

AGENDA
Aurora City Council Meeting
Tuesday, December 08, 2015, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

1. CALL TO ORDER OF THE AURORA CITY COUNCIL MEETING

2. CITY RECORDER DOES ROLL CALL

Mayor Graupp
Councilor Sahlin
Councilor Vlcek
Councilor Southard
Councilor Sallee

3. CONSENT AGENDA

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

4. CORRESPONDENCE -

5. VISITOR

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.

6. PUBLIC HEARING CONTINUANCE

- a) Discussion and or Action on Legislative Amendment (LA-15-02) including changes in code sections; 16.04 Definitions, 16.14 Commercial Accessory Structures, 16.16 Industrial, 16.36 Manufactured Home Regulations, 16.42 Parking.

7. REPORTS

- a) Mayors Report
- b) Marion County Deputy
- c) Finance Officer
- d) Public Works

- e) Parks Committee
- f) City Recorder
- g) City Attorney

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.

9. NEW BUSINESS

- a) Discussion and or Action on Proposal for Living Color Landscape to include Highway 99E Planter Strips.
- b) Discussion and or Action on Application Process and License Regarding Recreational Marijuana.
- c) Discussion and or Action on the Annual Audit Fiscal Year End June 30, 2015

10. OLD BUSINESS

- a) NA

11. ADJOURN

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 ~~strike through~~ 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 if 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 hear 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

Minutes
Aurora Planning Commission Meeting
Tuesday, November 3, 2015, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

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

STAFF ABSENT: None

VISITORS PRESENT: Lance Lyon, Aurora
 Dexter Wilson, Aurora
 Judi Aus, Canby
 Jerry Johnson, Aurora
 Richard Rothweiler, Salem
 Janet Rothweiler, Salem
 Karen Townsend, 15058 2nd Street Aurora
 Gayle Abernathy, 15109 2nd Street Aurora
 Kathy Kaatz, 14805 Orchard Street Aurora

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Vice Chairman Rhoden-Feely at 7:05 pm

2. CITY RECORDER DOES ROLL CALL

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

3. CONSENT AGENDA

- a) Planning Commission Minutes – October, 2015, a comment is made that the Council discussed accessory structures specific to the code.
- b) City Council Meeting Minutes – September, 2015
- c) Historic Review Board Minutes – September, 2015

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

4. CORRESPONDENCE – NA

5. VISITORS

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

No one spoke during this time as the visitors present spoke on items already on the agenda.

6. PUBLIC HEARING, Opens at 7:10 pm

a) Discussion and or Action Height Variance Application (VA-15-03) Christ Lutheran Church,
**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Variance 2015-03 [VAR-15-03]
DATE: October 27, 2015

APPLICANT/OWNER: Christ Lutheran Church
15029 2nd Street NE
Aurora, OR 97002

REQUEST: Variance application to exceed the maximum height of the Historic Residential Overlay zone for a new proposed forty-eight (48) foot bell/entry tower addition to the existing structure.

SITE LOCATION: 15029 2nd Street NE, Aurora OR.

Map 41.W.12CD Tax Lot 2600

SITE SIZE: Approx. 19,602 square feet, or 0.45 acres

DESIGNATION: Zoning: Low Density Residential (R1) with Historic District Overlay

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.20 Historic Residential Overlay zone and 16.64 Variances

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Applicant's Variance Application
Exhibit C: Review Comments from Oregon Department of Aviation (ODA) and Aurora Historic Review Board (HRB)

I. REQUEST

Variance application to exceed the maximum height of the Historic Residential Overlay zone for a new proposed forty-eight (48) foot bell/entry tower addition to the existing structure.

II. PROCEDURE

Variance applications are processed as Quasi-Judicial Decisions. Quasi-Judicial Decisions are conducted as stated in Chapter 16.76 of the AMC. Section 16.64 provides the criteria for processing Variance applications.

The application was received on August 12, 2015 and determined incomplete by staff pending additional information. The supplemental information was received by staff on September 17th and the application was determined complete by staff. Notice of the application and hearing was mailed to surrounding property owners on October 9, 2015 and published in the Canby Herald on October 27, 2015. The City has until **January 14, 2015**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

Appeals are governed by AMC 16.76.260. An appeal of the Planning Commission's decision shall be made, in writing, to the City Council within 15 days of the Planning Commission's final written decision.

IV. CRITERIA AND FINDINGS

The applicable review criteria for Variance applications are found in AMC Chapter 16.64 Variances.

16.64 *Variances*

The commission may grant a variance only when the applicant has shown that all of the following conditions exist:

A. The proposed variance will not be materially detrimental to the purposes of this title, be in conflict with the policies of the comprehensive plan, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity.

FINDINGS: The applicant proposes a forty-eight (48) foot bell/entry tower addition to the existing structure. The maximum height in the Historic Residential Overlay (HRO) zone is thirty-five (35) feet-thirteen (13) foot differential. According to the applicant, the tower structure will not cast shadows on any neighboring structures or exceed the height of some trees on the property or surrounding area. The applicant also states that the architectural elements are designed to enhance the visual character of the Neo-Gothic features of the historic Aurora Colony and structure.

Notice of the height variance application was mailed to property owners within 200 feet of the subject property on October 9, 2015 and published in the Canby Herald on October 14, 2014. The Aurora Historic Review Board (HRB) reviewed the proposed variance and recommended the Planning Commission approve the variance with a "smaller cross as discussed with the applicant" (see Exhibit C). This is included as a recommended condition of approval. The Oregon Department of Aviation (ODA) reviewed the proposal and expressed no concerns with flight interference.

Staff finds this criteria can be met, with conditions.

B. Special conditions exist which are peculiar to the land or structure involved and are not applicable to lands and structures in the same zone and over which the applicant has no control.

FINDINGS: The existing structure is unique in that the church's historic architectural elements are unlike residential structures in the zone. Churches are permitted as conditional uses in the zone and the property has a conditional use permit on file. According to the applicant, "while an exact replica of the historic tower is not possible, Christ Lutheran Church wishes to achieve as much accuracy as possible in the restoration of the original bell tower's scale and Gothic Revival style, which includes a slender, steeply pitched roof, pointed arched-windows, and a bell" and that meeting the thirty-five (35) foot height maximum in the zone would have sacrificed historic proportions. The applicant also states that a thirty-five (35) foot height restriction would not allow placement of the bell into the steeple or allow a person sufficient space to access or maintain the proposed bell and, therefore, the requested height is the minimum height to allow for the bell to be installed and maintained inside the steeple.

Staff finds the location of a church in the Historic Residential Overlay (HRO) zone with a 35 foot height maximum is unique for the property and not applicable to other historic properties in the zone and this criteria is met.

C. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land.

FINDINGS: The variance will not change the use of the property and other applicable city standards and criteria will be maintained and enforced. Staff finds this criteria is met.

D. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms, or parks will not be adversely affected any more than would occur if the development were located as specified in this title.

FINDINGS: The proposed variance does not encroach upon the City right-of-way and is not determined by staff to negatively impact traffic, drainage, land forms or parks. The property recently received Site Development Review approval (SDR-15-01) for circulation improvements and interior and exterior modifications to the structure. Staff finds this criteria is met.

E. The variance granted shall be the minimum necessary to make possible a reasonable use of the land and structures.

FINDINGS: According to the applicant, the proposed variance allows for the minimum achievement of the scale and stylistic proportions of the characteristic Gothic Revival tower. However, approval of the variance is not determined to be the minimum necessary to make reasonable use of the land or structures as the property is current used as it historically has been. The Aurora Historic Review Board reviewed the proposed variance and, while approving the height, recommended the size of the cross be reduced "so as to minimize any further height issues/dominance". This is included as a recommended condition of approval.

Staff finds this criteria can be met, with conditions.

F. The special conditions which are peculiar to the land or structure involved were not caused or created by the applicant and/or current or previous property owners.

FINDINGS: The current members of the Christ Lutheran Church congregation are not responsible for the demolition of the historic tower. Indeed, the members seek to preserve and restore elements of this historic church- in keeping with the Historic Overlay District and Aurora Comprehensive Plan Historic Resource Policies (Goal 5) Objective: Protect the community's historic character and sense of identity by conserving buildings and sites of historic significance and increasing the zone of control to include more of the original colony property.

Staff finds this criteria is met.

G. For variances to height requirements, six inches shall be added to the required setbacks for the front, side and rear yards, for every foot of height allowed by the commission beyond the established limit.

FINDINGS: The front setback in the HRO zone shall be a minimum of fifteen (15) feet except the front setback may be reduced to a minimum of ten (10) feet when the garage is located in the rear yard or the garage is located in the side yard of a corner lot (AMC 16.20.C.1). This is not a residential structure and no garage is located to the front of the property. AMC 16.40.160.A.2. further states, "Commercial and mixed-use structures shall be set back... a maximum of ten (10) feet from front lot lines". Additionally, AMC 16.40.160.A.3 states, "For new structures or additions to structures, including porches, the front setback shall not exceed four (4) feet more or less than the average front setback of the adjacent structures". The existing structure to the west is setback twelve (12) feet from the front property line. With a maximum setback of 10 feet for the zone and a variance allowance under AMC 16.40.160.A.3. of up to four (4) feet, a setback between six (6) and twelve (12) feet from the front property line would typically be permitted.

The applicant proposes a setback in their site plan for the base of the steeple at fourteen (14) feet, ten (10) inches and proposes to exceed the maximum height in the zone by thirteen (13) feet.

This amounts to an approx. three (3) foot variance from the permissible front setback under Title 17 and a height variance of thirteen (13) feet or an additional setback of six (6) feet. Staff finds the steeple setback of fourteen feet can be considered met from the front setback permissions varying between 6-12 feet for the front property line and this criteria is met.

V. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for Variance (file no. VAR-2015-03) based upon the following:

- 1) Develop the subject property in accordance with plans approved by the city.
- 2) Comply with all City of Aurora and State of Oregon development, building and fire codes.
- 3) Reduce the size of the installation (cross) atop the bell tower, as discussed and approved by the Aurora Historic Review Board (HRB). Evidence of review and final approval on the installation (cross) atop the bell tower by the HRB shall be required in advance of City approval of the structural permit application.

VI. PLANNING COMMISSION ACTION

A. Approve the variance request to exceed the maximum height of the Historic Residential Overlay (HRO) zone for a new proposed forty-eight (48) foot bell/entry tower addition to the existing structure.

1. As recommended by staff, or
2. As determined by the Planning Commission stating how the application satisfies all the required criteria, and any revisions to the recommended conditions of approval, or

OR

B. Deny the variance request to exceed the maximum height of the HRO zone for installation of a new proposed forty-eight (48) foot bell/entry tower.

OR

C. Continue the hearing to a time certain or indefinitely (considering the 120 day limit on applications).

Staff notes a correction to pg 1 notice was published October 2015 not 2016. Number 7 Criteria A conditional approval and #3 to be removed because of reduction of the cross and it shouldn't have been included as a condition. Pg 4 reduced to condition 1&2. Commissioner McNamara wants to confirm the height of the steeple at 48 feet. Which the applicant states is well within the FFA and informs everyone that the congregation has decided based on feedback to not place a cross on top of the steeple. Vice Chair Rhoden-Feely asks the applicant was it this congregation that took the original steeple down and the applicant states yes in the early years.

Richard Rothweiler 363 State Street Salem, OR. Architect presents a brief description of the project and the fact that they want to return the church steeple to resemble the old church as much as possible and to allow the hanging and maintenance of the old church bell.

Citizen Karen Townsend 15058 2nd Street Aurora, also a member of the Historic Review Board although I am coming before you as a citizen with concerns regarding the height of the steeple that is proposed. I like the design that is being proposed except for the height I feel as though it is to over powering for the neighbor hood/block. I really think the steeple could be modified and the height brought down and still provide ample room for bell maintenance. This is 5 stories high and it will overwhelm the block and the other historic properties surrounding it. Vice Chair Rhoden-Feely ask the applicant the height of the old

historic church the applicant was unsure of the actual height and provided a guess. Townsend goes on to say had the old church been there its possible neighbors wouldn't have purchased property there maybe.

Gayle Abernathy 15109 2nd Street I am also a member of the Historic Review Board however this evening I am here as a citizen with many of the same concerns as my neighbor Miss Townsend.

Commissioner Weidman asks the applicant if they could accomplish this project with lowering the height of the steeple. The applicant states this is what we need to complete the project and to preserve the architecture from the old building. We did hear many of the concerns and that is why we removed the cross to bring some of the height down. If we can pull it down 12 inches then we will but not sure if it is possible. Weidman states that with the additional height it does make a very large statement.

Vice Chair closes the public hearing at 7:40 pm

Planning Commission begins their discussion first Commissioner Fawcett ask the applicant if the bell is currently in the tower and does it currently ring and the applicant states yes. Fawcett asks the height of the water tower for comparison and City Recorder Richardson states the water tower is 91.90 feet tall and the bottom of the Verizon equipment is at 53 feet. The museum is less than 35 feet tall.

Commissioners wanted to know the height of the original steeple the applicant was referring to however the applicant didn't have that information. After a brief discussion regarding whether it would be visible from Highway 99E.

A Motion is made by Commissioner McNamara to accept the application with the conditions as stated and is seconded by Commissioner Gibson. 2 ayes 3 naves motion fails.

The Commissioners then look at the staff report to better clarify and Vice Chair Rhoden-Feely then asks questions of the applicant regarding each criteria to determine if all of them have been met to the group's satisfaction.

following this discussion another motion is made.

Commissioner Weidman makes a motion to deny based on the fact that criteria E and F there is no second therefore motion fails.

A motion is made to accept the application as presented with the conditions of approval by Commissioner McNamara and is seconded by Commissioner Gibson. 2 ayes and 3 naves motion fails again.

At this point staff asks the Commissioners what additional information do they need so that we can move forward somehow this evening. Commissioner Fawcett states that they want the height of the original steeple and heights of trees around the building for comparison.

A motion is made to continue the hearing until the December 1st Planning Commission meeting and requesting the height of the original steeple is made by Commissioner Fawcett and is seconded by Commissioner Gibson and is passed by all.

b) Discussion and or Action on Legislative Amendment on AMC 16 Code Sections (LA-2015-02)

Public Hearing begins at 9:10 pm

Staff report;

TO: Aurora Planning Commission
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 2015-02 (LA-15-02)
DATE: November 3, 2015

REQUESTED ACTION

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

- A. Adopt the findings in the staff report and recommend that the City Council adopt Legislative Amendment 15-02:
 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 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 has given staff general direction related to the marijuana issue and has had general discussions regarding proposed amendments to the Aurora Municipal Code (AMC).

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 following sections of the Aurora Municipal Code (AMC) are proposed 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 seeks to add clarity and certainty to the Aurora Municipal Code – Title 16.

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 October 13, 2015, which was 21-days prior to the first evidentiary hearing and 28-days prior to the tentative 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 1, 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 will review the proposed legislative amendments at a November 3, 2015 public hearing and a tentative City Council hearing is scheduled for November 10, 2015.

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 is scheduled before the Planning Commission on November 3, 2015 and a second hearing is scheduled before the City Council on 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 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 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 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/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 finds 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 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.

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 finds 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 finds this criteria is met.

2. 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 does 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 finds 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

Staff states there is one correction on the staff report in definitions shopping should be shipping containers and striking “and is not designed for human/animal occupancy not connected to utilities”.

There is a brief discussion between Commissioners regarding logistics.

A motion is made to approve as amended by Commissioner McNamara and is seconded by Commissioner Fawcett. Motion Passes.

Public Hearing closed at 9:40 pm

7. NEW BUSINESS

a)

8. OLD BUSINESS

- a) Discussion and or Action on Orchard View Subdivision. The background of the issue was presented currently the tracts are owned apparently by the developer the CCR’s were recorded and the HOA was later voted on by property owners and voted out. The way it

recorded and the HOA was later voted on by property owners and voted out. The way it stands now the property owners are supposed to be maintaining the two tracts. There was an offer last month by one property owner to purchase the one tract and add as part of her front yard as she has been maintaining it since she purchased her property. We wanted to open it up to the property owners and get feedback from each of you to see if something can be agreed upon.

Various questions were asked by citizens who attended

Jerry Johnson, Aurora asks what the options are; Chair Schaefer informs Mr. Johnson that is why we are here tonight to discuss different options.

Kathy Kaatz, states I have been maintaining the land as part of my yard since we purchased the property however if I can't make it a part of my yard legally then I don't really want to keep maintaining it.

Rachel Nelson, Aurora would like more information on the costs that would be involved.

Pros and Cons of forming an HOA was also discussed and it was about 50/50 some in support and some in opposition.

During the discussion and so many different options discussed it is the consensus of the board to continue this discussion into January in hopes to get even more people involved.

If the City takes it over and maintains it then the City will bill the property owners.
Chair Schaefer enters the meeting at 8:38 pm.

Action Items; Have Public Works get an estimate on what it would cost to clean and maintain the area.

9. COMMISSION/DISCUSSION

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

10. ADJOURN

Chair Schaefer adjourned the November 3, 2015 Aurora Planning Commission Meeting at 9:43 P.M.



Chair Schaefer

ATTEST:



Kelly Richardson, CMC
City Recorder

Minutes
Aurora Historic Review Board Meeting
Thursday, October 22, 2015, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT Kelly Richardson, CMC City Recorder

STAFF ABSENT: None

VISITORS PRESENT: Jenny Ahn, Aurora

1. CALL TO ORDER OF THE HISTORIC REVIEW BOARD MEETING

The meeting of October 22, 2015 was called to order by Chair Abernathy at 7:01 pm

2. CITY RECORDER DOES ROLL CALL

Chair Gayle Abernathy – Present
Member John Berard - Absent
Member Mera Frochen – Present
Member Mella Dee Fraser – Present
Member Karen Townsend - Present

3. CONSENT AGENDA

- a) Historic Review Board Meeting Minutes – September, 2015 Chair Abernathy was absent, and in the second paragraph of Old Business it refers to member Townsend.
- b) City Council Minutes – September, 2015
- c) Planning Commission – September, 2015

A motion to approve the Historic Review Board minutes of September 24, 2015 as amended was made by Member Townsend and is seconded by Member Frochen. Passed by all.

Member Townsend would like their first name added for a better historical record of events.

4. CORRESPONDENCE – NA

5. VISITORS

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

There were no visitors that spoke during this time.

6. NEW BUSINESS

- a) Discussion and or Action on Sign Application for The Aurora Colony Grocery located at 21637 Hwy 99E. 2 new signs were presented by the applicant both wall signs. During the discussion the board agreed that the front façade would include both front angles therefore the 30x90 sign along with the 32x19 sign near the door would be in compliance with the code. As per code section 17.24.100 B 2, walls signs. Also for materials as they were both wood 17.24.070 and the white background and dark lettering was also consistent with the code.

A motion was made by Member Frochen to approve the sign application as presented and is seconded by Member Fraser. Motion passed by all.

7. OLD BUSINESS

- a) Discussion and or Action on Historic Inventory specific categories. The board came up with these columns
1. Zone
 2. Classification
 3. Year Built
 4. Special status, meaning Colony or Post Colony
 5. Architectural style
 6. Historic Registry status, this is the NR codes which are already there.
 7. Height remove it will be in the big inventory.
 8. Take off materials use this only in the big inventory
- b) Discussion and or Action on CLG grant components and opportunities. Guidelines Discussion for printing purposes AMC Title 17 will be printed on blue paper. Design standards 17.40 on yellow and the guide and attachments are on white.

8. ADJOURN

Chairman Abernathy adjourned the meeting of October 22, 2015 at 9:12 pm.



Gayle Abernathy, Chairman

ATTEST:



Kelly Richardson, CMC
City Recorder

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 2015-02 (LA-15-02)
DATE: December 8, 2015

On November 10, 2015, the City Council held their scheduled and advertised public hearing but decided to continue the public hearing in order to provide staff more time to make slight amendments to the proposed code updates, based upon feedback from Council at the November 10th hearing. The enclosed Exhibit A includes the revised proposed code updates.

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. The Aurora City Council opened their public hearing on November 10, 2015 but decided to continue the hearing to December 8, 2015.

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

Chapter 16.04

DEFINITIONS

"Abut/abutting" and "adjacent/adjoining or contiguous lots" means two or more lots
....

Sections:

- 16.04.010 Meaning of words generally.
- 16.04.020 Meaning of common words.
- 16.04.030 Meaning of specific words and terms.

(Some pages excluded for brevity)

16.04.010 Meaning of words generally.

All of the terms used in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or definition appears in the Oregon Revised Statute, or the context in which they are used clearly indicates to the contrary.

16.04.020 Meaning of common words.

A. All words used in the present tense include the future tense.

B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.

C. All words used in the masculine gender include the feminine gender.

D. The word "shall" is mandatory and the word "may" is permissive.

E. The word "building" includes the word "structure."

F. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

G. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

H. The term "this ordinance" shall be deemed to include the text, the accompanying zoning map and all amendments made hereafter to either.

16.04.030 Meaning of specific words and terms.

(Also see Chapters 16.18, 16.36, 16.44 and 16.50).

As used in this title:

"Lot Line, Side". "Side lot line"—means any lot boundary not a front or rear property line.

"Lot of record" means a legally created lot meeting all applicable regulations in effect at the time of creation.

"Lot, through or double-frontage lot" means an interior lot having frontage on two parallel streets (see Illustration 4, Appendix A set out at the end of this title).

"Lot width" means the average horizontal distance between the side lot lines.

"Major impact utility" means services and utilities which have a substantial visual impact on an area. Typical uses are electrical and gas distribution substations, radio microwave, telecommunications towers, telephone transmitters and cable television receivers and transmitters.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

"Manufactured home park" means any place where four or more manufactured homes are located on a lot tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

"Marijuana grow site" includes the manufacture, planting, cultivating, growing, trimming, or harvesting marijuana or drying marijuana leaves or flowers, registered with the State of Oregon.

"Marijuana processing site" includes the processing, compounding or converting of marijuana into products, concentrates or extracts, and registered with the State of Oregon.

"Medical marijuana dispensary and commercial marijuana retail stores" means a

facility that dispenses ~~medical~~ marijuana, ~~validly~~ registered with the State of Oregon and authorized according to the State of Oregon Health Authority (OHA) or Oregon Liquor Control Commission (OLCC), as applicable, to transfer usable marijuana and immature plants to and from ~~registry identified~~ cardholders, retail customers, and or persons licensed by the State to purchase, grow, or process marijuana, responsible for a medical marijuana grow site.

"Mining and/or quarrying" means premises from which any rock, sand, gravel, topsoil, clay, mud, peat or mineral is removed or excavated for sale, as an industrial or commercial operation, and exclusive of excavating and grading for street and roads and the process of grading a lot preparatory to the construction of a building for which a permit has been issued by a public agency.

"Minor impact utility" means services which have minimal off-site visual impact.

"Mobile storage unit" means a portable storage container that may be transported by truck and/or trailer that is used as an accessory structure. Mobile storage units may include railroad cars, tractor trailer units and/or shipping containers.

"Modular home" means a structure constructed in accordance with federal requirements for modular construction including compliance with Oregon Structural Specialty Codes.

"Net acres" means the total amount of land which can be used for development.

"Nonconforming lot" means a lot which was lawful in terms of size, area, dimensions or location, prior to the adoption, revision or amendment of the zoning ordinance, but which now fails to conform to the requirements of the zoning district.

"Nonconforming sign" means any sign lawfully existing on the effective date of an ordinance, or amendment thereto, which renders such sign nonconforming because it

does not conform to all the standards and regulations.

"Nonconforming structure" means a structure the size, dimensions or location of which were lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails to meet the present requirements of the zoning district.

"Nonconforming use" means an activity lawfully existing prior to the effective date of the ordinance codified in this title, or any amendment thereto, but which fails to meet the current standards and requirements of the zone. (Note: In the case of nonconformance, the key phrase is "...lawfully existing prior to the effective date of the ordinance codified in this title or any amendment..." which make the use or the lot, sign or structure nonconforming. These are frequently referred to as being "grandfathered in," meaning that they are allowed to remain under the conditions set by said ordinance (see Chapter 16.62).

"Non-remonstrance Agreement" means a written agreement executed by a property owner or a property owner's predecessor in title that waives the right of a property owner to file a remonstrance and thereby potentially delay the formation of a Local Improvement District (LID). Such agreements are typically entered into as a condition of development or improvement that impacts or connects to a substandard

"Occupancy permit" means a required permit allowing occupancy of a building after it has been determined that all requirements are met.

"On-the-record" means an appeal procedure in which the decision is based on the record established at the initial hearing. New information may be added only under certain limited circumstances.

"Open space" means an area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use, or for the use of owners and occupants of land adjoining or neighboring such open space.

"Owner" means any person, agent, firm or corporation having a legal or equitable interest in the property.

Owner, Contract Purchaser Deemed. A person or persons purchasing property under contract, for the purposes of this title shall be deemed to be the owner or owners of the property covered by the contract. The planning commission or the council may require satisfactory evidence of such contract of purchase.

"Parcel" means a unit of land that is created by partitioning land.

"Park and recreation facility" means any land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public.

"Parking space" means an area within a private or public parking area, building or structure meeting the specific dimensional requirements and designated as parking for one vehicle.

"Partitioning land" means division of an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioning does not include divisions of land resulting from lien foreclosures nor the adjustment of a property line by the relocation of a common boundary when no new parcel is thereby created.

"Permit" means an official document or certificate, issued by the city or its designated official, authorizing performance of a specified activity.

"Permitted use" means a use which is allowed outright, but is subject to all applicable provisions of this title.

"Person" means an individual, corporation, governmental agency, official advisory committee of the city, business trust, estate, trust, partnership, association, two or more people having a joint or common interest or any other legal entity.

"Planning director" means the person designated by the city council as responsible for planning activities for the city.

"Plat" includes a final subdivision plat, replat, or partition plat.

"Partition Plat, final" includes a final map and other writing containing all descriptions,

locations, specifications, provisions and information concerning a partition.

“Patio” means an unenclosed, uncovered recreation area adjoining a building and adapted especially for outdoor dining and living.

“Porch” means a covered, enclosed or unenclosed, entrance to a vestibule or doorway.

"Potential future flooding" means condition that exists when a property elevation is at or below the established one hundred (100) year flood plain.

"Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

"Principal building" means the principal structure on a lot built for the support, shelter, protection or enclosure of any persons, animals or property of any kind, excluding an accessory building. The principal building shall conform to the stated uses within the zoning district and all other restrictions of this title.

"Professional office" means the office of a member of a recognized profession maintained for the conduct of that profession.

"Property line" means the division line between two units of land.

"Property line adjustment" means the relocation of a common property line between two abutting properties which does not result in the creation of an additional lot, or the creation of a substandard lot.

"Public support facilities" include services, buildings, and structures necessary to support uses allowed outright in the underlying zone and operated by a governmental agency or public utility. Such facilities may include, but not be limited to, fire stations, libraries, electrical substations, water and sewer distribution facilities and storage, power lines and poles, phone booths, fire hydrants, as well as bus stops, benches and mailboxes which are necessary to support principal development. Such facilities shall not include commercial plants.

"Quasi-judicial amendment" means a change to the text of this title, the

comprehensive plan text, the city plan map or the city zoning map that is specific in nature or involves only a small number of properties or owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

“Replat” means the act of replatting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision partition plat or to increase or decrease the number of lots in the subdivision.

"Receipt" means an acknowledgment of submittal.

"Recreational vehicle" means a vacation trailer or other unit with or without motor power which is designed for human occupancy and to be used temporarily for recreational purposes and is identified as a recreational vehicle by the manufacturer.

"Recreational vehicle park" means any property developed for the purpose of parking or storing recreational vehicles on a temporary or transient bases, wherein two or more of such units are placed within five hundred (500) feet of each other on any lot, tract or parcel of land under one ownership.

“Remonstrance Agreement” means a formal written objection to formation of a Local Improvement District (LID) filed by an owner of property within the proposed LID pursuant to ORS 223.117 that can, in conjunction with other formal written objections from two-thirds or more of the affected property owners, delay formation of an LID.

"Remodel" means an internal or external modification to an existing building or structure which does not increase the site coverage.

"Residence" means a structure designed for occupancy as living quarters for one or more persons.

"Residential care facility" means any facility licensed or registered by or under the authority of the Department of Human Resources as defined in ORS 443.400 to 443.460 or licensed by the Children’s

Services Division which provides residential care for six to fifteen (15) individuals who need not be related, excluding required staff persons.

"Residential care home" means any home licensed by or under the authority of the Department of Human Resources as defined in ORS 443.400, a residential home registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.505 to 443.825 which provides residential care for five or fewer individuals who need not be related, excluding required staff persons.

"Reserve strip" means a strip of property usually one foot in width overlaying a dedicated street which is reserved to the city for control of access until such time as additional right-of-way is accepted by the city for continuation or widening of the street.

"Residential use" means a structure used for human habitation by one or more persons.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use. The usage of the term "right-of-way for land division purposes" means that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

"Roadway" means the portion of the street right-of-way developed for vehicular traffic.

"School" means any public, elementary, junior high, high school, college, or comparable private school.

"Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

"Setback" means the minimum allowable distance between the property line and any structural projection. If there is an access

easement or private street on the lot or parcel, "setback" shall mean the minimum allowable distance between the access easement or property street and any structural projection. Structural projections include fireplaces, covered porches, balconies, canopies and similar features. Cornices, eaves, belt courses, sills or similar architectural features may extend or project into a required setback not more than twenty-four (24) inches.

"SHPO" means the State Historic Preservation Officer.

"Sign" means any lettered or pictorial device designed to inform or attract attention, and which shall comply with Chapter 16.44.

"SSC" means Structural Specialty Code.

"Steep slope" means a slope with a gradient of twenty-five (25) percent or greater (see "Grade").

(Some pages excluded for brevity)

Chapter 16.14

C COMMERCIAL ZONE

Sections:

- 16.14.010 Purpose.
- 16.14.020 Permitted uses.
- 16.14.030 Conditional uses.
- 16.14.040 Development standards.
- 16.14.050 Open inventory display.

16.14.010 Purpose.

The commercial zone (C) is intended to provide areas for retail and service commercial uses. (Ord. 415 § 7.60.010, 2002)

16.14.020 Permitted uses.

In the commercial zone, except as specifically stated in Section 16.14.050 activities shall be conducted within an enclosed building or structure and are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted outright:

1. Auction house, auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or church;
2. Bed and breakfast inn, hotel or motel;
3. Bicycle sales or repair;
4. Cultural exhibits and library services;
5. Day care facility licensed by state;
6. Dwelling units located on the second floor of the commercial structure;
7. Eating and drinking establishments;
8. Financial, insurance and real estate offices;
9. General retail and convenience sales, except adult bookstores;
10. Indoor and outdoor recreation and entertainment facilities, except adult entertainment or adult motion picture theaters;
11. Laundry or dry cleaning establishments;
12. Medical or dental services including labs;
13. Mini storage, with or without a caretaker dwelling;
14. Minor impact utilities;
15. Motor vehicle, farm implement, boat or trailer rental, sales or services including body repairs when repairs are conducted wholly within an enclosed structure;
16. Mortuary, funeral home, crematorium or taxidermy;
17. Nurseries, greenhouses, and landscaping supplies not requiring outside storage for items other than plant materials including wholesale or retail, excluding uses related to medical or recreational marijuana;
18. Parking structure or lot or storage garage;
19. Printing or publishing plant;
20. Professional and administrative offices;
21. Public safety and support facilities;

22. Public transportation passenger terminal or taxi stand;
23. Repair services for household and personal items, excluding motorized vehicles;
24. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;
25. Schools;
26. Service station, retail vehicle fuel sales or car wash when not located adjacent to a residential zone.
27. Single-family residence, provided it is an accessory use and cannot be sold separately;
28. Studios, including art, photography, dance, and music. (Ord. 415 § 7.60.020, 2002)

16.14.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the planning commission:

A. Adult bookstore, adult entertainment or adult motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five (35) feet from any property line and shall be screened and buffered in accordance with Section 16.38.040. In addition, location shall be at least one thousand five hundred (1,500) feet, measured in a straight line, from any of the following:

1. Residential district,
2. Public or private nursery, preschool, elementary, junior, middle or high school,
3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital,
4. Public library,
5. Community recreation,
6. Church,
7. Historic district or historic structure;

B. Home occupations (Type II) subject to Chapter 16.46;

C. Major impact utilities, including telecommunications facilities subject to Chapter 16.50, provided that a ten (10) foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property;

D. Retail or wholesale business with not more than fifty (50) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises, excluding products related to medical or recreational marijuana; (Ord. 478, 2015)

E. On lots that do not abut a residential zone, retail or wholesale business with not more than seventy-five (75) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)

F. Wholesaling, storage and distribution. (Ord. 415 § 7.60.030, 2002)

G. Medical marijuana dispensaries (MMD) and commercial marijuana retail stores, subject to the following standards:

1. Buffers which shall only be measured at the initial land use application and not subsequent annual renewals:

- a. Elementary, middle or high school, public or private: 1000 feet

- b. Day care: 1000 feet
 - c. Other marijuana businesses: 1000 feet
 - d. May not be adjacent to a residential zone, a public park, or a church.
2. The use must be located within a permanent, enclosed structure.
 3. The use may not be allowed as a home occupation.
 4. Applicant and all employees must pass a criminal background check.
 5. The term of a conditional use approval may not exceed one year.
 6. Waste materials containing any amount of marijuana or by products must be locked in a secure container on-site.
 7. Hours of operation are limited to 10 am to 5 pm.
 8. Drive through windows are prohibited.

16.14.040 Development standards.

A. There is no minimum size for lots or parcels served by municipal sewer. Minimum lot sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.

B. There is no minimum lot width or depth.

C. Unless otherwise specified, the minimum setback requirements are as follows:

1. There is no minimum front yard setback except as required for buffering of off street parking in accordance with Section 16.38.050;

2. On corner lots and the rear of through lots the minimum setback for the side facing the street shall be ten (10) feet;

3. No side or rear yard setback shall be required except twenty (20) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district;

D. No building shall exceed forty-five (45) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.

E. Parking shall be in accordance with Chapter 16.42.

F. Landscaping shall be in accordance with Chapter 16.38.

G. Doors and windows may not be covered with security grates.

H. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

I. Additional requirements shall include any applicable section of this title. (Ord. 415 § 7.60.040, 2002)

J. All building additions and accessory structures shall be consistent in appearance with adjacent structures with regard to color, setbacks, architectural style, and overall proportions.

K. Mobile storage units shall not be used for storage or other uses unless they are modified with doors, siding and rooflines consistent in appearance with adjacent structures.

16.14.050 Open inventory display.

A. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading;

2. Drive-through windows;

3. Display, for resale purposes, of large on road vehicles which could not be reasonably displayed wholly within a building; specifically automobiles, boats, logging equipment, farm machinery, heavy machinery and trucks. Such displays shall be limited to a maximum of five vehicles which shall be movable at all times and cannot be deemed as discarded or dismantled. All vehicles displayed for sale must be located on a paved surface;

4. Displays for resale purposes of small merchandise which shall be removed to the interior of the business after business hours;

5. Display, for resale purposes, of live trees, shrubs and other plants.

6. Outdoor seating in relation to permitted eating or drinking establishment subject to 16.34.060.D.

B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances. (Ord. 464, 2011; Ord. 415 § 7.60.050, 2002)

Chapter 16.16

I INDUSTRIAL ZONE

Sections:

- 16.16.010 Purpose.
- 16.16.020 Permitted uses.
- 16.16.030 Conditional uses.
- 16.16.040 Development standards.

16.16.010 Purpose.

The land designated as industrial is the only area capable of accommodating anticipated economic development activities that are non-retail in nature. With its excellent transportation access, this area provides the opportunity for land-intensive commercial business, such as lumber yards or equipment sales and service, as well as manufacturing. (Ord. 415 § 7.65.010, 2002)

16.16.020 Permitted uses.

In the I zone, all uses are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted:

- A. Agricultural supplies;
- B. Nurseries, greenhouses, and landscaping supplies requiring outside storage including wholesale or retail;
- C. Cabinet or carpentry shop;
- D. Research services;
- E. Retail facilities on sites greater than one hundred thousand (100,000) square feet;
- F. Manufacturing of finished products excluding all processes involving the refining or rendering of fats or oils;
- G. Manufacturing of components for use in finished products excluding all processes involving the refining or rendering of fats or oils;
- H. Packaging of previously processed materials;
- I. Participation sports and recreation: indoor and outdoors;
- J. Processing and packing of food products excluding all processes involving the refining or rendering of fats or oils;
- K. Processing of previously processed materials for use in components or finished products excluding all processes involving the refining or rendering of fats or oils;
- L. Processing of materials for use in any construction or building trades;
- M. Public support facilities;
- N. Tire retreading or vulcanizing;
- O. Major impact utilities including telecommunications facilities subject to Chapter 16.50;
- P. Warehouse and wholesale distribution and sales;
- Q. Welding, sheet metal or machine shop;

- R. Eating or drinking establishments;
- S. Parking structure or lot or storage garage;
- T. Printing or publishing plant;
- U. Veterinary office or animal hospital;
- V. Service station, car wash, motor vehicle, farm implement, boat or trailer rental, sales or services including body repairs;
- W. Machinery repair;
- X. Transportation terminals and storage yards;
- Y. Participation sports and recreation, indoor and outdoor. (Ord. 415 § 7.65.020, 2002)

16.16.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the planning commission:

- A. Child day care facility, licensed by the state;
- B. Junkyard or wrecking yard screened from adjacent streets;
- C. Commercial amusement facilities including bowling alleys, video arcades, and movie theaters other than adult motion picture theaters;
- D. Home occupations (Type II) subject to Chapter 16.46;
- E. Recycle stations, provided that a ten (10) foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property, all operations are conducted entirely within buildings, and all building setbacks shall be a minimum of thirty (30) feet from any property line. (Ord. 415 § 7.65.030, 2002)

F. Marijuana grow site and/or marijuana processing site subject to the following standards:

1. Buffers which shall only be measured at the initial land use application and not subsequent annual renewals:

- a. Elementary, middle or high school, public or private: 1000 feet
- b. Day care: 1000 feet
- c. Other marijuana businesses: 1000 feet
- d. May not be adjacent to a residential zone, a public park, or a church.

2. The use must be located within a permanent, enclosed structure.

3. The use may not be allowed as a home occupation.

4. Applicant and all employees must pass a criminal background check.

5. The term of a conditional use approval may not exceed one year.

6. Waste materials containing any amount of marijuana or by products must be locked in a secure container on-site.

7. Hours of operation are limited to 10 am to 5 pm.

8. Drive through windows are prohibited.

16.16.040 Development standards.

- A. There is no minimum size for lots or parcels served by municipal sewer. Minimum sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.

- B. There is no minimum lot width or depth.
- C. Unless otherwise specified, the minimum setback requirements are as follows:
 - 1. There is no minimum front yard setback except as required for buffering of off street parking in accordance with Section 16.38.050.
 - 2. On corner lots, the minimum setback for the side facing the street shall be ten (10) feet.
 - 3. No additional side or rear yard setback shall be required except fifty (50) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district.
- D. No building shall exceed fifty (50) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.
- E. Landscaping shall be in accordance with Chapter 16.38. All outside storage areas require buffering and screening as defined in Chapter 16.38.
- F. Parking shall be in accordance with Chapter 16.42.
- G. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.
- H. Additional requirements shall include any applicable section of this title. (Ord. 415 § 7.65.040, 2002)

Chapter 16.36

MANUFACTURED HOME REGULATIONS

Sections:

- 16.36.010 Purpose.**
- 16.36.020 Definitions.**
- 16.36.030 Manufactured homes outside manufactured home parks.**
- 16.36.040 Manufactured home park standards.**
- 16.36.050 Occupying recreational vehicles.**

16.36.010 Purpose.

The purpose of this chapter is to establish criteria for the placement of manufactured homes in manufactured home parks or on individual building lots within the city, to provide standards for development of recreational vehicle parks and allow the temporary use of a manufactured home under certain circumstances.

(Ord. 415 § 7.94.010, 2002)

16.36.020 Definitions.

As used in this chapter:

"Anchoring system" means an approved system of straps, tables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured home.

"Approved" means acceptable to the city and meeting all current federal, state, or local building and installation codes.

"Driveway" means a private road giving access from access way to a manufactured home space.

"Foundation siding/skirting" means a type of wainscoting constructed of fire and weather resistant material, such as aluminum, treated pressed wood or other approved materials, enclosing the entire under carriage of the manufactured home in a fashion consistent with adjoining areas.

"Manufactured Housing Construction and Safety Standards Code" means Code VI of the Housing and Community Development Act (42 U.S.C. 5401 et sequential), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD Rules) and regulations and interpretations of such Code by the Oregon Department of Commerce; all of which became effective for manufactured home construction on June 15, 1976.

"Manufactured home space" means a plot of ground within a manufactured home park designed for the accommodation of one manufactured home.

"Occupied space" means the total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

"Permanent perimeter enclosure" means a permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

"Permanent foundation" means a structure system approved by the city and following the standards set by the Oregon Department of Commerce, for transposing loads from a structure to the earth. Standards subject to additional conditions set in each manufactured home classification.

"Section" means a unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

"Support system" means a pad or a combination of footings piers, caps, plates and shims, which, when properly installed, support the manufactured home.

"Vehicular way" means an unobstructed way of specified width containing a drive or roadway

EXHIBIT A

which provides vehicular access within a manufactured home park and connects to a public street.

(Ord. 415 § 7.94.020, 2002)

16.36.030 Manufactured homes outside manufactured home parks.

A. It is unlawful to be occupy, live in, use as an accessory structure, or store any manufactured home within the city, unless it is complies with subsection B of this section.

B. The siting of manufactured homes outside of manufactured home parks shall comply with the following regulations:

1. Dimensions. The manufactured home shall be assembled from not less than two major structural sections, and shall contain a liveable floor area of not less than one thousand (1,000) square feet.

2. Hauling Mechanisms. Hauling mechanisms including wheels, axles, hitch and lights assembly shall be removed in conjunction with installation.

3. Foundation. The manufactured home shall be permanently affixed to an excavated and backfilled foundation and enclosed at the perimeter with cement, concrete block or other materials as approved by the building inspector, such that the manufactured home is not more than twelve (12) inches above grade; if the lot is a sloping lot, then the uphill side of the foundation shall be not more than twelve (12) inches above grade.

4. Roof. The manufactured home shall have a minimum nominal roof pitch of at least three feet in height for each twelve (12) feet in width, as measured from the ridge line. The roof shall be covered with shingles, shakes, or tile similar to that found on immediately surrounding single-family dwellings. Eaves from the roof shall extend at least six inches from the intersection of the roof and the exterior walls. The determination of roof covering

comparability shall be made by the building inspector.

5. Exterior Finish. The manufactured home shall have exterior siding which in color, material and appearance is comparable to the predominant exterior siding materials found on surrounding dwellings. The determination of comparability shall be made by the building inspector.

6. Weatherization. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards required of single-family dwelling construction under the Oregon Building Code, as defined in ORS 455.010.

7. Off-Street Parking. A garage or carport constructed of like materials consistent with the predominate construction of immediately surrounding dwellings and sided, roofed and finished to match the exterior of the manufactured home is required.

8. Architectural Design. The manufactured home shall utilize at least two of the following design features to provide visual relief along the street frontage of the home:

- a. Dormers;
- b. Recessed entries;
- c. Cupolas;
- d. Bay or bow windows;
- e. Gables;
- f. Covered porch entries;
- g. Pillars or posts;
- h. Eaves (minimum six inch projection); or
- i. Off-sets on building face or roof (minimum sixteen (16) inches).

C. Historic Districts. Manufactured homes shall be prohibited within, or adjacent to, or across a public right-of-way from a historic site, landmark or structure.

(Ord. 419 § 16, 2002: Ord. 415 § 7.94.030, 2002)

16.36.040 Manufactured home park standards.

A. Design of the proposed enlargement, alteration or creation of a home park manufactured home park shall be submitted to the Planning Commission for review. The review shall be conducted in accordance with Chapter 16.58.

B. The design for the manufactured home park shall conform to all applicable state standards established by the state of Oregon, Department of Commercial Mobile Home park standards.

C. The minimum acreage for a manufactured home park shall be one acre with a minimum frontage of one hundred (100) feet and minimum depth of one hundred fifty (150) feet.

D. The maximum density for a manufactured home park shall be 10.89 units per acre.

E. The front and rear yard setback shall be twenty (20) feet and side yard setback shall be ten (10) feet, except on a corner lot the street side yards shall be twenty (20) feet.

F. The minimum area for a manufactured home space within a park shall be two thousand five hundred (2,500) square feet at a density of no more than eight manufactured homes per acre. No space shall be less than thirty (30) feet in width or less than forty (40) feet in length.

G. For each manufactured home space, one hundred (100) square feet shall be provided for a recreational play area, group or community activities. No recreational area shall be less than two thousand five hundred (2,500) square feet.

H. Primary access to the park shall be from a public street. Where necessary, additional street right-of-way shall be dedicated to the city to maintain adequate traffic circulation. Primary access shall have a width of not less than thirty (30) feet and shall be paved.

I. Vehicular ways shall be paved with an asphaltic material or concrete, a minimum of thirty (30) feet in width with on-street parking and a minimum of twenty (20) feet in width with no on-street parking, and shall be minimally constructed with four inches of one and one-half

minus base rock, two inches of three-fourths-inch minus topped with two inches of asphalt concrete. Vehicular ways shall be named and marked with signs which are similar in appearance to those used to identify public streets, and a map of the vehicular ways shall be provided to the fire district, the police department and the public works department.

J. Walkways shall connect each manufactured home to its driveway. All walks must be concrete, well-drained, and not less than thirty-six (36) inches in width.

K. Lighting for the manufactured home park shall average .25 horizontal candlepower of light the full length of all roadways and walks within the park.

L. Driveways shall be asphalt or concrete, not less than four inches deep or two inches of asphalt on four inches of three-fourths-inch minus gravel. Driveways shall begin at a vehicular way and extend into the individual space in a manner to provide parking for at least two vehicles. When the vehicular way is paved to a width of thirty (30) feet, one parking space on the vehicular way may be substituted for one of the required parking spaces. Driveways shall not be directly connected to a city street.

M. Parking spaces shall be a rectangle not less than nine feet wide and eighteen (18) feet long.

N. The boundaries of each manufactured home space shall be clearly marked by a fence, landscaping or by permanent markers and all spaces shall be permanently numbered.

O. The manufactured home shall be parked on a concrete slab on appropriate footings, supports and/or stands. Tie-downs, foundations or other supports shall be in accordance with state and federal laws.

P. Each manufactured home site shall have a patio of concrete, or flagstone or similar substance not less than three hundred (300) square feet adjacent to the manufactured home parking site.

Q. Landscaping and screening shall be provided in each manufactured home park and shall satisfy the following requirements:

1. All areas in a park not occupied by paved roadways or walkways, patios, pads and other park facilities shall be landscaped.

2. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views. Views to be screened include laundry drying yards, garbage and trash collection stations, and other similar uses.

3. Landscaping plans are to be done by a landscape architect or established landscaper.

4. The side and rear perimeter setbacks shall be fenced with an approved sight-obscuring fence or wall not less than five feet nor more than six feet in height and shall be landscaped in accordance with the buffering requirements of Chapter 16.38.

R. Each site shall be serviced by municipal facilities such as water supply, sewers, concrete sidewalks and improved streets.

S. Prior to occupancy of the manufactured home, each site shall have a storage area space in a building having a gross floor area of at least forty-eight (48) square feet for storing the outdoor equipment and accessories necessary to residential living.

1. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.

2. Except for automobiles and motorized recreational vehicles, no storage shall be permitted except within an enclosed storage area.

3. A recreational vehicle or trailer shall not be occupied overnight in a manufactured home park unless it is parked in a manufactured home space or in an area specifically designated for such use. No more than one recreational vehicle or trailer will be occupied at one time in a manufactured home space. Recreational vehicles, trailers and boats and other oversized

vehicles greater than six feet in width may not be parked in the vehicular access way.

T. No structure shall exceed twenty-five (25) feet in height.
(Ord. 415 § 7.94.040, 2002)

16.36.050 Occupying recreational vehicles.

It is unlawful for any recreational vehicle, to be occupied, lived in or otherwise used as a residence within the city, unless such use is specifically approved by the city under Chapter 16.52, except a private, residentially zoned property is permitted to use a recreational vehicle to house ~~non-paying~~ guests no more than a total of ten (10) days in a calendar year.

A. Recreational vehicles shall be mobile and fully operable, on inflated wheels, and licensed with the Department of Motor Vehicles at all times.

B. No more than one recreational vehicle per lot shall be permitted to be stored outdoors, except for recreational vehicles brought to a lot by guests and for no more than a total of ten (10) days in a calendar year.

C. Porches and awnings and related structural projections may not be constructed adjacent or attached to a recreational vehicle.

(Ord. 415 § 7.94.050, 2002)

Chapter 16.42

**OFF-STREET PARKING AND
LOADING REQUIREMENTS**

Sections:

- 16.42.010 Compliance.**
- 16.42.020 Off-street loading.**
- 16.42.030 Off-street parking.**
- 16.42.040 General provisions.**
- 16.42.050 Development and maintenance standards.**
- 16.42.060 Provisions for reduction in spatial requirements for off-street parking due to landscaping.**
- 16.42.070 Plan required.**
- 16.42.080 Interpretation--Similar uses.**
- 16.42.090 Recreational vehicles.**
- 16.42.100 Disabled person parking.**
- 16.42.110 Compact vehicle parking.**
- 16.42.120 Bicycle parking.**
- 16.42.130 Off-street parking dimensional standards.**
- 16.42.140 Special exceptions.**

16.42.010 Compliance.

A. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. Hereafter, every use commenced and every

building erected or altered shall have permanently maintained parking spaces in accordance with the provisions of this title.

B. No building, development, or other permit involving new construction, additional gross floor area or change of use shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be fulfilled and that property is and will remain available for the exclusive use of off-street parking and loading spaces. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title.

(Ord. 415 § 7.100.010, 2002)

16.42.020 Off-street loading.

A. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

Use	Gross Sq. Ft.	Minimum Loading Spaces
Commercial	5,000-- 25,000	1
Industrial	25,001--60,000	2
Public utilities	60,001--100,000	3
Restaurants	Over 100,000	3+ 1 space per 60,000 sq. ft.
Hotel, motels	5,000--30,000	1
Institutions	30,001--70,000	2
Office buildings	70,001--130,000	3
Hospitals, schools	Over 130,000	3+1 space per 100,000 sq. ft
Manufacturing	5,000--40,000	1
Wholesale	40,001--100,000	2

Use	Gross Sq. Ft.	Minimum Loading Spaces
storage	100,001--160,000	3
	Over 160,000	3+ 1 per 80,000 sq. ft.

B. A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

C. If loading space has been provided in connection with an existing use such space shall not be eliminated if elimination would result in nonconformance with the above standards.

D. Off-street parking areas used to fulfill the requirements of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs. sales, public gatherings and similar activities not otherwise prohibited.

E. Loading berths shall not be required in areas subject to Chapter 16.28. (Ord. 415 § 7.100.020, 2002)

16.42.030 Off-street parking.

Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zones. The following required spaces shall be available for parking, and not used for storage, sale, repair or servicing of vehicles, except property resident. Nothing in this title shall be interpreted to prevent the occasional use of parking areas for community events, special

Use	Standard
A. Residential Uses/Day Care/Institutional/Hospital.	
1. Single- and two-family	2 spaces per dwelling unit
2. Multifamily dwelling	1 space per studio or one bedroom dwelling unit, 2 spaces per dwelling unit with two or more bedrooms plus one space per three dwelling units for guests.
3. Manufactured home park	Two spaces per unit, plus one space for every three units for guests
4. Bed and breakfast	2 spaces plus 1 space for each guest bedroom
5. Residential care home or facility	1 space per 3 residential care beds plus 1 space per employee
6. Correctional facility	1 space per 3 inmate beds
7. Hospital	1 space per 3 beds and 1 space per employees

B. Places of Public Assembly.

The following uses shall be treated as combinations of separate use areas such as office, auditorium, restaurant, etc. The required spaces for each separate use shall be provided.

- | | |
|--|---|
| 1. Auditorium, church or meeting room | 1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 square feet |
| 2. Library, reading room | 1 space per 400 square feet plus 1 space per 2 employees |
| 3. Senior high | 1 space per employee plus 5 spaces per every classroom |
| 4. Elementary school square or junior high | 1 space per employee plus 1 space per every 100 feet of floor area in assembly area |
| 5. Pre-school, nursery or kindergarten | 5 spaces plus 1 space per classroom |

C. Commercial Uses.

- | | |
|---|--|
| 1. Hotel/motel | 1 space per room plus 1 space per every 2 employees |
| 2. Retail, bank, office, medical, dental | 1 space per 400 square feet but not less than 3 spaces per establishment |
| 3. Service or repair of bulky merchandise | 1 space per 750 square feet |
| 4. Bowling | 4 spaces per lane, plus 1 space per every 2 employees |
| 5. Beauty/barber shop | 1.5 spaces per chair |
| 6. Theater, stadium | 1 space per 4 seats or 8' bench length |
| 7. Ministorage | 1 space per 200 square feet of office space, plus 2 spaces for caretaker residence |
| 8. Eating or drinking establishments with seating | 1 space per 120 square feet |
| 9. Eating establishment with no seating | 1 space per 400 square feet |
| 10. Mortuaries | 1 space per 4 seats or 8 feet of bench length in chapel. |
| 11. Health and fitness club | 1 space per 300 square feet |

D. Industrial Uses.

- | | |
|--|---|
| 1. Manufacturing, research freight, transportation terminal, warehouse, public utility | 1 space per employee on two largest shifts |
| 2. Wholesale uses | 1 space per employee, plus one space per 800 square feet of patron serving area |

E. All uses providing drive-in services shall provide on the same site a reservoir for inbound vehicles as follows:

Use

- Drive-in banks
- Drive-in restaurants
- Drive-in theaters
- Gasoline service stations
- Mechanical car washes
- Parking facilities:
 - Free flow entry
 - Ticket dispense
 - Manual ticket
 - Attendant parking

Reservoir Requirements

- 5 spaces/service terminal
- 10 spaces/service window
- 10% of the theater capacity
- 3 spaces/pump
- 3 spaces/washing unit
- 1 space/employee entry driveway
- 2 spaces/employee entry driveway
- 8 spaces/employee entry driveway
- 10% of portion of parking capacity served by the driveway

(Ord. 415 § 7.100.030, 2002)

16.42.040 General provisions.

A. In the event several uses occupy a single structure or parcel of land, the total requirements of the several uses should be computed separately.

B. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required off-street parking spaces shall be located on the same parcel or on another parcel not farther than three hundred (300) feet from the building or use they are intended to serve, measured in a straight line from the building, except as permitted by Chapter 16.28.

C. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the parking of trucks used in the conducting of the business or use. The subsequent use of property for which the appropriate permits are issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading spaces required.

D. Unless otherwise provided, required parking and loading spaces for multi-family

dwellings, commercial and industrial use shall not be located in a required front yard, but such space may be located within a required side or rear yard, not abutting a street.

F. Where employees are specified, the employees counted are the persons who work on the premises, including proprietors, executives, professional people, production, sales, and distribution employees during the largest shift at peak season.

(Ord. 415 § 7.100.040, 2002)

16.42.050 Development and maintenance standards.

Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

A. All parking and maneuvering surfaces shall have a durable, hard and dustless surface such as asphalt, concrete, cobblestone, unit masonry, scored and colored concrete, grasscrete, compacted gravel, or combinations of the above.

B. Any lighting used to illuminate the off-street parking areas shall be so arranged

that it will not project light rays directly upon any adjoining residential property.

C. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.

D. Areas used for access and standing and maneuvering of vehicles to the dimensional standards of this title, and to the requirements of the public works standards.

E. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

F. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

G. Service drives to off-street parking areas shall be designed and constructed according to public works standards. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated.

H. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.

(Ord. 415 § 7.100.050, 2002)

16.42.060 Provisions for reduction in spatial requirements for off-street parking due to landscaping.

Where landscaping is to be provided in parking areas, to reduce the starkness generally associated with such parking areas, the Planning Commission may consider and approve the following

I. Service drives shall have a minimum vision clearance area formed by the intersections of the driveway center line, the street right-of-way line and a straight line joining the lines through points fifteen (15) feet from their intersection.

J. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way.

K. The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height, and at least three feet from the lot line or any required fence.

L. All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required and such marking shall be continuously maintained.

M. All parking lots shall be kept clean and in good repair at all times. Breaks in surfaces and areas where water puddles shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.

N. The provision for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner.

reduction: if general landscaping (including ground cover, raised beds, or low shrubbery, all of evergreen nature) are utilized around parking area borders, or where landscaping is required as screening around borders, or as traffic control structures within parking areas, or as general landscaping within parking areas, then the parking area gross

spatial requirement may be reduced proportionately, up to a total of five percent. (Ord. 415 § 7.100.060, 2002)

16.42.070 Plan required.

A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted to the Planning Director with each application for approval of a building or other required permit, or for a change of use. (Ord. 415 § 7.100.070, 2002)

16.42.080 Interpretation--Similar uses.

Off-street parking or loading requirements for structures or uses not specifically listed shall be determined by the Planning Commission. The Planning Commission shall base such requirements on the standards for parking or loading of similar uses. (Ord. 415 § 7.100.080, 2002)

16.42.090 Recreational vehicles.

The parking restrictions shall not be interpreted to prevent the parking on-site of recreational vehicles at all single-family residences provided the applicable parking requirements are satisfied.

A.- Recreational vehicles shall be mobile and fully operable, on inflated wheels, and licensed with the Department of Motor Vehicles at all times.

B. No more than one recreational vehicle per lot shall be permitted to be stored outdoors, except for recreational vehicles brought to a lot by guests and for no more than a total of ten (10) days in a calendar year.

A.C. Porches and awnings and related structural projections may not be

constructed adjacent or attached to a recreational vehicle.

(Ord. 415 § 7.100.090, 2002)

16.42.100 Disabled person parking.

A. A sign shall be posted for each disabled person parking space required by subsection B of this section. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access, shall indicate that the spaces are reserved for persons with disabled person parking permits and shall be designed as set forth in standards adopted by the Oregon Transportation Commission.

B. Parking spaces constructed under this section shall be in accordance with the Uniform Building Code. (Ord. 415 § 7.100.100, 2002)

16.42.110 Compact vehicle parking.

All parking spaces designated for compact vehicles shall be labeled by painting "compact only" on the parking space. Up to twenty-five (25) percent of the required parking spaces may be designated compact spaces.

(Ord. 415 § 7.100.110, 2002)

16.42.120 Bicycle parking.

At least one secured bicycle rack space shall be provided for each fifteen (15) parking spaces or portion thereof in any new commercial, industrial, or multifamily development. Bicycle parking areas shall not be located within parking aisles, landscape areas, or pedestrian ways.

(Ord. 415 § 7.100.120, 2002)

16.42.130 Off-street parking dimensional standards.

All off-street parking lots shall be designed subject to city standards for stalls and aisles as set forth in the following table.

- A. Parking Angle In Degrees
- B. Stall Width
- C. Stall Depth
- D. Aisle Width One Way
- E. Curb Length Per Car
- F. Bay Width (Includes stall length plus back up length)

A	B	C	D	E	F
	9'0"	9.0	12.0	22.0	21.0
0	9'6"	9.5	12.0	22.0	21.5
	10'0"	10.0	12.0	22.0	22.0
	9'0"	19.8	13.0	12.7	22.8
45	9'6"	20.1	13.0	13.4	33.1
	10'0"	20.5	13.0	14.1	33.5
	9'0"	20.3	18.0	10.4	38.0
60	9'6"	21.2	18.0	11.0	39.2
	10'0"	21.5	18.0	11.9	39.5
	9'0"	21.0	19.0	9.6	40.0
70	9'6"	21.2	18.5	10.1	39.5
	10'0"	21.2	18.0	10.6	39.2
	9'0"	20.0	24.0	9.0	44.0
90	9'6"	20.0	24.0	9.5	44.0
	10'0"	20.0	24.0	10.0	44.0
Parallel	8'0"		12.0	22.0	18.0

A. For one row of stalls use "C" + "D" as minimum bay width.

B. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right-of-way.

C. For estimating available parking area, use three hundred (300) to three hundred twenty-five (325) square feet per vehicle for stall, aisle and access areas.

D. For large parking lots exceeding twenty (20) stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed thirty (30) percent of the total required stalls. When designated compact spaces are provided the stall width may be reduced to eight feet and the stall length reduced to seventeen (17) feet in length with appropriate aisle width.
(Ord. 415 § 7.100.130, 2002)

16.42.140 Special exceptions.

If conformance with this chapter would require a historic structure to be modified, or would involve destroying existing landscaping, the Planning Commission may approve modifications to the requirements of this chapter and no variance shall be required for such modification. (Ord. 415 § 7.100.140, 2002)

Report from the Finance Officer
for December 8, 2015

- Revenue and expense report through October, the fourth month of fiscal year 2015/2016, is included. This report shows budgeted amounts and percent of budget received/spent. So far both revenue and expenditures are in line for this time frame. Again, the Aurora Colony Days Fund is in the red but no budgeted fund transfers have been made yet (ACDF will have \$10,000 transferred in from the General Fund). Fund transfers will be completed when I have the final Annual Financial Report for 2014-2015.
- We have begun receiving 2015 Property and GO Bond tax payments. As of November 30, 2015, we have received 67% of Property Tax budgeted revenue and 65% of GO Bond budgeted revenue.
- I have proofed the draft Annual Financial Report from our audit firm Grove, Mueller & Swank, emailed the signed representation letter to Tom Glogau on December 2nd and hope to have the final draft here tonight. There were no recommendations for changes in policy in the report.
- Keeping current with payables and receivables.

Respectfully,



Mary C. Lambert

CITY OF AURORA - TREASURER'S REPORT Ending October 31, 2015

	FUND	BUDGET	BALANCE @ July 1, 2015	TOTAL REVENUES	% TO DATE	BUDGET less contingency	TOTAL EXPENSES	% TO DATE	END BALANCE Oct 31, 2015
10	GENERAL	839,042.00	394,783.47	54,782.99	11.57%	514,452.00	129,056.19	25.09%	320,510.27
15	CITY HALL BUILDING	132,500.00	120,479.82	405.34	3.30%	132,500.00	0.00	0.00%	120,885.16
20	Aurora Colony Days	23,540.00	0.00	9,017.50	38.31%	18,468.00	10,371.53	56.16%	-1,354.03
25	PARK RESERVE	7,148.00	1,142.70	1.99	0.03%	7,148.00	0.00	0.00%	1,144.69
29	PARK SDCs	36,055.00	31,523.23	2,263.25	96.93%	36,055.00	0.00	0.00%	33,786.48
30	STREET/STORM	309,400.00	182,499.94	27,464.41	21.22%	206,944.00	20,846.85	10.07%	189,117.50
35	ST/STORM RESERVE	85,700.00	52,069.95	4,623.79	13.72%	85,700.00	0.00	0.00%	56,693.74
39	ST/STORM SDCs	31,000.00	22,633.03	5,846.58	51.83%	31,000.00	0.00	0.00%	28,479.61
40	WATER OPERATING	510,200.00	222,270.10	124,755.02	43.21%	351,068.00	79,858.91	22.75%	267,166.21
42	SPW MAINTENANCE	39,710.00	39,710.00	0.00	0.00%	39,710.00	0.00	0.00%	39,710.00
45	WATER RESERVE	106,510.00	46,709.66	148.23	0.25%	106,510.00	0.00	0.00%	46,858.89
49	WATER SDCs	77,376.00	62,358.57	11,207.99	54.50%	77,376.00	0.00	0.00%	73,566.56
50	SEWER OPERATING	535,300.00	258,954.46	93,294.64	33.52%	335,793.00	75,596.11	22.51%	276,652.99
55	SEWER RESERVE	95,940.00	55,783.72	96.32	0.24%	95,940.00	0.00	0.00%	55,880.04
57	G. O. DEBT SERVICE	332,975.00	21,789.67	6,729.63	2.14%	332,975.00	0.00	0.00%	28,519.30
59	SEWER SDCs	29,036.00	24,863.24	4,112.17	66.15%	29,036.00	0.00	0.00%	28,975.41
	TOTALS	3,191,432.00	1,537,571.56	344,750.85		2,400,675.00	315,729.59		1,566,592.82

City Council
Public Works Activity Report
December 2015

Waste Water: Continuing renewing Permit process with DEQ.

Sludge line to transfer station installed with the help of Council Member Southard, 700 feet.

Sludge transfer station is online.

Lots of electronic issues with lift station controllers, cause over flows. Money has been spent to reduce the chances of failure.

I&I reports is due February First of each year.

Water: Routine operation and maintenance. Continuing replacing meters.

Wells are running 6-8 hours daily producing an average 150,000 gal per day. Total water production in November 4,405,000 Gallons

Streets: Routine operation and maintenance. Monitoring street lights. Catch basins cleaning

Street sweeping is started once a month on the 3rd Wednesday , trees are an issue in the business area for height over curbs.(what policy do I need to follow, ie city staff or property owner.

Park: Picking up after each storm.

Jack Bently has retired and has informed the city he will no longer be mowing the 2nd St park area.(do we ask Contractor to pick this up)?

Notice for Council

Administration

Public Works scheduling and planning for staff.

Budget on track for current 2015-2016

Reviewing Budget items for 2016-2017

Respectfully: Darrel Lockard

Public works project list

New employee started Dec 1st

Wastewater solids transfer station online

Waste water irrigation system (summer)

Water plant upgrade

Street parking and stop sign lines painting

Street grant application

Fix tennis net

Water meters replacement

ORDINANCE 480

AN ORDINANCE AMENDING THE AURORA DEVELOPMENT CODE, TITLE 16 OF THE AURORA MUNICIPAL CODE, RELATED TO MARIJUANA RETAILERS, PRODUCERS, AND MANUFACTURERS; STORAGE OF RECREATIONAL VEHICLES; AND ADDITIONAL DESIGN STANDARDS FOR ACCESSORY STRUCTURES IN THE COMMERCIAL ZONE; AND DECLARING AN EMERGENCY.

WHEREAS, the Aurora Municipal Code, more commonly known as “Title 16 of the Aurora Development Code”, includes regulations concerning the location of land uses within the various zones within the City of Aurora; and

WHEREAS, the establishment and operation of marijuana retailers, producers, and processors is regulated by the State of Oregon; and

WHEREAS, House Bill 3400 (2015) approved by the Oregon Legislature, provides that local governments may impose reasonable regulations on the time, place and manner of operation of marijuana facilities; and

WHEREAS, the Aurora City Council wishes to amend Chapter 16.04, Definitions; Chapter 16.14, Commercial (C); Chapter 16.16; Industrial (I); Chapter 16.36 Manufactured Home Regulations; and Chapter 16.42 Off-Street Parking and Loading Requirements of Aurora Municipal Code to establish rules governing the location of marijuana facilities, storage of recreational vehicles, and design standards for Commercial accessory structures; and

WHEREAS, the Aurora Planning Commission conducted a public hearing on November 3, 2015 at which time interested parties were given full opportunity to be present and heard and passed a motion recommending the City Council approve the proposed rules amending the Aurora Municipal Code under Legislative Amendment 2015-02 (File No. LA-15-01).

WHEREAS, the Aurora City Council conducted a public hearing on November 10, 2015 at which time interested parties were given full opportunity to be present and heard on the proposed rules amending the Aurora Municipal Code under Legislative Amendment 2015-02 (File No. LA-15-01).

NOW, THEREFORE, THE CITY OF AURORA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Aurora does hereby adopt the staff report dated November 10, 2015, including those certain findings of fact and conclusionary findings and supporting documentation attached hereto as Exhibit "A" and by this reference made a part hereof.

Section 2. The City Council of the City of Aurora does hereby amend Title 16- Aurora Development Code sections 16.04-Definitions; Chapter 16.14, Commercial (C); Chapter 16.16; Industrial (I); Chapter 16.36 Manufactured Home Regulations; and Chapter 16.42 Off-Street Parking and Loading Requirements as included under Exhibit A of this Ordinance.

Section 3. Emergency Declared. This Ordinance being necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Aurora, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

PASSED and adopted by the City Council of the City of Aurora on this 8th day of December, 2015 by the following votes:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Approved by the Mayor on this _____ day of December, 2015.

SIGNED: _____
Bill Graupp, Mayor Date

ATTEST: _____
Kelly Richardson, CMC City Recorder Date

LANDSCAPE MAINTENANCE CONTRACT

This contract is entered into by Living Color Landscape, of P.O. Box 514, Wilsonville, Oregon, 97070 and City of Aurora. This contract to begin upon acceptance and shall continue until either party terminates by giving 30 days written notice, minimum contract period 1 year or charges will be prorated based on the number services received times the average cost per service vs amount charged.

Living Color Landscape (hereinafter referred to as LCL) agrees to maintain current landscaping for the property located at: Aurora City Park, contact: Kelly Richardson 503 678-1283, fax 503 678-2758

LCL will supply all labor, equipment, and fertilizers for maintaining the current landscape of the above property. Maintenance is defined as preserving the current landscape in its present form and shall include:

- *mowing, edging, weed eating, and weed treating the lawn areas
- *fertilizing the lawns up to 5 applications per year as needed (includes iron in spring),\
- *keeping the shrub beds clean and weed free
- *keeping all shrubs around signs pruned back for easy visibility
- *pruning all other shrubs as needed (1 to 2 times annually depending on the shrub variety) to assure the long term maintenance (must be able to reach safely from the ground)
- *approximately 34 services per year
- *irrigation maintenance as described below

LCL will perform upgrades for City of Aurora on a time and material basis or on a bid basis. Upgrades would include the following:

- *tall tree pruning (higher than from the ground)
- *removing large trees, or shrubs, or stump grinding
- *altering the current landscape by adding plants, removing trees, removing a large number of plants (5 or more), or transplanting shrubs in the current landscape
- *emergencies, special trips to repair vandalism, broken irrigation, changes in the landscape
- *changing the present irrigation systems and irrigation repairs
- *barkdust, stepping stones, or decorative rock
- *seasonal flowers
- *vandalism repair
- *hauling debris
- *applying insecticides or fungicides
- *applying of pre-emergents to ground cover areas

Time and materials will be calculated as follows. Time is calculated at \$38 per man hour (shop to shop). Materials are calculated at list price for irrigation materials, and cost plus 30% of any other materials. Any item over \$50.00 must be approved by the manager.

LCL will treat the lawn with as needed to combat crane flies and white flies. LCL will not charge for labor to install the chemical, but will charge for the materials. LCL does not spray chemicals that would need to be sprayed upward or chemicals with a poison warning on the label. If these chemicals need to be used, then a chemical or tree service company would be hired at the customer cost and with customer approval.

LCL will maintain present irrigation lines during the course of its regular maintenance schedule for the list price of the materials with no charge for labor (up to one half hour per scheduled visit). LCL will

not be held responsible for irrigation wrongfully installed or damaged by other contractors. LCL will replace parts with Rainbird parts. Most of the irrigation problems will be dealt with by the maintenance crew at the time of service. Managers are responsible to call immediately if they turn the clock off for any reason.

LCL will winterize the irrigation by turning off water to the mainline, draining the backflow device, and draining any lines that have visible manual drains.

LCL will haul maintenance debris acquired at the site.

City of Aurora will pay LCL \$1260 per month, due net 30 of invoice. A 1.5% monthly service charge will be added for all invoices past due.

Jerry Ingle via email
Living Color Landscape

City of Aurora

SEE ATTACHMENTS :

PROPOSED ANNUAL LANDSCAPE MAINTENANCE MATRIX

GOOGLE EARTH IMAGE OF MAINTENANCE AREAS

Includes additional maintenance of Hwy 99 park strip on the East from third street to Bobs Av, and the grass area at the NW corner of town by rail tracks



LIVING COLOR LANDSCAPE



August 5th, 2015

To all our Customers,

Effective September 1st 2015, we will be implementing price increases to help us offset the operating cost increases we have endured over the past several years. As many of our customers know this is our first increase in 10 years. We work to be efficient to maintain low cost in every aspect of our operation, as we feel a commitment to our customers to not only provide quality service, but also low cost.

Most, if not all of our cost of goods to provide services have increased over the years. Traffic on the roads continue to increase for 90% of the markets we serve creating longer commute times to account sites. Additionally after several years of wage stagnation for our employees, we found it necessary earlier this year to make improvements to retain and attract the quality of employee our company is built on.

We hope that you will support us in the needed changes to assure the long-term health of our company and our ability to maintain and improve the service you receive. Please call if you have any questions or concerns.

This notice will serve as an addendum to your contract unless otherwise requested.

Sincerely,

Jerry, Jean, and Trevor Ingle

Effective September 1, 2015- Your new monthly rate for all services will be: \$ 985.00

Hourly Labor Rate \$40/man hour

Account city of Aurora



OREGON LIQUOR CONTROL COMMISSION REQUEST

Land Use Compatibility Statement

CITY/COUNTY USE ONLY	
Date delivered by license applicant:	
Received by (print):	
Initial:	

What is a land use compatibility statement (LUCS)? The LUCS is a form used by a state agency and local government to determine whether a land use proposal is consistent with local government’s comprehensive plan and land use regulations.

Why is a LUCS required? OLCC and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and to have a process for determining consistency. Section 34(4)(a) of 2015 Oregon Laws, Chapter 614, requires OLCC to request and obtain the LUCS, and have a positive LUCS prior to issuing a license.

When is a LUCS required? A LUCS is required for all proposed marijuana facilities before an OLCC license can be obtained.

How to complete a LUCS:

- **Step 1: Applicant** completes Section 1 of this form and submits it to the appropriate city or county planning office. Applicant verifies with local jurisdiction whether additional forms, applications, or permits are required.
- **Step 2: Local jurisdiction** completes Section 2 of this form indicating whether the proposed use is compatible with the acknowledged comprehensive plan and land use regulations and returns signed and dated form to the applicant.
 - Applicant completes payment to local jurisdiction for processing application.
 - Local jurisdictions are **NOT required** to begin processing LUCS forms until **January 4, 2016 at 8:30 AM.**
- **Step 3: Applicant** submits this date-stamped form and any supporting information provided by the city or county to the OLCC with the license application. This form may be submitted while Section 2 is in process with the local governing body.

Section 1 – To be Completed by Applicant
**Sections marked with an asterisk should be verified with the local planning department prior to submitting this form.*

Applicant Name:	Phone:
Mailing Address:	Rm/Ste:
City:	State: ZIP:

Site plan of the subject property and proposed development attached? *(required)*

Proposed Premises Address:	Rm/Ste:
City:	County: ZIP:
Tax Lot #*:	Range/Section*:
Township*:	Map*:
	Latitude:
	Longitude:

Proposed use/permit type sought *(A separate LUCS may be necessary for each proposed use even if it is on the same property):*

Producer <small>Note indoor or outdoor below</small>	Wholesaler	Processor <small>List endorsements below</small>	Retailer	Laboratory	Research Certificate
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Details of proposed use (note any attachments):

Section 2 – To be Completed by Local Jurisdiction

Site Location:

Inside city limits

Inside UGB

Outside UGB

Name of Jurisdiction:

Property Zoning of
Proposed Premises:

The proposed land use has been reviewed and **is prohibited.**

The proposed land use has been reviewed and **is not prohibited.**

If the proposed land use is allowable only as a conditional use, permits are required a noted below.

Comments:

Name of Reviewing Local Official (print):

Title:

Date:

Email:

Phone:

Signature:

Check this box if there are attachments to this form:

**REMINDER: Local jurisdictions are NOT required to begin processing
LUCS forms until January 4, 2016 at 8:30 AM**

Life of a License Application

Submitted

Applicant has submitted license application in online licensing system and paid application fee.

Received

OLCC License Investigator receives application and begins review.

Local Government

Land Use Compatibility Statement and local opt-out reviewed for prohibited use.

Prohibited Use

House Bill 3400 prohibits the OLCC from issuing a recreational marijuana license if the proposed use is prohibited by the local governing body.

Completeness Review

License Investigator and Applicant collect all additional necessary information.

Application Review

License Investigator reviews application to determine if submitted information meets requirements.

Non-Compliant

Possible Denial

The OLCC must review for compliance with administrative rules and Oregon law. In some cases, a potential denial may be overcome if the applicant can correct the issue or otherwise show good cause to overcome the denial basis.

Premises Inspection

OLCC Inspector visits site to determine compliance with physical requirements: Security, operations, etc.

Non-Compliant

Possible Denial

A failed inspection means that a premises does not meet security, operational, or other requirements. An opportunity is provided to correct any compliance issues, but failure to do so or a second failed inspection may result in application denial.

Approved

Applicant has met all requirements of application and premises inspection.

License Fee Due

Applicant pays the licensing fee in the online system.

All Fees Paid

License Issued

The license is issued and can be printed by the applicant. It must be displayed prominently at the location.

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