

Minutes
Aurora City Council Meeting
Tuesday, November 10, 2015, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Darrel Lockard, Public Works Superintendent
Officer Huitt, Marion County
Dennis Koho, City Attorney

STAFF ABSENT: Mary Lambert, Finance Officer

VISITORS PRESENT: Anna Rankin, Pudding River Water Council
Noelle Brooks, Aurora

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Mayor Bill Graupp at 7:12 pm

2. CITY RECORDER DOES ROLL CALL

Mayor Graupp- Present
Councilor Sahlin - Absent
Councilor Sallee-Present
Councilor Southard-Absent
Councilor Vlcek - Present

3. CONSENT AGENDA

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

ACTION ITEM: Councilor Vlcek ask where are we at with the street sweeping.

Motion to approve the consent agenda as presented was made by Councilor Vlcek and is seconded by Councilor Sallee. Motion approved by all.

4. CORRESPONDENCE - NA

5. VISITORS

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

Noelle Brooks, ACVA representative along with Kathleen Maison presents a banner project that they are hoping the city can help sponsor for the downtown area as part of a beatification project. Presented is a draft of the banners they are proposing.

Councilor Sallee asks the two of them if the banners would be throughout the entire town or just in the Historic District, Brooks no it would just be in the downtown core business district to begin with. This next year will be the 160th year so we fill it is a big deal along with the museum's 50th year. Councilor Vlcek comments that if they flipped the design it would be a close match to the new Aurora Deputy's patch.

6. PUBLIC HEARING, Opens at 7:53 PM

TO: Aurora City Council
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 2015-02 (LA-15-02)
DATE: November 10, 2015

REQUESTED ACTION

The City Council's options for taking action on Legislative Amendment 15-02 include the following:

- A. Adopt the findings in the staff report and adopt Legislative Amendment 15-02:
 - 1. As presented by staff and the Planning Commission; or
 - 2. As amended by the City Council (stating revisions).

- B. Take no action on Legislative Amendment 15-02.

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

BACKGROUND

In 2013, House Bill 3460 created a medical marijuana registration system and allowed medical marijuana facilities (MMFs) to be located in certain zones, including commercial, industrial, and mixed use. In 2015, House Bill 3400 further clarified marijuana regulations, expanded permissions for recreational marijuana, and also allowed jurisdictions to adopt reasonable time place, and manner restrictions on both. The Planning Commission reviewed and discussed several options for this new legislation in September and October 2015. At the same time, the Planning Commission received feedback from interested parties regarding recreational vehicles and accessory buildings and LA-15-02 includes proposed amendments to clarify the text on these items.

The Aurora Planning Commission held a public hearing on November 3rd, 2015. The following sections of the Aurora Municipal Code (AMC) are proposed by staff and the Planning Commission for amendment:

- 16.04 Definitions
- 16.14 Commercial
- 16.16 Industrial
- 16.36 Manufactured Home Regulations
- 16.42 Off-Street Parking and Loading Requirements

Legislative Amendment 15-02 includes the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold and strikethrough** format for review purposes (see Exhibit A).

The purpose of the proposed amendment is to create “reasonable regulations” as allowed by House Bill 3460 and 3400 for time, place and manner restrictions for marijuana associated retailers, processors, and growers. By addressing marijuana sales, production, and processing, the City seeks to further clarify where these uses are permitted and mitigate potential conflicts with surrounding uses. The proposed amendments also seek to add clarity and certainty to the Aurora Municipal Code – Title 16.

FINDING OF FACT

The Aurora Planning Commission, after careful consideration of the testimony and evidence in the record, adopted 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 October 13, 2015, which was 21-days prior to the first evidentiary hearing and 28-days prior to the City Council hearing on November 10, 2015.
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. At least ten days prior to the first public hearing, the City shall publish notice in a newspaper of general circulation. The notice of the planning commission and city council hearings was published in the Canby Herald on October 28, 2015, at least 10 days prior to the scheduled November 10, 2015 City Council hearing.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative 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 November 3, 2015 public hearing and made a unanimous recommendation for City Council approval of LA-15-02.

STANDARDS FOR THE DECISION AND FINDINGS

16.74.060 provides the standards for a Legislative Amendment decision as follows:

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 by the Planning Commission on November 3, 2015 and the City Council hearing is scheduled for November 10, 2015. Notice was posted at City Hall and published in the Canby Herald. 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 found 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 found Goal 2 is met.

Goal 3, Agricultural Lands and Goal 4, Forest lands are found not to be applicable.

Goal 5, Open Spaces, Natural Resources, and Historic Areas: The proposed amendments do not affect regulations within the Aurora Historic District nor does it affect open spaces or natural resources. Staff and the Planning Commission found 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/revision identified by Senate Bills 3460/3400 to address permitted uses on commercial and industrial lands. The proposed code amendments are not found to deter employment or business opportunities but rather to allow for greater economic uses on commercial and industrial properties while also protecting the intent of these zones and permissible locations as well as the intent of the Aurora Historic District.

The Planning Commission has determined which uses under the Senate Bills are best suited in which zoning locations to match the purpose and intent of the zone. The code update also

addressed design standards for storage units in the commercial zone to protect design standards of the primary structures in the zone. Staff and the Planning Commission found Goal 9 is met.

Goal 10, Housing: The draft code amendments address storage of recreational vehicles on residentially zoned lands and within public rights-of-way not intended to accommodate housing. Staff finds 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: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable as the code amendments address permitted uses under State law on properties already zoned for commercial and industrial development. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues as the proposed code amendments apply to existing commercial and industrial sites within the City limits and permissible uses within these zones.

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 and the Planning Commission found 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.

The addition of specific definitions for marijuana grow sites, processing sites and retail sites under AMC 16.04 ensures compliance with recently adopted legislation at the State level. Above the State-imposed and regulated standards for said facilities, jurisdictions are permitted to adopt reasonable time, place and manner restrictions to meet the intent of their development code and comprehensive plans. Proposed amendments to address these new regulations and to further clarify the locations of specific facilities are found by staff to be reasonable and address the intent and purpose of the specific zoning codes, as outlined under each zoning code chapter.

Staff and the Planning Commission found this criterion is met.

3. The applicable comprehensive plan policies and map; and

The applicable Aurora Comprehensive Plan Goals align with the Statewide Planning Goals and associated policies as outlined under FINDINGS, subsection A.1 above. Staff and the Planning Commission found this criteria is met.

4. The applicable provisions of the implementing ordinances.

FINDINGS: The draft code amendments respond to a need/revision identified by Senate Bill 3460/3400 to potential permitted uses on commercial and industrial lands. The proposed code amendments are not found to deter employment or business opportunities but rather to clarify locations of permitted specific uses, allow for greater economic uses of commercial and industrial properties, and maintain design standards while also protecting the intent of the zones and the Aurora Historic District.

Staff finds the proposed code amendments can be established in compliance with the development requirements of the Aurora Municipal Code while maintaining the stated intent of the underlying zones.

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 or the Planning Commission did not find a change in circumstance, mistake or inconsistency in the comprehensive plan or implementing ordinances. Rather, the proposed code amendments are a result of Senate Bill 13460/3400531 and the City's need to refine and clarify permitted locations and uses within the City of Aurora, adopt "reasonable regulations" for their review, as well as further clarify storage of recreational vehicles and design standards for accessory structure. Staff and the Planning Commission found this criterion is met.

EXHIBIT A Aurora Municipal Code (AMC) section 16.04- Definitions
Aurora Municipal Code (AMC) section 16.14- Commercial zone
Aurora Municipal Code (AMC) section 16.16- Industrial zone
Aurora Municipal Code (AMC) section 16.36- Manufactured Home Regulation
Aurora Municipal Code (AMC) section 16.42- Off-Street Parking and Loading

Councilor Vlcek asks if they are considering them all together or are we chopping it up. Mayor Graupps states let's talk about each one individually.

There is no testimony from the audience at this time Mayor Graupp closes the Public Hearing at 8:01 PM.

Council begins discussions regarding the code changes being proposed.

1. Marijuana, Councilor Vlcek begins with a question regarding odor has this been addressed in the code changes. City Planner Wakeley informs the council that there is not a criteria for odor however your nuisance code does and remember this is a conditional use and the applicant is required to apply and a

review process would then take place on a yearly basis. Councilor Vlcek is also concerned about security and Wakeley states that normally that is up to the property owner.

2. Storage Units, there is a brief discussion here regarding temporary storage solutions the council needed more specific information regarding materials it is the consensus of the council that they need more information and want to wait for a full council before rendering a decision.

3. RV Storage, Council discuss various options but ultimately feel allowing one RV is very strict but it is the consensus of the council to wait for a full council before rendering a decision.

It is the consensus of the council to approve the recreational marijuana code language as presented.

A motion is made to approve the recreational marijuana code language as presented and to continue the hearing on the other 2 items by Councilor Vlcek and seconded by Councilor Sallee. Passed by all.

7. REPORTS

a) Mayor Bill Graupp

- Mayor reports that the city received a 20,000 dollar grant from Business Oregon to help offset the costs of the Engineering bill for the Wastewater Facility Plan.

Council discussed, NA

ACTION ITEM: NA

b) Marion County Deputy

- Deputy report is attached activity is normal and there are no questions from council.

Council discussed.....

ACTION ITEM: Action to be.....

Councilor Sallee on a personal note asks Deputy Huitt what is a normal response time and what constitutes an arrival. Huitt, when an officer arrives they will notify dispatch on an audible alarm they will attempt to validate if they can't then it drops in priority as it is not active threat.

c) Finance Officer

- Finance officer is absent. The report is attached and everything looks to be on track.

Council discussed, NA

ACTION ITEM: NA

d) Public Works

- Public Works report the following items have been finished, street sweeper scheduled, trees trimmed in the park however more trees have been identified that will need to come down in the next phase. Councilor Vlcek asks Public Works how long has the aeration basin been septic. Lockard since around April until now Vlcek why so long Lockard because it takes time for something like this to heal and clear up. Councilor Vlcek is also concerned about the manual backwashes that have been taking place at the water treatment plant. Lockard informs council that there is currently a process in place to help insure the safety of our employees regarding this issue until it is permanently fixed. Lockard if all goes well we won't need manual backwashes after tomorrow. Councilor Sallee requests this process be in written format and also asks if there is a backup protocol if the electronics were to fail Lockard not at this time if they fail the system goes down. Lockard reports the new utility worker will begin December 1st.

Council discussed, NA

ACTION ITEM: NA

e) Parks Committee

- Park report none given at this time other than trees are being looked at again.

Council discussed, NA

ACTION ITEM: NA

f) City Recorder

- Recorder report is attached and read into the record

Council discussed nothing at this time.

ACTION ITEM: NA

g) City Attorney

- City Attorney report's that the Eddy properties purchase that was pending fell through and that the city is still moving forward just as before. Trial should be in December.

Council discussed, NA

ACTION ITEM: NA

8. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- a) Discussion and or Action on Ordinance Number 480 to Amend the Aurora Municipal Code Regarding Various Sections. First Reading, Not read at this time hearing was continued.

9. NEW BUSINESS

- a) Discussion and or Action on Proposal for Living Color Landscape to include Highway 99E Planter Strips.

Motion is made to approve the Living Color Contract to include 99E Planter Strips by Councilor Sallee and is seconded by Councilor Vlcek. Motion Passes.

- b) Discussion and or Action or Presentation of Information from the Pudding River Water Council, Anna Rankin the coordinator for the pudding river water shed informs council that currently we have dollars that we would like to collaborate with and work on getting more dollars so that it will go further in an effort to address storm water runoff. Lockard states we do have bio swells in addressing this issue. There are few various items and or ideas that were discussed Public Works will look around the city to see what some of our options are.

10. OLD BUSINESS

- a) NA

Councilor Sallee informs Council that her home has sold and is actively looking for a Permanente residence.

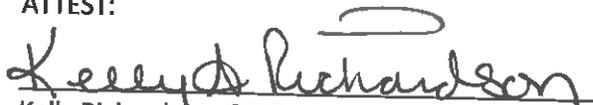
11. ADJOURN,

Mayor Graupp adjourned the November 10, 2015 Council Meeting at 9:48 PM.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, CMC
City Recorder