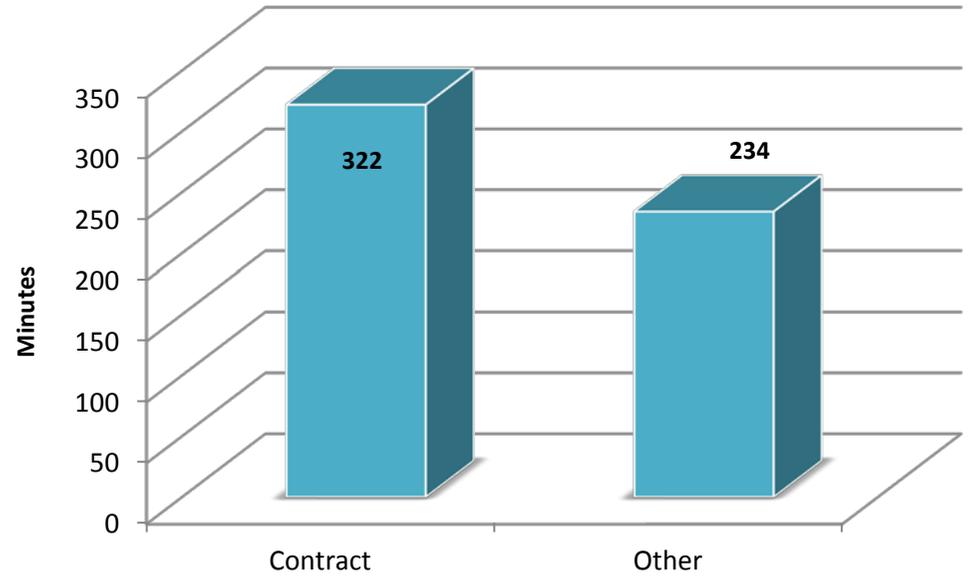
**Aurora Calls for Service by Day of Week
February 2014**



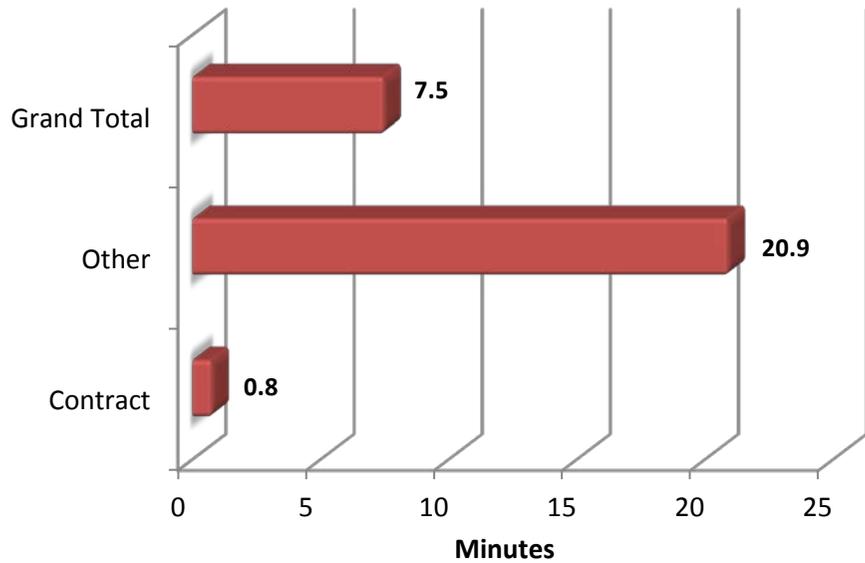
**Aurora Calls Average Call Length
February 2014**



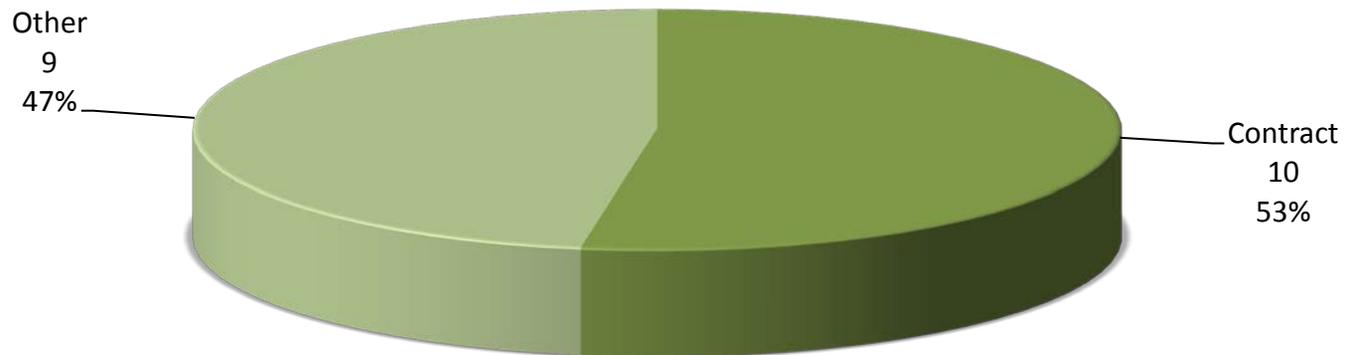
**Aurora Calls Total Call Length
February 2014**



**Aurora Calls Average Call Arrival Time
February 2014**



Aurora Calls by Primary Deputy February 2014



Aurora Calls for Service February 2014

EVENTID	CASEID	Combined Type	PRIMARY_UNIT	CREATE_DATE	DISPATCH_DATE	ARRIVAL_DATE	CLEARED_DATE	Arrival in Minutes	Call Length in Minutes	DISPOSITION	ZONE	PRIORITY	AGENCY	SOURCE	LOCATION
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SMS201402220056	SMS14003129	Illegal Parking	A195	2/22/2014 10:51	2/22/2014 10:51	2/22/2014 10:51	2/22/2014 11:04	0.00	12.57		5 AAP	4 SMS			20848 FILBERT ST NE, AURORA, 97002 (WALNUT ST NE, WALNUT ST NE/HEMLOCK AV NE, HEMLOCK AV NE)
SMS201402230108	SMS14003217	Traffic Assist	A181	2/23/2014 17:50	2/23/2014 19:52	2/23/2014 20:16	2/23/2014 20:28	23.87	11.65		5 AAP	3 SMS			SMITH ROCK AV NE/YUKON ST NE(MapBook:1532)

AV NE/OTTAWAY RD NE)



City of Aurora

FOUNDED 1856
"National Historic Site"

March 11, 2014 Report from the Finance Officer

- Treasurer's report for January 2014 is enclosed.
- Keeping current with payables and receivables.
- Attended a budget law workshop conducted by the state at Clackamas Community College with Kelly Richardson.
- Helped prepare a resolution to transfer funds within the FY 2013-2014 budget.
- Gathering information for and beginning work on the FY 2014-2015 budget.
- Continuing with front office duties.

Respectfully,

Mary C. Lambert

CITY OF AURORA - TREASURER'S REPORT FOR January 2014					
	FUND	Dec 31 BALANCE	REVENUE TOTAL	TOTAL EXPENSES	Jan 31 BALANCE
10	GENERAL	274,404.72	20,352.25	35,039.52	259,717.45
15	CITY HALL BUILDING	116,609.05	691.51		117,300.56
25	PARK RESERVE	1,133.05	0.50		1,133.55
29	PARK SDCs	22,449.73	2,215.83		24,665.56
30	STREET/STORM	110,426.86	5,577.21	3,611.32	112,392.75
35	ST/STORM RESERVE	58,604.17	26.57		58,630.74
39	ST/STORM SDCs	23,092.97	2,911.42		26,004.39
40	WATER OPERATING	196,202.78	32,522.67	16,018.09	212,707.36
42	SPW MAINTENANCE	22,741.30	747.01		23,488.31
45	WATER RESERVE	3,740.08	1.64		3,741.72
49	WATER SDCs	28,384.72	5,557.90		33,942.62
50	SEWER OPERATING	178,951.97	39,343.95	21,324.56	196,971.36
55	SEWER RESERVE	5,463.33	2.40		5,465.73
57	G. O. DEBT SERVICE	302,989.18	2,615.52		305,604.70
59	SEWER SDCs	20,419.51	2,041.86		22,461.37
	TOTALS	1,365,613.42	114,608.24	75,993.49	1,404,228.17

Memo

To: City Council
From: Kelly Richardson
CC: None
Date: 3/6/2014
Re: Recorders Report Month of February 2014 report

Activities and ongoing projects are as follows:

- ❖ Ongoing secretarial duties for the City Council and Planning and Historic Review Board, along with attending the meetings once a month.
 - Working closely with Historic Review Board on guideline updates and changes.
- ❖ Attending Conference Committee Meetings
- ❖ Records Request update
 - None pending
- ❖ Working with City Planner on Aurora Municipal Code Updates.
- ❖ Working on Budget for upcoming year
- ❖ Working with Building Dept on fee increase
- ❖ Working on Building Permits as there has been and increase in building.
- ❖ Ongoing needs of the City

ORDINANCE 474

AN ORDINANCE AMENDING THE CITY OF AURORA MUNICIPAL CODE

WHEREAS, the City of Aurora received an application to amend the Aurora Municipal Code (AMC) to permit food carts on certain properties within the Historic Commercial Overlay zone and reduce traffic impact triggers for certain new or expanding businesses; and

WHEREAS, the City of Aurora deemed it necessary to amend the Aurora Municipal Code; and

WHEREAS, the Aurora Planning Commission held a public hearing on the proposed amendments to the City of Aurora Municipal Code on February 4, 2014, at which time the public was given full opportunity to be present and heard on the matter;

WHEREAS, the Aurora City Council held a public hearing on the proposed amendments to the City of Aurora Municipal Code on February 11, 2014, at which time the public was given full opportunity to be present and heard on the matter;

WHEREAS, proper notice of the said public hearings was given to the public pursuant to applicable state statutes; and

NOW THEREFORE; The City of Aurora ordains as follows:

SECTION 1. Adoption. The amendment to the City of Aurora Municipal Code attached hereto and marked Exhibit A and B is hereby adopted.

Passed by this Council this _____ day of _____, 2014 by the following vote:

AYES: _____

NAYS: _____

Approved by the Mayor this _____ day of _____, 2014

Bill Graupp, Mayor

ATTEST: _____
Kelly Richardson, CMC
City Recorder

RESOLUTION 681

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE FY13-14 BUDGET.

WHEREAS, there have been changes in the distribution of personal services expenses, the 2012-2013 audit has found unanticipated expenditures, and, additional expenses are anticipated in the maintenance of the sewer lagoon, all of which were not anticipated in the Fiscal Year 2013-2014 budget,

NOW THEREFORE BE IT RESOLVED BY THE AURORA CITY COUNCIL;

The following transfers of funds in the General Fund of the FY2013-2014 are hereby authorized:

From:	TO:	Amount
General Fund Contingency	Personal Services-Admin & Finance	\$3,000
General Fund Contingency	Personal Services-Community Development	\$1,000
General Fund Contingency	Personal Services- Municipal Court	\$3,000
General Fund Contingency	Personal Services – Police	\$1,427
General Fund Contingency	Personal Services – Parks	\$3,000
TOTAL TRANSFERS TO PERSONAL SERVICES		\$11,427
Sewer Operating Fund Contingency	Material & Services	\$21,000
TOTAL TRANSFERS TO MATERIAL & SERVICES		\$21,000

ADOPTED by the Aurora City Council at the regularly scheduled meeting thereof on Tuesday, March 11, 2014.

Bill Graupp, Mayor

ATTEST:

Kelly Richardson, City Recorder

AMERICAN RED CROSS MONTH, MARCH 2014

PROCLAMATION

WHEREAS: March is American Red Cross Month – a time to recognize and thank our everyday heroes – those ordinary people who perform extraordinary acts to aid others in need. Red Cross heroes are on the front lines every day; and

WHEREAS: We would like to recognize our heroes in the City of Aurora who work tirelessly to help people affected by disasters, donate blood to save lives and provide comfort and compassion to individuals in crisis. They provide round-the-clock support to members of the military, veterans and their families, and teach lifesaving classes in CPR, aquatics safety and first aid; and

WHEREAS: Across the country and around the world, the Red Cross responds to tragedies such home fires, floods and natural disasters; and who assist members of the armed forces, their families and veterans. In Oregon, nearly 2,000 volunteers, stand ready to help when disaster strikes; and

WHEREAS: We dedicate the month of March to all those who support the Red Cross mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission.

**NOW,
THEREFORE:** **BE IT RESOLVED** that the Aurora City Council of Aurora, Oregon hereby proclaims March, 2014 as **American Red Cross Month**, and encourage all citizens to participate in this humanitarian effort and observance.

DATED this _____ Day of _____ 2014 by the Mayor of the Aurora City Council, Aurora, Oregon.

Mayor, Bill Graupp

C-Engrossed Senate Bill 1531

Ordered by the House March 5
Including Senate Amendments dated February 14 and House Amendments
dated February 26 and March 5

Sponsored by Senators HANSELL, MONROE, STARR; Senators BAERTSCHIGER JR, BOQUIST, CLOSE, FERRIOLI, GIROD, JOHNSON, KNOPP, KRUSE, MONNES ANDERSON, OLSEN, THOMSEN, WHITSETT, WINTERS, Representatives ESQUIVEL, JENSON, THATCHER, THOMPSON, WHISNANT, WITT (at the request of Association of Oregon Counties and League of Oregon Cities) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Specifies that governing body of city or county may [*prohibit the establishment or regulate or restrict the operation*] **adopt ordinances that impose reasonable regulations on operation of medical marijuana facilities. Specifies that governing body of city or county may enact moratorium on operation of registered medical marijuana facility until May 1, 2015, if moratorium is enacted no later than May 1, 2014.**

Imposes standards for transference of tetrahydrocannabinol-infused products by medical marijuana facilities.

Declares emergency, effective March 1, 2014.

A BILL FOR AN ACT

1

2 Relating to marijuana facilities; creating new provisions; amending ORS 475.314; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS 475.300 to**
6 **475.346.**

7 **SECTION 2. Notwithstanding ORS 633.738, the governing body of a city or county may**
8 **adopt ordinances that impose reasonable regulations on the operation of medical marijuana**
9 **facilities registered, or applying for registration, under ORS 475.314 that are located in the**
10 **area subject to the jurisdiction of the city or county. For purposes of this section, "reason-**
11 **able regulations" includes reasonable limitations on the hours during which a medical**
12 **marijuana facility may be operated, reasonable limitations on where a medical marijuana**
13 **facility may be located within a zone described in ORS 475.314 (3)(a) and reasonable condi-**
14 **tions on the manner in which a medical marijuana facility may dispense medical marijuana.**

15 **SECTION 3. (1) Notwithstanding ORS 475.314 and section 2 of this 2014 Act, the governing**
16 **body of a city or county may adopt an ordinance enacting a moratorium on the operation**
17 **of registered medical marijuana facilities until May 1, 2015, in the area subject to the juris-**
18 **isdiction of the city or county if the moratorium is enacted no later than May 1, 2014.**

19 **(2) Notwithstanding ORS 475.309 (1)(b), a person who is responsible for or employed by a**
20 **registered medical marijuana facility located in an area subject to the jurisdiction of a city**
21 **or county that enacts a moratorium under this section is not excepted from the criminal**
22 **laws of this state for possession or delivery of marijuana, aiding and abetting another in the**

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in boldfaced type.

1 possession or delivery of marijuana or any other criminal offense in which possession or
2 delivery of marijuana is an element.

3 (3) The governing body of a city or county that enacts a moratorium under this section
4 must notify the Oregon Health Authority, in a manner prescribed by the authority, of the
5 moratorium.

6 (4) A registered medical marijuana facility that is located in an area subject to the ju-
7 risdiction of a city or county that enacts a moratorium under this section may choose to
8 surrender the medical marijuana facility's registration. To surrender registration under this
9 subsection, the medical marijuana facility must notify the authority, in a manner prescribed
10 by the authority, of the surrender. If a medical marijuana facility surrenders registration
11 under this subsection, the authority may refund any fee imposed by the authority pursuant
12 to ORS 475.314 (12).

13 **SECTION 4. Section 3 of this 2014 Act is repealed on January 2, 2016.**

14 **SECTION 5.** ORS 475.314 is amended to read:

15 475.314. (1) The Oregon Health Authority shall establish by rule a medical marijuana facility
16 registration system to authorize the transfer of usable marijuana and immature marijuana plants
17 from:

18 (a) A registry identification cardholder, the designated primary caregiver of a registry identifi-
19 cation cardholder, or a person responsible for a marijuana grow site to the medical marijuana fa-
20 cility; or

21 (b) A medical marijuana facility to a registry identification cardholder or the designated primary
22 caregiver of a registry identification cardholder.

23 (2) The registration system established under subsection (1) of this section must require a med-
24 ical marijuana facility to submit an application to the authority that includes:

25 (a) The name of the person responsible for the medical marijuana facility;

26 (b) The address of the medical marijuana facility;

27 (c) Proof that the person responsible for the medical marijuana facility is a resident of Oregon;

28 (d) Documentation, as required by the authority by rule, that demonstrates the medical
29 marijuana facility meets the qualifications for a medical marijuana facility as described in sub-
30 section (3) of this section; and

31 (e) Any other information that the authority considers necessary.

32 (3) To qualify for registration under this section, a medical marijuana facility:

33 (a) Must be located in an area that is zoned for commercial, industrial or mixed use or as ag-
34 ricultural land; *[and may not be located at the same address as a marijuana grow site;]*

35 **(b) May not be located at the same address as a marijuana grow site;**

36 *[(b)]* (c) Must be registered as a business or have filed a pending application to register as a
37 business with the Office of the Secretary of State;

38 *[(c)]* (d) Must not be located within 1,000 feet of the real property comprising a public or private
39 elementary, secondary or career school attended primarily by minors;

40 *[(d)]* (e) Must not be located within 1,000 feet of another medical marijuana facility; and

41 *[(e)]* (f) Must comport with rules adopted by the authority related to:

42 (A) Installing a minimum security system, including a video surveillance system, alarm system
43 and safe; and

44 (B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and
45 immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the

1 registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's
2 registered grower.

3 (4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person whose
4 name is submitted as the person responsible for a medical marijuana facility under subsection (2)
5 of this section.

6 (b) A person convicted for the manufacture or delivery of a controlled substance in Schedule I
7 or Schedule II may not be the person responsible for a medical marijuana facility for five years from
8 the date the person is convicted.

9 (c) A person convicted more than once for the manufacture or delivery of a controlled substance
10 in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility.

11 (5) If a person submits the application required under subsection (2) of this section, the medical
12 marijuana facility identified in the application meets the qualifications for a medical marijuana fa-
13 cility described in subsection (3) of this section and the person responsible for the medical marijuana
14 facility passes the criminal records check required under subsection (4) of this section, the authority
15 shall register the medical marijuana facility and issue the person responsible for the medical
16 marijuana facility proof of registration. The person responsible for the medical marijuana facility
17 shall display the proof of registration on the premises of the medical marijuana facility at all times
18 when usable marijuana or immature marijuana plants are being transferred as described in sub-
19 section (1) of this section.

20 (6)(a) A registered medical marijuana facility may receive usable marijuana or immature
21 marijuana plants only from a registry identification cardholder, designated primary caregiver or
22 person responsible for a marijuana grow site if the registered medical marijuana facility obtains
23 authorization, on a form prescribed by the authority by rule and signed by a registry identification
24 cardholder, to receive the usable marijuana or immature marijuana plants.

25 (b) A registered medical marijuana facility shall maintain:

26 (A) A copy of each authorization form described in paragraph (a) of this subsection; and

27 (B) Documentation of each transfer of usable marijuana or immature marijuana plants.

28 (7) A medical marijuana facility registered under this section may possess usable marijuana and
29 immature marijuana plants in excess of the limits imposed on registry identification cardholders and
30 designated primary caregivers under ORS 475.320.

31 **(8)(a) A registered medical marijuana facility may not transfer any**
32 **tetrahydrocannabinol-infused product that is meant to be swallowed or inhaled, unless the**
33 **product is packaged in child-resistant safety packaging that meets standards established by**
34 **the authority by rule.**

35 **(b) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-**
36 **infused product that is manufactured or packaged in a manner that is attractive to minors,**
37 **as determined by the authority by rule.**

38 [(8)] (9) The authority may inspect:

39 (a) The premises of an applicant for a medical marijuana facility or a registered medical
40 marijuana facility to ensure compliance with the qualifications for a medical marijuana facility de-
41 scribed in subsection (3) of this section; and

42 (b) The records of a registered medical marijuana facility to ensure compliance with subsection
43 (6)(b) of this section.

44 [(9)(a)] **(10)(a)** A registry identification cardholder or the designated primary caregiver of a
45 registry identification cardholder may reimburse a medical marijuana facility registered under this

1 section for the normal and customary costs of doing business, including costs related to transferring,
2 handling, securing, insuring, testing, packaging and processing usable marijuana and immature
3 marijuana plants and the cost of supplies, utilities and rent or mortgage.

4 (b) A medical marijuana facility may reimburse a person responsible for a marijuana grow site
5 under this section for the normal and customary costs of doing business, including costs related to
6 transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and
7 immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

8 ~~[(10)]~~ (11) The authority may revoke the registration of a medical marijuana facility registered
9 under this section for failure to comply with ORS 475.300 to 475.346, ~~[or]~~ rules adopted under ORS
10 475.300 to 475.346 **or ordinances adopted pursuant to section 2 of this 2014 Act**. The authority
11 may release to the public a final order revoking a medical marijuana facility registration.

12 ~~[(11)]~~ (12) The authority shall adopt rules to implement this section, including rules that:

13 (a) Require a medical marijuana facility registered under this section to annually renew that
14 registration; and

15 (b) Establish fees for registering and renewing registration for a medical marijuana facility un-
16 der this section.

17 **SECTION 6. This 2014 Act being necessary for the immediate preservation of the public**
18 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**
19 **March 1, 2014.**

20