

**AGENDA**  
**Aurora City Council Meeting**  
Tuesday, June 09, 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 – May, 2015
- b) Planning Commission – May, 2015
- c) Historic Review Board Meeting Minutes – April, 2015

**4. CORRESPONDENCE –**

- a) Affidavit of Mailing on Variance 15-02

**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**

- a) Discussion and or Adoption of 2015/2016 Budget as Proposed by the Aurora Budget Committee.

**7. REPORTS**

- a) Mayors Report
- b) Marion County Deputy
- c) Traffic Safety Committee
- d) Finance Officer

- e) Public Works
- f) Parks Committee
- g) City Recorder
- h) City Attorney

**8. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS**

- a) Discussion and or Action on Resolution Number 696 Resolution in Accordance with ORS 221.760
- b) Discussion and or Action on Resolution Number 697 Resolution to Receive State Revenue Share Funds.
- c) Discussion and or Action on Resolution Number 698 Resolution to Dissolve The Public Works Projects Fund.
- d) Discussion and or Action on Resolution Number 699 Resolution to adopt the 2015/2016 Budget.
- e) Discussion and or Action on Resolution Number 700 Resolution to Levy Taxes.
- f) Discussion and or Action on Ordinance Number 479 Regarding Medical Marijuana Dispensaries Code Changes. Second Reading and Declaring an Emergency.

**9. NEW BUSINESS**

- a) Discussion and or Action on Marion County Police Services Contract
- b) Discussion and or Action on Spring Brooke Cloud Mitigation Contract.
- c) Discussion and or Action on Mid-Willamette Valley Council of Governments Contract.

**10. OLD BUSINESS**

- a) NA

**11. ADJOURN**

**Minutes**  
**Aurora City Council Meeting**  
Tuesday, May 12, 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  
Mary Lambert, Finance Officer  
Darrel Lockard, Public Works Superintendent  
Dennis Koho, City Attorney

**STAFF ABSENT;** Officer Marcellais, Marion County

**VISITORS PRESENT:** Gayle Abernathy, Aurora  
Karen Townsend, Aurora  
Jan Peel, Aurora  
Jim Fisher, Aurora  
Tim Corcoran, Aurora  
Joseph Schaefer, Aurora

---

**1. CALL TO ORDER OF THE CITY COUNCIL MEETING**

Meeting was called to order by Mayor Bill Graupp at 7:02 pm

**2. CITY RECORDER DOES ROLL CALL**

Mayor Graupp- Present  
Councilor Sahlin - Present  
Councilor Sallee-Present  
Councilor Brotherton-Present  
Councilor Vlcek - Present

**3. CONSENT AGENDA**

- a) City Council Meeting Minutes – April, 2015, Councilor Vlcek points out in the minutes the conversation regarding the garbage can surrounds and he thought that they really had not addressed it and Mayor Graupp informs him that yes they had in the budget. Vlcek asks if the letter has gone out regarding the planter strips to each property owner Richardson states no it has not however we had addressed it in the newsletter a few times. Vlcek asks if owners could kill everything in strips and replant or leave empty I think we should organize a cleanup day first before we just kill it all.
- b) Planning Commission – April, 2015
- c) Historic Review Board Meeting – March, 2015

**ACTION ITEM;** Councilor Sahlin will work on getting a bid for the planter strips.

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 –**

- a) Email regarding Community Development Grant, no discussion Mayor explains.

**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. No comments were made during this section.

Karen Townsend explains to the council the trash can surrounds originally were done through a grant many of them are in need of repair and paint or both. I have an issue with the city paying to maintain the planter strips along 99E the owners of the property are responsible for the upkeep and maintenance. The downtown businesses pay to maintain that area and I for one don't think we should have to pay again to maintain a few properties that just don't want to comply.

Mr. Corcoran I have property along that 99E section and I didn't realize it was our responsibility but I do now and I will get that done.

**6. PUBLIC HEARING, Opens at 7:20 pm**

- a) Discussion and or Action on Code Changes and LA-15-01 regarding Medical Marijuana Dispensaries in the Commercial District. Planning Commission Chair Joseph Schaefer presents the following staff report and findings and explains to City Council that the Planning Commission took into consideration the comments made by HRB but found that it should still remain in the Historic District Commercial Overlay. The Planning Commission position on this is regarding time space and manner.

# 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 Commission  
FROM: Renata Wakeley, City Planner  
RE: Legislative Amendment 2015-01 (LA-15-01)  
DATE: April 28, 2015 for presentation at May 12, 2015 hearing

### REQUESTED ACTION

The City Council's options for taking action on Legislative Amendment 15-01 include the following:

- A. Adopt the findings in the staff report and adopt Legislative Amendment 15-01:
  1. As presented by staff; or
  2. As amended by the City Council (stating revisions).
- B. Take no action on Legislative Amendment 15-01.
- 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 dispensaries (MMDs) to be located in certain zones, including commercial, industrial, and mixed use. On March 19, 2014, Senate Bill 1531 was signed into law giving local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries. Senate Bill 1531 also gave local jurisdictions the ability to impose a moratorium on MMDs up until May 1, 2015.

On April 30, 2014, the Aurora City Council passed Ordinance 475, which declared a moratorium on MMDs effective until May 1, 2015.

The City Council gave the Planning Commission and staff general direction in moving forward with potential legislative action to amend the code in light of state rulemaking and SB 1531. The Planning Commission had discussion regarding proposed amendments to the Aurora Municipal Code on several regularly scheduled Planning Commission meetings in 2014 and 2015 and also received comment from interested parties.

Administrative rulemaking discussions continue at the legislative level related to Measure 91 (recreational marijuana) and are not included/addressed as part of the staff report and proposed legislative amendment being reviewed before you at this time.

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

- 16.04 Definitions
- 16.14 Commercial
- 16.22 Historic Commercial Overlay

Legislative Amendment 15-01 includes the adoption of the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold** and ~~striketrough~~ format for review purposes (see Exhibit A).

The purpose of the proposed amendment is to create “reasonable regulations” as allowed by Senate Bill 1531 to minimize conflicts between MMD’s and surrounding uses. Absent an update to the AMC, beginning on May 1, 2015 it is possible that an applicant could request review of a MMD under the existing provisions of the AMC as a “general retail and convenience sales”,

“medical or dental services”, “nurseries”, “drugstore” or other similar permitted use or development. Without specific criteria addressing MMD’s, the City could be forced to make interpretations of the Aurora Municipal Code and Development Ordinance that could be subject to legal challenge and it could become more difficult to mitigate conflicts with surrounding uses.

The proposed amendment 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, 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 February 19, 2015, which was 47-days prior to the first evidentiary hearing on April 7, 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. Due to a staff error, the publication request to the Canby Herald on March 4, 2015 was not received. Staff immediately sent the notice to publication in the April 8<sup>th</sup> edition, which is at least 10 days prior to the scheduled May 12, 2015 City Council hearing and staff finds this criteria is met.
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 a 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 April 7, 2015 public hearing and made a recommendations for Council adoption of Legislative Amendment 2015-01, with minor changes.

### FINDINGS

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

*FINDINGS:* Goal 1, Citizen Involvement: A public hearing on the proposed amendments was scheduled and noticed before the Planning Commission on April 7, 2015 and a second hearing was scheduled and noticed before the City Council on May 12, 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 included the addition of MMD's as a conditional use in the Historic Commercial Overlay. The proposed amendment does not affect regulation of existing businesses or commercial uses. Staff finds the amendment maintains existing business and allows a new use (MMD's), as permitted by state law, while imposing standards to minimize negative impacts in order to allow the development of a historic business center that remains easily accessible, convenient and a pleasant place to shop. Staff and the Planning Commission found Goal 5 was met.

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 Bill 1531 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 allow for greater economic uses of commercially zoned properties while also protecting the intent of the commercial and historic commercial retail core for retail and service commercial uses. The Planning Commission has determined that the Industrial zone is not an appropriate location for MMD's as the intent of the Industrial zone is intended to accommodate activities that are non-retail in nature and/or require larger lots for larger employment and manufacturing needs (AMC 16.16.010). Staff and the Planning Commission found Goal 9 is met.

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

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

Goal 12, Transportation: The proposed code amendments expand upon permitted uses in the commercial zones while prohibiting MMD's in the industrial zone in order to "provide a circulation system which is safe and efficient for both vehicles". The City finds that Industrial properties are not well suited for retail uses/impacts. Further, MMD's are listed as conditional uses in the commercial zones and potential transportation impacts can be mitigated/regulated through the Aurora Transportation System Plan and development code. Staff and the Planning Commission found this Goal is met.

Goal 13, Energy Conservation: Goal 13 is not applicable as MMF's can be considered to be as intensive, if not more so, than other businesses with the commercial code. 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 sites within the City limits.

ORS 197 does not include specific notice requirements for legislative processes but the City met all notice requirements under the 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 a specific definition for Medical Marijuana Dispensaries under AMC 16.04 ensures the MMD is registered with the Oregon Health Authority and thus complies with the standards in ORS 475.314 and OAR 333-008-1000 through 333-008-1400. These State-imposed and regulated standards include, but are not limited to: payment of annual registration fees, review to determine the proposed location is not within 1,000 feet of schools and other MMD's, registration as a business with the Secretary of State, a background check on the person responsible for the MMD, implementation of security, alarm and surveillance measures, and compliance with operational standards.

Proposed amendments to 16.14- Commercial zone and 16.22- Historic Commercial Overlay zone further refine restrictions to the potential location of MMD's that the City of Aurora finds reasonable, based upon Senate Bill 1531.

Staff and the Planning Commission found this criterion is met.

*3. The applicable comprehensive plan policies and map; and*

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

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

*FINDINGS:* A public hearing on the proposed amendments was scheduled before the Planning Commission on April 7, 2015 and a second hearing will be held by the City Council on May 12, 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 hearing. This is consistent with City procedures. Staff and the Planning Commission found this goal is met.

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

*FINDINGS:* Adoption actions are consistent with the acknowledged AMC. Staff and the Planning Commission found this goal is met.

*Goal 9- Economic Policies*

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

*FINDINGS:* The draft code amendments respond to a need/revision identified by Senate Bill 1531 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 allow for greater economic uses of commercially zoned properties while also protecting the intent of the commercial and historic commercial retail core for retail and service commercial uses.

The Planning Commission has determined that the Industrial zone is not an appropriate location for MMF's as the intent of the Industrial zone is intended to accommodate activities that are non-retail in nature or land intensive commercial businesses (AMC 16.16.010). Staff and the Planning Commission found this goal is met.

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

*FINDINGS:* The draft code amendments respond to a need/revision identified by Senate Bill 1531 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 allow for greater economic uses of commercially zoned properties while also protecting the intent of the commercial and historic commercial retail core for retail and service commercial uses.

The Planning Commission has determined that the Industrial zone is not an appropriate location for MMD's as the intent of the Industrial zone is intended to accommodate activities that are non-retail in nature and/or require more land for employment or manufacturing than commercial businesses (AMC 16.16.010). Staff and the Planning Commission found the proposed code amendments can be established in compliance with the development requirements of the Aurora Municipal Code while maintaining the intent of the Senate Bill.

*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. The proposed code amendments are a result of Senate Bill 1531 and the City's need to refine and clarify permitted locations and uses for MMF's within the City of Aurora and adopt "reasonable regulations" for their review. 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  
Aurora Municipal Code (AMC) section 16.22- Commercial Historic Overlay

**EXHIBIT B** Senate Bill 1531 relating to marijuana facilities; creating new provisions; amending ORS 475.314; and declaring an emergency.

**EXHIBIT C** Correspondence from Aurora Historic Review Board (March 27, 2015)

Councilor Vlcek asks if other cities are lightly regulating or are they strictly regulating?  
Schaefer I think really that we are in the middle range of that. I (Schaefer) think that most people here today to testify against it being in the Historic Commercial Overlay.  
Councilor Vlcek also asks about the 100 foot buffer on a daycare because they are the same kids going to school so why would that be different. Vlcek is there any way to change this and Schaefer states yes this is just a recommendation from Planning Council has the authority to change it as they see fit. There are a few more questions regarding security and security systems and Schaefer states that much of this is addressed by the State statute that is regulating this. Vlcek can the State change their rules and undo everything we are trying to achieve City Attorney Koho yes I suppose they could. The Council then discusses the waste removal off site requirement that Planning put in and the Council decides that it doesn't need removed but to be in a secure locked garbage can.

The hearing is now open to the public for comments we will begin with the in favor first and will allow 5 minutes for each person.

Hearing none in favor we move onto not in favor,

Jan Peel, resident and business owner of Home Again Antiques, I would like to know why we are even considering allowing such a thing in our town? Mayor Graupp states we have to decide on something somehow to regulate it currently in our code we have nothing to regulate it so they would only be required to follow what the state has laid out. Peel I am opposed to allowing it in the Historic District Commercial zone and I think if we have to allow it in other areas then it needs to be strictly regulated by the city.

Jim Fisher, I don't have a business in Aurora but I am a resident here for many years and I am opposed to them in the Historic Commercial area. I really don't like the thought of them being here at all.

Gayle Abernathy, I am a resident and the Historic Review Board Chair, The HRB sent a letter to the Planning Commission I assume they received and reviewed it but we never received any type of confirmation I think that it would have been a good idea to let us know that they received it. I own a liquor store in Portland and I have a security system and I am in a good area and I still get call outs. Mayor Graupps states that we are not going to concern ourselves with the security aspect we will leave that to the state to regulate. As a board and resident the Historic District and downtown shopping area is not the proper place for it.

Chair Schaefer comments that is why we made the fee for the conditional use permit 5,000 so that it can cover those incidentals.

Karen Townsend, I am a resident a business owner and on the Historic Review Board, I am opposed to this being allowed in the Historic Commercial zone. I believe you have all received some letters from the businesses in the Historic District that state they are opposed to allowing it in the zone as well. These businesses are very important to Aurora even if you don't shop in them. Aurora is a destination on the Historic registry and is very well known around the state and something of this nature in the downtown area would be a negative impact. The board was very surprised to see in the staff report that it wouldn't be an economic downturn will we disagree.

Tim Corcoran, business owner and resident I too am opposed to it I don't think our clients would feel at ease about it.

There is various questions regarding heavy restrictions and Mayor Graupp states we are also trying to not involve the City Attorney as that will be very costly as well.

There were some side bar conversations at this point however the Mayor moved the meeting along.

Public Hearing closes at 8:02 pm

Council has a brief discussion regarding the issues brought up here tonight and they all agree to these changes;

- Remove it from the Historic District Commercial Overlay
- Change from 500 feet from a daycare to 1,000 feet from a daycare
- Change hours of operation from 10 to 7 pm to 10 to 5 pm
- Garbage/Waste must be in a locked secure area.

A motion is made by Councilor Sahlin to approve LA 15-01 with the four revisions as stated and is seconded by Councilor Vlcek. Motion is passed by all present.

## **7. REPORTS**

- a) Mayor Bill Graupp
  - Mayor report everything I have been working on is in the budget.

No discussion at this point.

**ACTION ITEM: NA**

b) Marion County Deputy

- Deputy report, Officer Marcellais is absent tonight and has not submitted a report.

Council discussed, Councilor Vlcek as the liaison over the department I wanted to get a sense of whether or not all of you would be ok with me discussing a more proactive approach in the area of citations. It is the consensus of the group that it would be acceptable for Vlcek to have this conversation with the new deputy.

**ACTION ITEM: NA**

c) Traffic Safety Committee

- Traffic report, NA

Council discussed, NA

**ACTION ITEM: NA**

d) Finance Officer

- Finance officer asks if there are any questions regarding her report there were no questions at this time. Most of the discussion will be during the budget meeting tomorrow.

Council discussed, NA

**ACTION ITEM: NA**

e) Public Works

- Public Works report, Currently I am working with DEQ to obtain our permit and get it updated. Also working on the preparation for the proposed new irrigation area. Working on our discharge permit and aeration side we did sludge removal today. There is a possibility that we may need to turn on well 5. In parks someone stole a picnic table.

Council discussed Councilor Vlcek asks the status of our static level compared to other years, Lockard we could have some issues since the draw down has been increasing and we are in for a dry summer. Councilor Sallee requests due dates to be on the report so we are aware of the timeframe involved.

Preliminary report from Bruno tree care indicates 18 trees are in need of attention. Question was asked if we should get a second opinion and Lockard informs the group that Bruno is certified tree arborist and he had done this preliminary report at no cost.

**ACTION ITEM:** Council has asked for completion dates be placed in the public works report.

f) Parks Committee

- Park report Councilor Sahlin informs the group that the equipment has been placed in the storage area and the locks have been completed. He asks City Recorder Richardson if anyone from Pryde has contacted her and she states no they have not.

Council discussed.....

**ACTION ITEM:** Councilor Sahlin would like a schedule for the lights and locks at the park.

g) City Recorder

- Recorder report is presented.

Council did not have any questions or discussion regarding the report.

**ACTION ITEM:** NA

h) City Attorney

- City Attorney report Koho informs council that he has a meeting with the judge regarding the Eddy property. I have met with MR. Sills regarding his window violations that is why he is not hear tonight he has agreed to pull his letter at this time and has agreed to file an application with HRB. As far as Ross RV they have stated that they are not selling items from the lot it is repairs only. The Mcknight letter has gone out to their attorney explaining that they will need to comply with the SDR and the 6 items listed however the Conditional use permit since they have pulled their application they are not expected to comply with those conditions. .

Council discussed, NA

**ACTION ITEM:** NA

## 8. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- a) Ordinance 478 An Ordinance Amending the City of Aurora Municipal Code (Conditional Use) Second reading.

A Motion is made by Councilor Sahlin to approve Ordinance 478 as presented and is seconded by Councilor Sallee 4-0 Councilor Southard abstained and state a conflict.

- b) Ordinance Number 479 Amending the Aurora Municipal Code (Medical Marijuana Dispensaries) First Reading.

A Motion to accept the 1<sup>st</sup> reading of Ordinance 479 is made by Councilor Sahlin and is seconded by Councilor Vlcek. Passed by all.

## 9. NEW BUSINESS

- a) Discussion and or Action on Window Violation in the Historic District on Contributing Structure Located at 21328 Hwy 99E Mr. Sills property. PULLED
- b) Discussion and or Action on MORE Intergovernmental Agreement. What is the reason for this if we are already doing this in house now why would we need to contract it our now. This is so we could if we so chose to enter into an agreement with other agencies to utilize what other agencies have. Rather than go out and rent something somewhere else.
- c) Discussion and or Action on Public Works Operations, Councilors begin to ask Public Works Superintendent Lockard many different questions regarding the operations taking place in public works department. They are wondering why now do you need so much more contracted help especially with not seeing and capital improvements happening the conversation quickly turns to expectations at hire at which point Lockard then asks if he is under employee review upon which time City Attorney Koho cautions the Council that this is now moving in a different direction and that they need to back off that this is not the venue for this type of questioning at which point they stop the questions of Superintendent Lockard.

Councilor Sallee informs the group that she attended the meeting regarding HB 534 and read the letter from Aurora into the record as she didn't see it in the packet.

**10. OLD BUSINESS**

- a) NA

**11. ADJOURN,**

Mayor Graupp adjourned the May 12, 2015 Council Meeting at 9:08 PM.

---

Bill Graupp, Mayor

ATTEST:

---

Kelly Richardson, CMC  
City Recorder

**Minutes**  
**Aurora Planning Commission Meeting**  
Tuesday, May 5, 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

**STAFF ABSENT:**           Kelly Richardson, City Recorder

**VISITORS PRESENT:**    None

---

**1. CALL TO ORDER OF THE CITY COUNCIL MEETING**

Meeting was called to order by Chairman Schaefer at 7:03 pm

**2. CITY RECORDER DOES ROLL CALL**

Chair Schaefer - Present  
Commissioner – McNamara - Present  
Commissioner Fawcett - Present  
Commissioner Gibson - Present  
Commissioner Rhoden-Feely - Present  
Commissioner Weidman - Present  
Commissioner - NA

**3. CONSENT AGENDA**

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

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

**4. CORRESPONDENCE –**

- a) Email Regarding Business Development Grants, Brief discussion no action taken.

**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.

None

**6. NEW BUSINESS**

- a) Discussion and or Action on Aurora Visioning Document 2015, the document was discussed and changes made they broke it into two parts part two will be discussed at the June meeting.
- b) Discussion and or Action on Annexation Processes, This was a general discussion and examples will be given at the June meeting.
- c) Discussion and or Review of Sample MMD Applications, there was a general discussion the consensus of the group was they liked the Keizer sample.

**7. OLD BUSINESS**

- a) NA

**8. COMMISSION/DISCUSSION**

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

**9. ADJOURN**

Chair Schaefer adjourned the May 2, 2015 Aurora Planning Commission Meeting at 8:38 P.M.



---

Chair Schaefer

ATTEST:



---

Kelly Richardson, CMC  
City Recorder

**Minutes**  
**Aurora Historic Review Board Meeting**  
Thursday, April 23, 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:** Bill Graupp, Mayor  
Joseph Schaefer, Aurora

---

**1. CALL TO ORDER OF THE HISTORIC REVIEW BOARD MEETING**

The meeting of April 23, 2015 was called to order by Chair Abernathy at 7:00 pm

**2. CITY RECORDER DOES ROLL CALL**

Chair Abernathy – Present  
Member TBA  
Member Frochen – Present  
Member Fraser – Present  
Member Townsend - Present

**3. CONSENT AGENDA**

- a) Historic Review Board Meeting Minutes – March 26, 2015, In Business item B the board wanted a sentence added stating the applicant agreed to come back at the next meeting.
- b) City Council Minutes – March, 2015
- c) Planning Commission – March, 2015

A motion to approve the Historic Review Board minutes of March 26, 2015, as amended made was made by Member Townsend and is seconded by Member Fraser. Motion passed by all.

**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.

Janie Hahn, Aurora Colony Grocery, asks the board a sign clarification question regarding the violation letter that was recently sent out. How many exempt parking signs can I have 17.24.060 #2 states one of each and no more than 4 total.

City Recorder Richardson informs the board of the progress regarding the Sills property and the window violations. Currently the City Attorney is looking into the situation it will go before council at their next meeting.

#### **6. NEW BUSINESS**

- a) Discussion and or Action on selection of typist for the CLG Grant, the members look at each one of the applicant's letters and score each one. The top four will meet with City Recorder Richardson and then Richardson will select the best fit.

There is a brief discussion regarding the definition of a picket fence with some examples given.

#### **7. OLD BUSINESS**

- a) Discussion and or Action on Historic Inventory, briefly discussed regarding grouping the two different inventories together. It is decided to group the neighborhoods together and do a numeral index for each property.
- b) Discussion and or Action on Sign Application 21668 Hwy 99E Davenport and Aurora Dental, the revised sign meets all criteria.

A motion is made by member Townsend to accept and approve the revised sign application for 21668 Hwy 99E as presented and is seconded by Member Frochen, Motion Passes by all.

**Action Item: None**

#### **8. ADJOURN**

**Chairman Abernathy adjourned the meeting of April 23, 2015 at 8:15 pm.**

---

Gayle Abernathy, Chairman

ATTEST:

---

Kelly Richardson, CMC  
City Recorder

**AFFIDAVIT OF MAILING**

I, Renata Wakeley, DEPOSE AND STATE AS FOLLOWS:

That I am the City Planner for the City of Aurora, Marion County, Oregon.

That the attached Exhibit "A" (Notice of Administrative Action) was mailed by myself to the owners of subject property, said owners listed in Exhibit "B", attached hereto and incorporated herein by reference.

That the aforementioned copies were mailed by myself on 5/27/15,  
through the Salem Post Office in Salem, Oregon.



\_\_\_\_\_  
Renata Wakeley, City Planner  
Mid-Willamette Valley Council of Governments

CITY OF AURORA  
NOTICE OF PENDING DECISION AND STAFF REPORT  
APPLICATION FOR VARIANCE  
FOR OREGON DEPARTMENT OF TRANSPORTATION

File No. VAR 15-02

APPLICANT/  
OWNER:

Oregon Department of Transportation, c/o Nicole Peirce  
Region 1 Planning, 123 NW Flanders Street  
Portland, OR 97209

APPLICATION:

The applicant is requesting municipal approval to construct ADA ramps at the intersection of Highway 99E and 1<sup>st</sup> Street, install new paving on Highway 99E between 2<sup>nd</sup> Street and Berg Parkway in Canby, and conduct bridge repair and pavement striping (see Exhibit A). Some of the proposed work will occur outside of the normally permitted construction hours of 7 a.m. and 8 p.m. Construction work occurring outside or normally permitted construction hours requires administrative variance approval under Aurora Municipal Code Section 8.04.060.

PUBLIC HEARING:

No public hearing is required. Pursuant to Aurora Municipal Code (AMC) 8.04.060, the decision is an administrative limited land use decision with a public hearing if the administrative decision is appealed.

**I. APPLICABLE CRITERIA:**

- A. AMC 8.04, Noise Control

**II. FINDINGS OF FACT:**

- A. Location: The proposed work will occur within existing right-of-way along Highway 99E between 2<sup>nd</sup> Street in Aurora north to the City of Canby. See Exhibit A.
- B. Comprehensive Plan Designation and Zoning: N/A. Work will occur within existing public right-of-way.

**III. AGENCY AND PUBLIC NOTICE:**

Pursuant to AMC 8.04., the notice of pending decision and staff report was mailed to property

owners abutting the subject properties within the City of Aurora on **May 27, 2015**. Subject to AMC 8.04 and 16.78, the fourteen (14) day written comment and appeal period expires on **June 10, 2015**.

#### **IV. REVIEW CRITERIA AND EVALUATION**

*In accordance with 8.04.060.D.1., Review Standards: In establishing exceptions or granting variances, the City shall consider:*

- a. That are deemed necessary to protect the public health and welfare.*

**FINDINGS:** The intent of the project is to provide greater safety and welfare at the subject intersections by installing ADA accessible ramps. According to the Oregon Department of Transportation (ODOT), the night work will minimize impacts to local businesses, residents and travelers. Allowance of the night work will allow for construction to be completed on a shorter time schedule, reduce impacts to users of Highway 99E and will result in a safer environment for the public by facilitating earlier completion of the project thus limiting the public's exposure to construction activities on the roadway.

Staff finds this criteria is met.

- b. Where strict compliance with such rule, regulations, or order is inappropriate because of conditions beyond the control of the persons requesting the variance.*

**FINDINGS:** According to the applicant, the proposed work may require lane closures, flagging and use of pilot cars. In order to reduce the impact of potential lane closures during regular business hours, construction hours, and peak vehicles and pedestrian travel times, the approval of the noise variance would reduce impacts of the work upon residents, businesses, and users. The construction variance will also serve to expedite installation of the improvements.

Staff finds there are special circumstances that justify variance to permit night work due to the need to conduct lane closures to complete the work and staff finds this criteria is met.

- c. Because of special circumstances which would render strict compliance unreasonable or impractical due to special physical conditions or causes.*

**FINDINGS:** According to the applicant, the proposed work may require lane closures, flagging and use of pilot cars. In order to reduce lane closures and impacts during regular business hours, construction hours, and peak vehicles and pedestrian travel times, the approval of the noise variance would reduce impacts of the work upon residents, business, and users.

Staff finds there are special circumstances that justify variance to permit night work due to the need to conduct lane closures to complete the work and staff finds this criteria is met.

- d. Because strict compliance would result in substantial curtailment or closing down of a*

*business, plant, or operation, or no other alternative facility or method of compliance is yet available.*

**FINDINGS:** The applicant does not anticipate curtailment or closure for businesses. However, according to the applicant, lane closures may be required to install the ADA ramps or for striping and paving. By conducting the work at night and allowing a variance outside of normally permitted construction hours, the applicant anticipates reduced impacts resulting from the closures.

In order to reduce impacts to summer events and travel, the ODOT representative has stated that no lane closures or flagging will occur during Aurora Colony Days or the Clackamas County Fair. This is included as a condition of approval.

Staff finds this criteria can be met with conditions.

## **V. DECISION:**

Based upon the findings contained within this report Variance 15-02 (File No. VAR-15-02) is approved. This approval is subject to the following conditions:

1. In accordance with AMC 8.04.060.B.3., the variance shall be granted for a specific time interval, not to exceed one year, from the date of final approval.
2. In order to reduce impacts to summer events and travel, the ODOT representative has stated that no lane closures or flagging will occur during Aurora Colony Days or the Clackamas County Fair.

This decision becomes final on **May 27, 2015** and any party with standing may appeal the final decision in accordance with the City of Aurora Municipal Code, which provides that a written appeal, together with the required fee, shall be filed with the City Recorder on or before 5:00 p.m. on **June 10, 2015**. The appeal fee schedule and forms are available from the City Recorder at City Hall, 21420 Main Street NE, Aurora, Oregon, 97002.

Unless the applicant is the appellant, the hearing on appeal from the decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period.

*Notice of Decision and Staff Report prepared by Renata Wakeley, City Planner, with the Mid-Willamette Valley Council of Governments.*

Attachments: Exhibit A ODOT fact sheet and proposed location of work

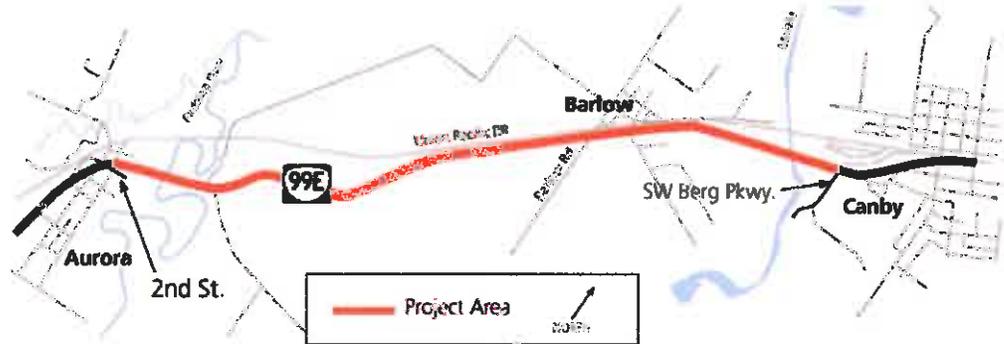


# Paving Project starting summer 2015

Oregon Department of Transportation (ODOT) is working on a project to repave OR 99E (Pacific Highway East) from SW Berg Parkway in Canby to just north of 2nd Street in Aurora. The project will include bridge work, sidewalk ramp upgrades and pavement striping changes near Lone Elder Road. ODOT expects construction to start in June 2015 (*schedule is subject to change based on weather and site conditions*).

Details include:

- **Paving**
  - The project will remove the existing pavement and install new pavement throughout the project area.
  - Work will take place at night to minimize impacts to local businesses, residents and travelers.
- **Sidewalk ramps**
  - The intersections at OR 99E and Berg Parkway, Barlow Road and 1st Street (in Aurora) will be updated to be compliant with ADA (Americans with Disabilities Act) standards.
- **Bridge repair**
  - The bridges over the Pudding River will have joints repaired and waterproofing material installed before being repaved to extend the life of the bridges.
- **Pavement striping changes**
  - Residents have expressed concern about the safety of the roadway striping on OR 99E north of Lone Elder Road, where it switches from three to two lanes with a middle turn lane. To address these concerns, the project will extend the middle turn lane 50 feet by removing one of the two northbound travel lanes; there will not be any road widening. This will make it safer for motorists accessing businesses and residences in this area.
  - Rumble strips will be added to the centerline and shoulder of OR 99E (where there is enough space for bicyclists) to improve safety.



**For questions or to provide comments, contact:**

Brandy Steffen  
ODOT Community Affairs Coordinator  
503-731-8230

Brandy Steffen@odot.state.or.us  
123 NW Flanders Street  
Portland, OR 97209

¿Hablas español? Podemos proporcionar la información de esta publicación en español. Para recibir información por favor llame al (503) 731-4128 o visite el sitio web.

Вы говорите по-русски? Мы можем предоставить информацию в этой публикации на русском языке. Для получения информации звоните по тел (503) 731-4128 или посетите веб-сайт.

For more information and to join the email mailing list for construction updates, visit  
[Oregon.gov/ODOT/HWY/Region1/Pages/OR99EBergto2nd.aspx](http://Oregon.gov/ODOT/HWY/Region1/Pages/OR99EBergto2nd.aspx)

Michael & Kate Byrnes  
5430 SW Ames Way  
Portland, OR 97225

Filiberto & Lucy Cortez  
PO Box 705  
Aurora , OR 97002

William T & Renee T Cothorn  
21728 Hwy 99E NE  
Aurora , OR 97002

Sang & Guk Lee  
11440 SW Pacific HWY  
Tigard, OR 97223

David & Joyce DeYoung  
Randy Schultze  
PO Box 190  
Aurora , OR 97002

Gislinda Davenport  
PO Box 25  
Rickreall, OR 97371

Knights of Pythias, Hermas Lodge #56  
c/o Kenneth Swartout  
21020 Boones Ferry Rd NE  
Aurora , OR 97002

Leathers Limited Partnership  
255 Depot St  
Store #584  
Fairview, OR 97024

Richard Schultz Tr  
Richard Schultz Tre  
15739 SE 44th Pl  
Bellevue, WA 98006

Stanley Fosworth & Stephani Lansdale  
21551 Main St NE  
Aurora , OR 97002

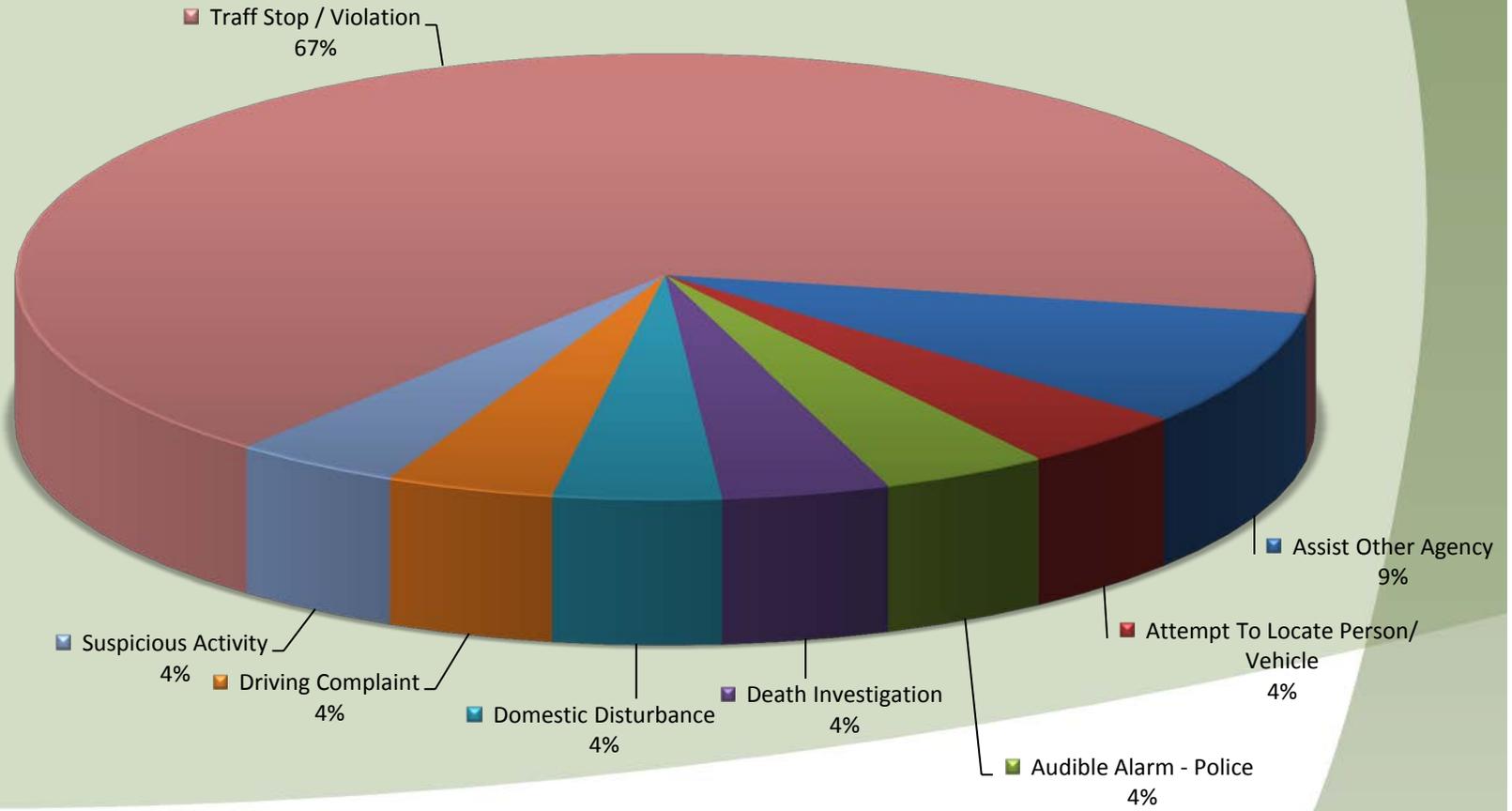
RLN Property LLC  
PO Box 507  
Canby, OR 97013

City of Aurora  
21420 Main St NE  
Aurora, OR 97002

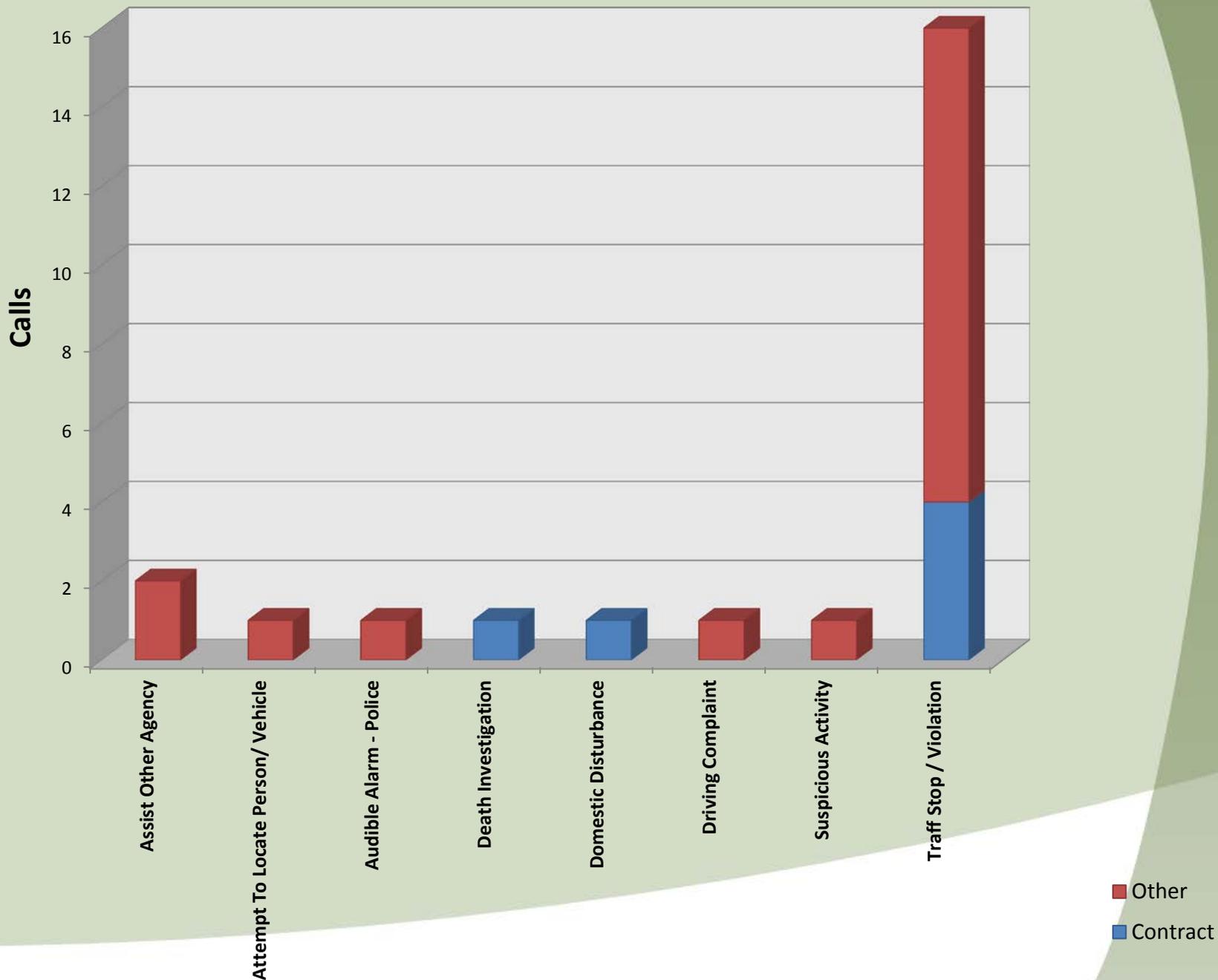
Nicole Pierce  
ODOT  
123 Flanders St  
Portland, OR 97209

Exhibit     B

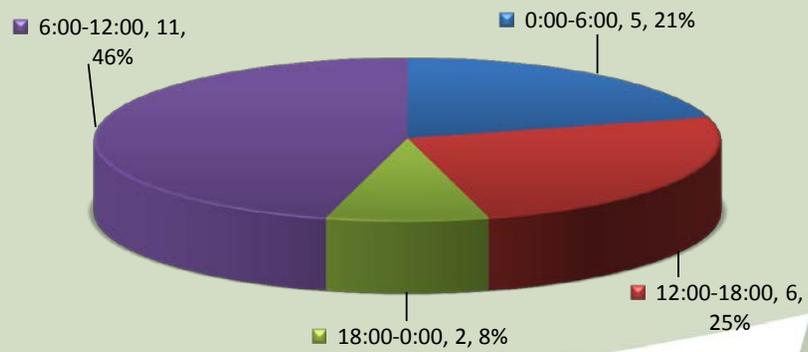
# Aurora Top Calls for Service May 2015



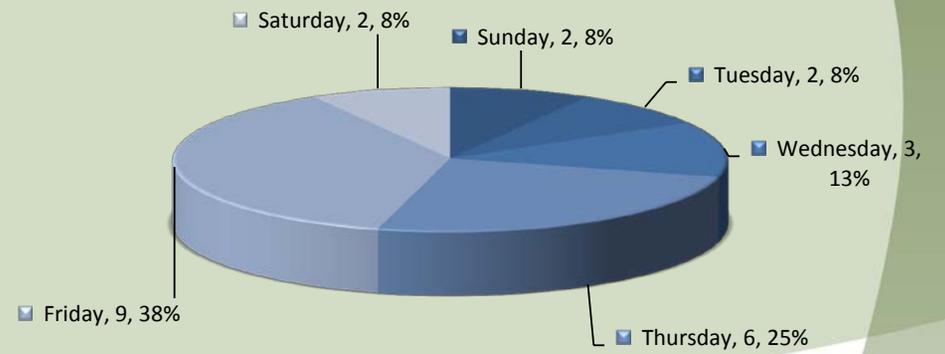
# Call Type by Primary Deputy May 2015



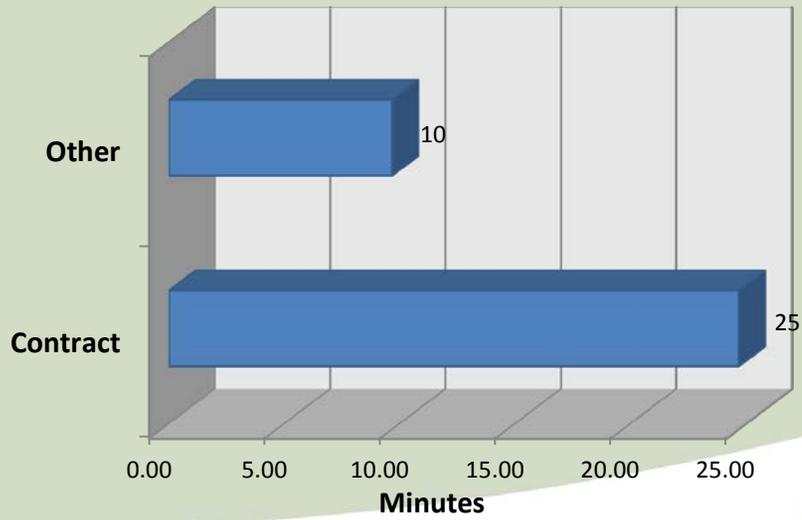
### Aurora Calls for Service by Hours Range May 2015



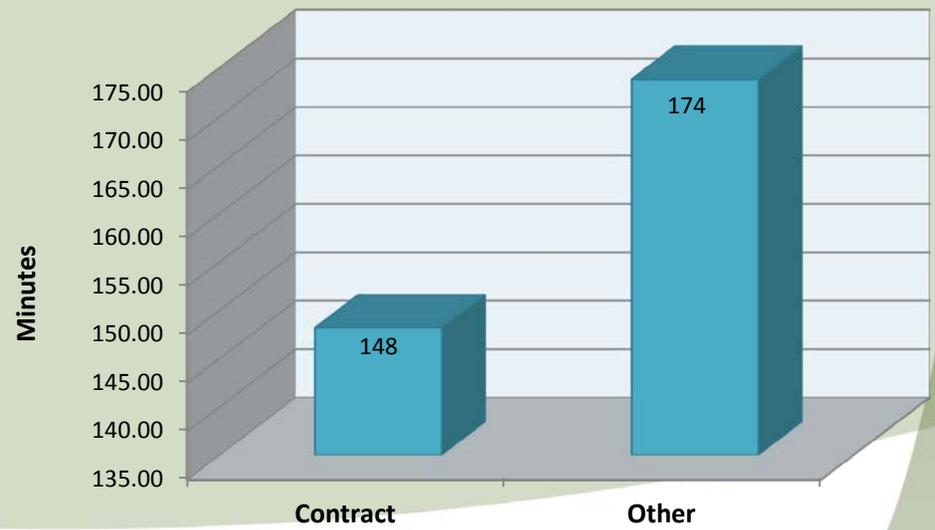
### Aurora Calls for Service by Day of Week May 2015



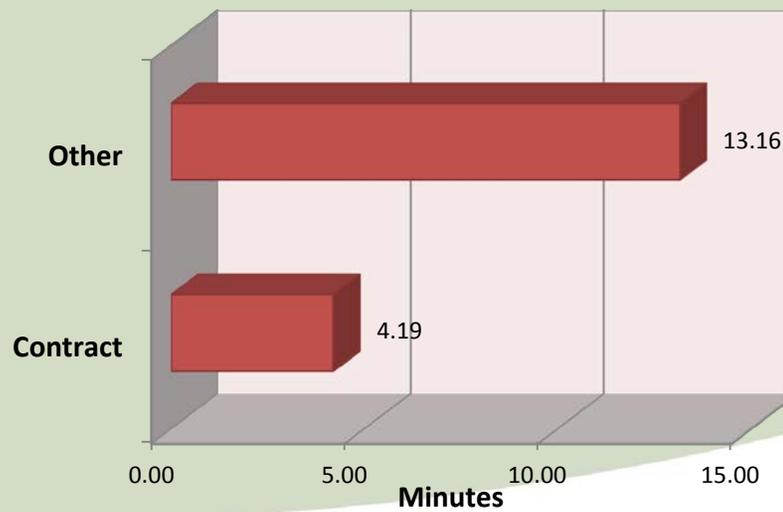
### Aurora Calls Average Call Length May 2015



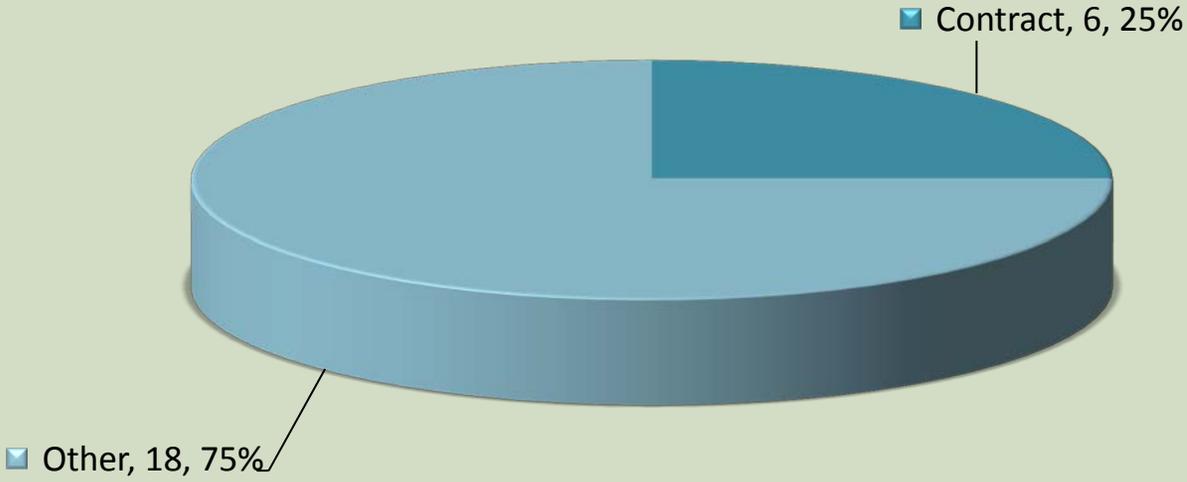
### Aurora Calls Total Call Length May 2015



### Aurora Calls Average Call Arrival Time May 2015



# Aurora Calls by Primary Deputy May 2015



EVENTID	Combined Type	PRIMARY UNI	CREATE DATE	DISPATCH DATE	ARRIVAL DATE	CLEARED DATE	Arrival in Min	Call Length in Min	PRIORITY	LOCATION	Day of Week	Time of Day	Hour Range	Deputy
SMS201505030168	Suspicious Activity		5/3/2015 23:29	5/3/2015 23:29	5/4/2015 0:47	5/4/2015 0:47	77.87	0.00	3	HIGHWAY 99E NE, AURORA/LIBERTY ST N	Sunday	23:29	18:00-0:00	Other
SMS201505050013	Attempt To Locate Person/ Vehicle		5/5/2015 3:49	5/5/2015 3:49	5/5/2015 5:36	5/5/2015 5:36	106.33	0.00	5	99E MP 2S ( HW 99E MP 2S, @HW 99E M	Tuesday	3:49	0:00-6:00	Other
SMS201505050151	Traffic Stop / Violation	A195	5/5/2015 16:08	5/5/2015 16:08	5/5/2015 16:08	5/5/2015 16:19	0.00	11.62	T6	MAIN ST NE, AURORA/BOBS AV NE, AURC	Tuesday	16:08	12:00-18:00	Contract
SMS201505060639	Traffic Stop / Violation	A195	5/6/2015 9:17	5/6/2015 9:17	5/6/2015 9:17	5/6/2015 9:25	0.02	8.47	T6	HIGHWAY 99E NE, AURORA/ORCHARD AV	Wednesday	9:17	6:00-12:00	Contract
SMS201505060658	Traffic Stop / Violation	A195	5/6/2015 10:50	5/6/2015 10:50	5/6/2015 10:50	5/6/2015 11:05	0.00	14.75	T6	1ST ST NE, AURORA/MAIN ST NE, AUROR	Wednesday	10:50	6:00-12:00	Contract
SMS201505070197	Driving Complaint	A046	5/7/2015 18:36	5/7/2015 18:42		5/7/2015 18:49		7.27	1	HIGHWAY 99E NE, AURORA/1ST ST NE, A	Thursday	0:00	0:00-6:00	Other
SMS201505080166	Domestic Disturbance	A195	5/8/2015 21:49	5/8/2015 22:13	5/8/2015 22:38	5/8/2015 23:04	25.10	25.42	T2	20813 FILBERT ST NE (MapBook:1532), A	Friday	22:13	18:00-0:00	Contract
SMS201505090061	Assist Other Agency	A105	5/9/2015 13:50	5/9/2015 13:54		5/9/2015 14:05		10.22	5	21800 AIRPORT RD NE (MapBook:1432), A	Saturday	0:00	0:00-6:00	Other
SMS201505130127	Assist Other Agency	A162	5/13/2015 12:46	5/13/2015 13:24		5/13/2015 13:36		12.45	5	1ST ST NE, AURORA/HIGHWAY 99E NE, A	Wednesday	0:00	0:00-6:00	Other
SMS201505150041	Traffic Stop / Violation	A115	5/15/2015 9:12	5/15/2015 9:12	5/15/2015 9:12	5/15/2015 9:23	0.00	10.43	T6	4TH ST NE, AURORA/HIGHWAY 99E NE, A	Friday	9:12	6:00-12:00	Other
SMS201505150045	Traffic Stop / Violation	A115	5/15/2015 9:26	5/15/2015 9:26	5/15/2015 9:26	5/15/2015 9:37	0.00	10.77	T6	BOBS AV NE, AURORA/HIGHWAY 99E NE, A	Friday	9:26	6:00-12:00	Other
SMS201505150049	Traffic Stop / Violation	A115	5/15/2015 9:39	5/15/2015 9:39	5/15/2015 9:39	5/15/2015 9:50	0.00	11.13	T6	HIGHWAY 99E NE, AURORA/OTTAWAY RE	Friday	9:39	6:00-12:00	Other
SMS201505150052	Traffic Stop / Violation	A115	5/15/2015 9:48	5/15/2015 9:48	5/15/2015 9:48	5/15/2015 9:57	0.00	9.52	T6	HIGHWAY 99E NE, AURORA/OTTAWAY RE	Friday	9:48	6:00-12:00	Other
SMS201505150053	Traffic Stop / Violation	A115	5/15/2015 9:57	5/15/2015 9:57	5/15/2015 9:57	5/15/2015 10:05	0.00	8.83	T6	HIGHWAY 99E NE, AURORA/4TH ST NE, A	Friday	9:57	6:00-12:00	Other
SMS201505150059	Traffic Stop / Violation	A115	5/15/2015 10:11	5/15/2015 10:11	5/15/2015 10:11	5/15/2015 10:21	0.00	9.78	T6	HIGHWAY 99E NE, AURORA/BOBS AV NE, A	Friday	10:11	6:00-12:00	Other
SMS201505150077	Traffic Stop / Violation	A113	5/15/2015 10:52	5/15/2015 10:52	5/15/2015 10:52	5/15/2015 11:02	0.00	9.72	T6	LIBERTY ST NE, AURORA/OTTAWAY RD N	Friday	10:52	6:00-12:00	Other
SMS201505150080	Traffic Stop / Violation	A113	5/15/2015 10:59	5/15/2015 10:59	5/15/2015 10:59	5/15/2015 11:09	0.00	9.13	T6	BOBS AV NE, AURORA/HIGHWAY 99E NE, A	Friday	10:59	6:00-12:00	Other
SMS201505210093	Death Investigation	A195	5/21/2015 11:33	5/21/2015 11:33	5/21/2015 11:33	5/21/2015 12:49	0.00	76.08	3	14957 3RD ST NE (MapBook:1432), AURO	Thursday	11:33	6:00-12:00	Contract
SMS201505210131	Traffic Stop / Violation	A113	5/21/2015 13:52	5/21/2015 13:52	5/21/2015 13:52	5/21/2015 14:02	0.00	10.27	T6	HIGHWAY 99E NE, AURORA/BOBS AV NE, A	Thursday	13:52	12:00-18:00	Other
SMS201505210133	Traffic Stop / Violation	A113	5/21/2015 13:58	5/21/2015 13:58	5/21/2015 13:58	5/21/2015 14:09	0.02	10.88	T6	HIGHWAY 99E NE, AURORA/BOBS AV NE, A	Thursday	13:58	12:00-18:00	Other
SMS201505210141	Traffic Stop / Violation	A113	5/21/2015 14:21	5/21/2015 14:21	5/21/2015 14:21	5/21/2015 14:32	0.00	11.03	T6	OTTAWAY RD NE, AURORA/HIGHWAY 99E	Thursday	14:21	12:00-18:00	Other
SMS201505210144	Traffic Stop / Violation	A195	5/21/2015 14:25	5/21/2015 14:25	5/21/2015 14:25	5/21/2015 14:37	0.00	11.82	T6	ORCHARD AV NE, AURORA/HIGHWAY 99E	Thursday	14:25	12:00-18:00	Contract
SMS201505240135	Traffic Stop / Violation	A136	5/24/2015 17:24	5/24/2015 17:24	5/24/2015 17:24	5/24/2015 17:40	0.02	16.92	T6	OTTAWAY RD NE, AURORA/HIGHWAY 99E	Sunday	17:24	12:00-18:00	Other
SMS201505090015	Audible Alarm - Police	A029	5/30/2015 3:11	5/30/2015 3:55		5/30/2015 4:10		15.47	5	14979 2ND ST NE (MapBook:1432), @KNI	Saturday	0:00	0:00-6:00	Other

## Report from the Finance Officer

June 9, 2015

- Revenue and expense report for the period ending April 30, 2015 is included. This report shows budgeted amounts and percent of budget received/spent.
- Spending is within budget in all categories of all funds. I do not anticipate any issues in the next three weeks.
- The Fiscal Year 2015-2016 budget was approved by the budget committee. I will bring up 3 recommended changes to that document at the hearing. See below for my recommendations.
- I have scheduled field work for the audit of Fiscal Year 2014-2015 to take place on October 6 – 7, 2015.
- Keeping current with payables and receivables.
- Continuing with front office duties.

Respectfully,



Mary C. Lambert

### Changes recommended to the approved budget:

1. In the Water Operating Fund there is \$35,000 approved for contract services. This includes approximately \$5,000 for temporary help to replace water meters. After researching employing a temporary employee vs. using a temporary agency, I think we can save by hiring a temporary employee. I propose taking \$4,636 out of contract services in material and services and putting that amount toward a temporary employee in personnel services giving us 350 hours of service at \$12/hour.
2. Change the beginning fund balance in the Public Works Project Maintenance Fund to better reflect the amount expected to be there when the account is dissolved and the balance transferred.
3. Instead of transferring directly to the Water Reserve Fund, the balance in the Public Works Project Maintenance Fund should be transferred to the General Fund. The General Fund will then transfer that same amount to the Water Reserve Fund. This was recommended by staff at the Department of Revenue based on budget law.

**CITY OF AURORA - TREASURER'S REPORT Ending April 30, 2015**

	FUND	BUDGET	BALANCE @ July 1, 2014	TOTAL REVENUES	% TO DATE	BUDGET less contingency	TOTAL EXPENSES	% TO DATE	END BALANCE Mar 31, 2015
10	GENERAL	689,389.00	334,354.00	372,232.25	87.50%	429,788.00	272,588.13	63.42%	433,998.12
15	CITY HALL BUILDING	119,827.00	118,128.00	2,177.46	113.41%	119,827.00	0.00	0.00%	120,305.46
25	PARK RESERVE	1,146.00	1,136.00	4.67	46.70%	1,146.00	0.00	0.00%	1,140.67
29	PARK SDCs	27,069.00	29,164.00	2,329.79	100.21%	27,069.00	0.00	0.00%	31,493.79
30	STREET/STORM	274,053.00	159,055.00	64,350.30	50.81%	168,031.00	45,133.05	26.86%	178,272.25
35	STREET RESERVE	51,993.00	38,367.00	11,388.70	83.19%	51,993.00	0.00	0.00%	49,755.70
39	ST/STORM SDCs	22,192.00	13,840.00	2,974.13	26.39%	22,192.00	0.00	0.00%	16,814.13
40	WATER OPERATING	498,000.00	216,959.00	229,189.35	80.99%	315,658.00	245,760.73	77.86%	200,387.62
42	SPW MAINTENANCE	39,717.00	31,566.00	8,128.61	99.66%	39,717.00	0.00	0.00%	39,694.61
45	WATER RESERVE	46,681.00	26,567.00	20,102.19	99.91%	46,681.00	0.00	0.00%	46,669.19
49	WATER SDCs	60,398.00	45,478.00	5,747.93	28.06%	60,398.00	0.00	0.00%	51,225.93
50	SEWER OPERATING	436,300.00	177,718.00	230,549.79	84.05%	270,087.00	152,482.95	56.46%	255,784.84
55	SEWER RESERVE	55,727.00	45,552.00	10,183.61	100.04%	55,727.00	0.00	0.00%	55,735.61
57	G. O. DEBT SERVICE	319,800.00	33,176.00	289,025.73	98.81%	319,800.00	57,400.00	17.95%	264,801.73
59	SEWER SDCs	32,778.00	28,623.00	2,154.15	34.77%	32,778.00	10,000.00	30.51%	20,777.15
	<b>TOTALS</b>	<b>2,675,070.00</b>	<b>1,299,683.00</b>	<b>1,250,538.66</b>		<b>1,960,892.00</b>	<b>783,364.86</b>		<b>1,766,856.80</b>
			beg balances per audit						

**City Council**  
**Public Works Activity Report**  
June 2015

**Waste Water:** Continuing renewing Permit process with DEQ. Working to get irrigation areas confirmed and approved.

Have submitted plans for sludge transfer station to DEQ for approval.

Continue talking with DEQ Rep, He has asked for lots of information and is working on new discharge permit. Issue date on existing permit was May 2005 Expiration date was December 2009 .

Looking to replace radio on Station 3 lift station

TMDL report this report is due in September..

I&I reports is due February First of each year. Submitted Jan,2015

Flow meter calibration report is due before December 31 of each year. Submitted Mar. 2015

**Water:** Routine operation and maintenance. Continuing replacing meters.  
Wells are running 8-10 hours daily producing an average 190,000 gal per day

**Streets:** Routine operation and maintenance. Monitoring street lights. Construction on Highway 99 has started

**Park:** Picking up with after each storm. Repaired columns for the restrooms at the park, still need to repaint. Sprayed ball field again. Replacing a section of side walk that was tripped on.

Notice for Council

**Administration**

Public Works scheduling and planning for staff.

Budget on track for current 2014-2015

Reviewing Budget items for 2015-2016

Respectfully: Darrel Lockard

**Public works project list**

Wastewater solids transfer station (pending DEQ) 6/3/15

Waste water irrigation system (summer)

Water plant electrical upgrade (July/August)

Street parking and stop sign lines painting (July/August)

Street grant application

Fix tennis net (July)

Water meters replacement

# Memo

To: City Council  
From: Kelly Richardson  
CC: None  
Date: 6/8/2015  
Re: Recorders Report Month of May 2015 report

---

Activities and ongoing projects are as follows:

- ❖ Ongoing secretarial duties for the City Council and Planning and Historic Review Board, along with attending the meetings once a month.
  - Working closely with Historic Review Board on guideline updates and changes.
  - Working with Karen Townsend on CGL grant for HRB, Received and working on logistics of the grant.
  - researching potential typists for the CGL grant
- ❖ Attending Conference Committee And Records Committee Meetings
- ❖ Records Request update
  - 3 pending request
- ❖ Ongoing needs of the City, discussion items.
- ❖ Updating Planning and Zoning Files and Forms/Checklists **ONGOING**
- ❖ Gather information for website updates, continued to work on this.
- ❖ Working on various punch list items requested. (most items on hold)
- ❖ Worked on mailing list for cross connection program. Which took a very long time doing the research and preparation however the letters have gone out as I am sure your all aware.

**RESOLUTION NUMBER 696**

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police protection
2. Fire protection
3. Street construction, maintenance and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning and subdivision control
7. One or more utility services

and

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760, now, therefore,

Be it resolved that the City of Aurora hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

- Police protection
- Street construction, maintenance and lighting
- Sanitary sewer
- Storm sewers
- Planning, zoning and subdivision control
- Water services

Approved by the City Council of the City of Aurora this 9<sup>th</sup> day of June, 2015.

---

Bill Graupp, Mayor

ATTEST:

---

Kelly A. Richardson, City Recorder

**RESOLUTION NUMBER 697**

**A RESOLUTION DECLARING THE CITY'S ELECTION TO  
RECEIVE STATE REVENUES**

**BE IT HEREBY RESOLVED:**

Pursuant to ORS 221.770, the City of Aurora hereby elects to receive state revenues for the fiscal year 2015-2016.

PASSED by the Common Council the 9<sup>th</sup> day of June, 2015.

APPROVED by the Mayor this 9<sup>th</sup> day of June, 2015.

---

Bill Graupp, Mayor

ATTEST:

---

Kelly A. Richardson, CMC  
City Recorder

I hereby certify that a public meeting before the Budget Committee was held on May 6, 2015, and a public hearing before the City Council was held on June 9, 2015, giving citizens an opportunity to comment on the use of State Revenue Sharing.

---

Kelly A. Richardson, CMC  
City Recorder

**City of Aurora  
Resolution No. 698**

**A Resolution Dissolving the Public Works Project Maintenance Fund  
and Transferring the Ending Fund Balance to the General Fund**

This fund was originally set up to cover maintenance costs of the water tank and pump during the life of the loan taken out to acquire them. The loan has been paid off. The ending fund balance will be transferred to the General Fund. The General Fund will then make a transfer of that amount to the Water Reserve Fund.

Adopted this 9th day of June 2015.

---

Bill Graupp, Mayor

ATTEST:

---

Kelly A. Richardson, City Recorder

**City of Aurora  
Resolution No. 699**

**A Resolution Adopting the 2015-2016 Budget  
and Making Appropriations.**

**Adopting the Budget**

**BE IT RESOLVED** that the City Council of the City of Aurora hereby adopts the budget approved by the Budget Committee for the Fiscal Year 2015-2016, in the sum of \$3,151,702, now on file at City Hall.

**Resolution Making Appropriations**

**BE IT RESOLVED** that the amounts for the fiscal year beginning July 1, 2015 and for the purposes shown below are hereby appropriated as follows:

**General Fund**

Personnel Services	\$ 89,267
Materials and Services	346,605
Capital Outlay	18,870
Transfers Out	20,000
Contingency	<u>324,590</u>
<b>Total</b>	<b>\$ 799,332</b>

**City Hall Building Fund**

Capital Outlay	\$ <u>132,500</u>
<b>Total</b>	<b>\$ 132,500</b>

**Aurora Colony Days Fund**

Personnel Services	\$ 2,568
Materials and Services	15,900
Contingency	<u>5,072</u>
<b>Total</b>	<b>\$ 23,540</b>

**Park Reserve Fund**

Capital Outlay	\$ <u>7,148</u>
<b>Total</b>	<b>\$ 7,148</b>

**Park SDC Fund**

Capital Outlay	\$ <u>36,055</u>
<b>Total</b>	<b>\$ 36,055</b>

<b>Street/Storm Operating Fund</b>	
Personnel Services	\$ 24,444
Materials and Services	70,000
Capital Outlay	92,500
Transfer Out	20,000
Contingency	<u>102,456</u>
<b>Total</b>	<b>\$ 309,400</b>

<b>Street/Storm Reserve Fund</b>	
Street Maintenance Projects	<u>\$ 85,700</u>
<b>Total</b>	<b>\$ 85,700</b>

<b>Street/Storm SDC Fund</b>	
Capital Outlay	<u>\$ 31,000</u>
<b>Total</b>	<b>\$ 31,000</b>

<b>Water Operating Fund</b>	
Personnel Services	\$ 86,176
Materials and Services	151,130
Capital Outlay	72,870
Transfers Out	20,000
Debt Service to Others	20,892
Contingency	<u>159,132</u>
<b>Total</b>	<b>\$ 510,200</b>

<b>Public Works Maintenance Fund</b>	
Transfers Out	<u>\$ 39,700</u>
<b>Total</b>	<b>\$ 39,700</b>

<b>Water Reserve Fund</b>	
Capital Outlay	<u>\$ 106,500</u>
<b>Total</b>	<b>\$ 106,500</b>

<b>Water SDC Fund</b>	
Capital Outlay	<u>\$ 77,376</u>
<b>Total</b>	<b>\$ 77,376</b>

<b>Sewer Operating Fund</b>	
Personnel Services	\$ 82,093
Materials and Services	165,830
Capital Outlay	47,870
Transfers Out	40,000
Contingency	199,507
<b>Total</b>	<b>\$ 535,300</b>

<b>Sewer Reserve Fund</b>	
Capital Outlay	\$ 95,940
<b>Total</b>	<b>\$ 95,940</b>

<b>Sewer SDC Fund</b>	
Capital Outlay	\$ 29,036
<b>Total</b>	<b>\$ 29,036</b>

<b>G O Wastewater Bond Fund</b>	
Debt Service	\$ 322,975
<b>Total</b>	<b>\$ 322,975</b>

<b>TOTAL APPROPRIATIONS ALL FUNDS</b>	<b>\$3,141,702</b>
<b>Total Unappropriated and Reserve Amounts, All Funds</b>	<b>\$ 10,000</b>
<b>TOTAL ADOPTED BUDGET</b>	<b>\$3,151,702</b>

Adopted this 9th day of June 2015.

---

Bill Graupp, Mayor

ATTEST:

---

Kelly A. Richardson, City Recorder



**ORDINANCE 479**

**AN ORDINANCE AMENDING THE AURORA DEVELOPMENT CODE, TITLE 16 OF THE AURORA MUNICIPAL CODE, RELATED TO MEDICAL MARIJUANA DISPENSARIES; 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 City of Aurora, on April 30, 2014, imposed a moratorium on the establishment of medical marijuana facilities within the City of Aurora in order to determine whether or when it will adopt or impose reasonable regulations on the locations and operation of medical marijuana dispensaries within the City of Aurora, and

**WHEREAS**, the moratorium previously enacted will terminate in accordance with State law on May 1, 2015; and

**WHEREAS**, the establishment and operation of medical marijuana dispensaries is regulated by the State of Oregon; and

**WHEREAS**, Senate Bill 1531 approved by the Oregon Legislature on March 7, 2014, provides that cities may adopt ordinances that impose certain types of reasonable regulations on the operation of medical marijuana facilities registered and approved by the State of Oregon; and

**WHEREAS**, the Aurora City Council wishes to amend Chapter 16.04, Definitions; Chapter 16.14, Commercial (C), and Chapter 16.22, Historic Commercial Overlay (HCO) of the Aurora Municipal Code to establish rules governing the location of medical marijuana facilities; and

**WHEREAS**, the Aurora Planning Commission conducted a public hearing on April 7, 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 governing the location of medical marijuana facilities.

**WHEREAS**, the Aurora City Council conducted a public hearing on May 12, 2015 at which time interested parties were given full opportunity to be present and heard on the proposed rules governing the location of medical marijuana facilities.

**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 May 12, 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, 16.14-Commercial, and 16.22- Historic Commercial Overlay as included under Exhibit A of this Ordinance.

Section 3. Notice to Oregon Health Authority. A copy of this Ordinance shall be forthwith forwarded to the Oregon Health Authority by regular mail, and by any other such means as required by rule of the Oregon Health Authority.

Section 4. 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 9th day of June, 2015 by the following votes:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Approved by the Mayor on this \_\_\_\_\_ day of June, 2015.

SIGNED: \_\_\_\_\_  
Bill Graupp, Mayor Date

ATTEST: \_\_\_\_\_  
Kelly Richardson, City Recorder Date

## 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;
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; (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), 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: 51000 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.

HG. 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.

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

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 16.04

### 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.

[“Medical Marijuana Dispensary” means a facility that dispenses medical marijuana, validly registered with the State of Oregon and authorized according to the State of Oregon Health Authority \(OHA\), to transfer usable marijuana and immature plants to and from registry identified cardholders and persons 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.

"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

**(Some pages excluded for brevity)**



# MARION COUNTY SHERIFF'S OFFICE

JASON MYERS, SHERIFF

April 28, 2015

Kelly Richardson, City Recorder  
Aurora City Hall  
21420 Main Street  
Aurora, OR 97002



Re: Revenue Credit/Contracted Services

Dear Kelly,

The Sheriff's Office has received a credit/refund to our county wide fleet program as a result of an audit/review of the system as a whole. Our fleet program is managed by our public works department and the lease rates were developed at the inception of the program. In a full review of the county wide fleet program the managers associated with it analyzed our current and historical fleet information which include replacement rates (based on the model of a vehicle) and mechanical reliability rates (repair costs and preventative maintenance).

As a result of changing our vehicle platforms and the associated repair costs and preventative maintenance costs (as well as the historical review of fleet data), the county was able to reduce the amount needed for each vehicle in the lease program. This reduction was retroactive in some respects. The result of the retroactive part of this study has allowed us to credit your contract rates with respect to fleet payments.

**A credit of \$11,810.40 will be applied to your contracted rates for the 15/16 fiscal year. This is a one time credit.**

You should see this credit amount applied to your first billing invoice for the 15/16 fiscal year. If you have any questions at all, please do not hesitate to contact me.

Respectfully,

Troy M. Clausen  
Undersheriff  
503-932-5385 cell  
503-576-7166 office

**AMENDMENT #3**  
**INTERGOVERNMENTAL AGREEMENT**  
**Between**  
**MARION COUNTY**  
**And**  
**CITY OF AURORA**

The agreement between CITY OF AURORA and MARION COUNTY, for the term JULY 1, 2012 through JUNE 30, 2013 is amended as follows:

Both Parties agree to renew thus extending the term of the contract to JUNE 30, 2016.

Both Parties agree to accept the addition of Attachment A-3: FY 15/16 Budget, hereto attached and incorporated into this amendment.

Both Parties agree to accept the revised addition of Attachment B-3: CITY OF AURORA / MARION COUNTY IGA (15/16 FY) SCOPE OF WORK, attached and incorporated into this amendment. In Item 2, Line 4 of Attachment B-4, the maximum payment amount obligated by the CITY has been amended to include the 15/16 FY amount of \$164,292.

Except as amended hereby, all other terms and conditions of the Customer Agreement remain in full force and effect.

**SIGNATURES**

**CITY**

**MARION COUNTY**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheriff / Undersheriff

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Attorney



# ATTACHMENT A-3

## Marion County Sheriff's Office Aurora Budget

FY15-16 Preliminary Budget  
Estimated Expenses  
**Personnel**  
100% Deputy Huitt

Salary & Benefits	Overtime	Total Personnel Services	Total Direct Costs	Admin Charges (9.25%)	Materials & Services and Indirect Cost	Total Annual Cost
109,929	7,012	116,941	34,582	12,769	47,351	164,292

**Materials & Services**

2015-16 Per FTE	
-----------------	--

Office Supplies	337
Field Supplies	413
Departmental Supplies	186
Clothing	521
Gasoline	4,161
Cell Phones	625
Data Connections	504
Postage	152
Communication Services	13,485
Smart Export Lite -E-Cite Maintenance	375
Laundry Services	122
Printing Services	25
Misc Contractual	265
Maint. - Office Equipment	138
Training	457
Fleet	12816
<b>Total Direct Costs</b>	<b>34,582</b>

Administrative Charges (9.25%)	12,769
Total Indirect Costs	<b>12,769</b>

ATTACHMENT B-3:

CITY OF AURORA / MARION COUNTY IGA  
SCOPE OF WORK

1. MCSO shall assign one (1) deputy, 40 hours per week to perform the services requested in this agreement, for a total of 40 hours of law enforcement coverage per week within the corporate limits of the City of Aurora. A supervisor may assign follow-up to contract deputy as appropriate.
2. CITY agrees to pay MCSO on a monthly basis amount billed not to exceed the annual contract total as indicated in Attachment A-2. The sum of \$568,028 (12/13 FY = \$92,247 + 13/14 FY = \$153,966 + 14/15 FY = \$157,523 + 15/16 = \$164,292) is the maximum payment amount obligated by the CITY throughout the term of this contract.
3. MCSO shall inform CITY of the deputy's tentative monthly schedule at least a week prior to the beginning of the schedule. MCSO shall attempt to accommodate requests for particular coverage requested by CITY.
4. The assigned deputy or Contracts Sergeant may attend City Council and/or police commission meetings to the extent CITY requests such attendance prior to the meeting.
5. When available, MCSO shall provide at no extra cost, extra patrol for CITY if necessary in case of emergency or when assigned deputy requests back-up.
6. As part of routine patrol, assigned CITY deputy will check on businesses and residential areas. As time allows, MCSO patrol deputies will provide additional routine patrol as part of their patrol district responsibilities. Any requested services outside the details outlined in this Scope of Work shall be discussed during City Council meetings and shall be mutually agreed upon by CITY and MCSO.
7. Contract deputy will be proactive and seek positive methods of community policing.
8. As with our other service contracts the ability for deputies to take vacation and/or sick leave is considered part of the contractual agreement. If the municipality wants additional coverage (i.e., vacation coverage) while the assigned deputy is away that is negotiable or can be part of the overtime assessment of the agreement. A typical deputy will accrue up to two weeks of vacation per year.
9. The assigned deputy has access to all of the services the Sheriff's Office provides to our staff. This includes but is not limited to: Detectives, Street Crimes (drug activity complaints), Community Relations Unit, Search and Rescue, Evidence, Forensics (finger print evidence), SWAT, and direct

**ATTACHMENT B-3:**

**CITY OF AURORA / MARION COUNTY IGA  
SCOPE OF WORK**

working relations with Parole and Probation. In the event of a major incident these resources may be utilized by the assigned deputy.

10. In the event that additional projects arise within the contract areas, Sheriff's Office resources may be assigned to assist the contracting agency. The overtime for the special projects and additional resources may be covered within the current contract.

## CONTRACT

### **LAND USE PLANNING SERVICES**

THIS AGREEMENT is made and entered into this 1st day of July, 2015 by and between the CITY OF AURORA, OREGON, a municipal corporation ("CITY"), and the MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS ("COG"), a voluntary intergovernmental association created by charter and Agreement pursuant to ORS Chapter 190 of which CITY is a member.

### WITNESSETH:

IN CONSIDERATION of the mutual premises and stipulations set out below, the CITY and COG do hereby agree as follows:

#### A. COG Responsibilities

1. COG shall provide an experienced land use planner to assist the CITY in processing land use actions, zone code revisions and other related activities which may be requested by the CITY.
2. COG shall provide to CITY mapping, graphics and document production services related to work requested by CITY under paragraph A.1.
3. COG shall provide monthly billing statements.

#### B. CITY Responsibilities

1. CITY agrees to engage COG as a provider of land use planning consulting services.
2. CITY agrees to pay for land use planning services under paragraph A.1. at a rate of \$77.00 per hour for a land use planner or GIS mapping analyst and \$48.00 per hour for staff support assistance, plus mileage, at the IRS mileage rate, for travel related to providing said services.
3. CITY agrees to pay the actual cost of mapping, graphics and document production provided under paragraph A.2.
4. CITY shall review, process and pay COG's monthly invoices within 30 days of receipt.
5. CITY shall designate a key contact person through which all requests for services will come and with whom the activities of COG's land use planner will be coordinated.

C. COG Services Provided Without Additional Compensation

1. COG shall provide advice and assistance to CITY with grant and loan applications for financing of public improvements at no additional charge except in those instances when such work may be eligible for compensation from the granting agency.
2. COG shall prepare documentation and applications for funding for additional planning projects on behalf of CITY.
3. COG shall refer CITY to other available resources that may be available to address needs of CITY upon request.

D. Termination and Amendment

1. This Agreement shall be terminated on June 30, 2016 unless otherwise agreed to by COG and CITY by amendment to this Agreement.
2. This Agreement may be terminated for convenience by either party upon written notice of 30 calendar days.
3. This Agreement may be amended only by written agreement executed between the parties.

E. Independent Contract

1. The CITY has engaged COG as an independent contractor for the accomplishment of a particular service. Neither party, nor the officers and employees of either party shall be deemed the agents or employees of the other party for any purpose.

F. Limited Warranty

1. CITY agrees to seek and rely exclusively on the advice of its own legal counsel as to the legal sufficiency of the land use planning process and its products. The parties expressly recognize that the review process involves political and legal judgment entirely within the control and authority of the CITY. COG's only obligation is to provide advice from the perspective of land use planning principles, and not legal or political counsel.
2. In no event shall COG be liable for indirect or consequential damages of any nature. In no event, regardless of theory of recovery, shall COG be liable for any damages in excess of the amounts actually paid by CITY to COG under Paragraph B. hereof.

3. CITY agrees to provide a representative to present the CITY's viewpoint at public hearings regarding a dispute between the CITY and the County or another city. COG will provide support and information as appropriate (including research and staff reports) to aid the CITY in making its arguments.

IN WITNESS WHEREOF, COG and the CITY have, by approval of their respective governing bodies, caused this Agreement to be executed as of the day and year aforesaid.

**MID-WILLAMETTE VALLEY  
COUNCIL OF GOVERNMENTS**

**CITY OF AURORA**

By: \_\_\_\_\_  
Nancy J. Boyer, Executive Director

By: \_\_\_\_\_