

AGENDA
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

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

4. CORRESPONDENCE –

- a) Email regarding Community Development Grant

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 Action on Code Changes and LA-15-01 regarding Medical Marijuana Dispensaries in the Commercial District.

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) Ordinance 478 An Ordinance Amending the City of Aurora Municipal Code (Conditional Use) Second reading.
- b) Ordinance Number 479 Amending the Aurora Municipal Code (Medical Marijuana Dispensaries) First Reading.

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.
- b) Discussion and or Action on MORE Intergovernmental Agreement.
- c) Discussion and or Action on Public Works Operations

10. OLD BUSINESS

- a) NA

11. ADJOURN

Minutes
Aurora City Council Meeting
Tuesday, April 14, 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; None

VISITORS PRESENT: Bob Southard, Aurora
Craig McNamara, Aurora
Jan Peel, Aurora
Michael Brown, Meridian Rd
Joseph Schaefer, Aurora
Betsy Imholt, Aurora
Heather Connan, Aurora
Greg Leo, Wilsonville

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Mayor Bill Graupp at 7:03 pm

2. CITY RECORDER DOES ROLL CALL

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

3. CONSENT AGENDA

- a) City Council Meeting Minutes – March, 2015, Councilor Sahlin pointed out a few corrections Iverson is not from Aurora but from out in the County, on pg 6 Action Item Councilor Sahlin was approved to review and sign the letter sent out regarding SB 534.
- b) Planning Commission – March, 2015
- c) Historic Review Board – February, 2015

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

4. CORRESPONDENCE - NA

5. OPEN COUNCIL SEAT SELECTION

- a) Discussion regarding Bob Southard' letter of interest, Southard talks about how he would like to join Council Mayor Graupp has a few concerns about city equipment that had been stored at his residence and the need for it to be moved if in fact he is chosen for the council position. Southard informs Council that it was simply and easily accessible spot for the Public Works to get to it but understood and stated it would be moved. Since Council Knows Southard from his previous employment with the city there were no further questions.
- b) Discussion regarding Gary Lovell' letter of interest, Lovell told the council a little bit about himself and why he wanted to serve his community in general. Mayor Graupp asks him if his email is regarding items he is unhappy with or is it just items in general that you feel we need to look at. Lovell replies I think there items that need looked into.

It was a unanimous vote to appoint Bob Southard as the new councilor. Everyone thanked Mr. Lovell and informed him that we also have openings on the Planning Commission and Historic Review Board if he were interested in any of those positions.

6. 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.

7. REPORTS

- a) Mayor Bill Graupp
 - Mayor report since I have been out of the Country I do not have a lot to report other than the School has refinanced the GEO bond, spent 19 hours at the FBL competition. Working on budget numbers and Councilor Sahlin has taken care of the HB 534 letter.

Council discussed nothing at this time.

ACTION: NA

- b) Marion County Deputy
 - Deputy report there was no questions regarding his report.
 - Officer Marcellais introduced Dale Huitt the deputy that will be his replacement on June 30th of this year. Huitt will be beginning to work shifts with me so he can get the lay of the land so to speak.

Council discussed, Can you clarify the shots fired, and Officer Marcellais informed the council that someone thought they heard shots fired it turned out to be a false alarm.

ACTION: NA

c) Traffic Safety Committee

- Traffic report, I am still working on the stop sign on 2nd street.

Council discussed, NA

ACTION: NA

d) Finance Officer

- Finance officer report, There were no questions at this time based on Lambert's report.

Council discussed briefly if they should be going out for bid on the auditor and it was decided as long as the same people at the firm are changed every so often that would be enough.

ACTION: NA

e) Public Works

- Public Works report business as usual I have mostly been working with DEQ regarding our permit and on the reuse plan. I have contacted 5 different companies regarding the trees in the park. Councilor Vlcek ask if you have worked out the Auto CAD software issue.
- Noelle Brooks addressed a few concerns regarding the business corridor specifically the trash can surrounds, lights on the bridge and sidewalk appeal. I would like to see some talk about these issues during the budget process to cover these items. Also could there be a letter sent out regarding the planter strips informing property owners they are in fact responsible for the up keep of their sidewalks and planter strips.

Council discussed briefly the items Ms. Brooks brought up and they will look into the matter.

ACTION: NA

f) Parks Committee

- Park report Councilor Sahlin asks City Recorder Richardson to look for an email with a link of the items he wants ordered for the field and look into the possibility of a lock box on the storage door.

Council discussed the lock box would be a good idea.

ACTION: Have lock box installed and order baseball items.

g) City Recorder

- Recorder report read her report

Council discussed nothing and had no questions at this time.

ACTION: NA

h) City Attorney

- City Attorney report we are still moving forward with the Eddy property there is still a sale on the table and we have a conference call next week with the judge. Potential buyer Joseph Schaefer informs the council that there has been some extensive ground cleaning taking place and more to come along with testing. I have begun the process of drawing up some plans for some work/live condos.
- Mr. Sills hearing before the Council will be in May.

Council discussed briefly the Orchard view issue Mayor Graupp informs council that he can peruse further if we want to budget for it. The Council also agrees that a light shield on the PGE pole located near 21334 Liberty would be ok with them as long as it is of no cost to the city.

ACTION: NA

8. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

a) Discussion and or Action on Resolution 692 A Resolution to Re-Open Willamette Falls Locks

Motion to approve Resolution Number 692 was made by Councilor Southard and is seconded by Councilor Sahlin. Motion passed by all.

b) Discussion and or Action on Resolution 693 A Resolution to Join the National Heritage Designation Area.

Motion to approve Resolution Number 693 was made by Councilor Vlcek and is seconded by Councilor Sahlin. Motion passed by all.

c) Discussion and or Action on Resolution Number 695 A Resolution to Appoint Bob Southard to Council Seat Position 3.

Motion to approve Resolution Number 695 was made by Councilor Vlcek and is seconded by Councilor Sahlin. Motion passed by all.

d) Discussion and or Action on Ordinance 478 An Ordinance Amending the City of Aurora Municipal Code (Conditional Use).

Motion to approve the first reading on Ordinance Number 478 was made by Councilor Sahlin and is seconded by Councilor Vlcek. Motion passed by all.

9. NEW BUSINESS

a) Discussion and or Action on Tree Care in the Park with Bruno Tree Care, we went out for bid and Bruno Tree care offered to do a visual inspection at no charge. Mike Bruno states he went through the tree grove once before and identified a few trees City Recorder Richardson states that I have that report and the recent tree that went down was not one of

those previously identified. In Bruno's opinion at this point it would not be cost effective to core sample every tree.

Motion to approve moving forward with the assessment at no cost to the city is made by Councilor Sahlin and is seconded by Councilor Southard. Passed by All.

Mayor Graupp does give a brief report regarding the progress at the Hernandez residence. Which is at this point the tree has been removed along with all debris. They briefly discuss the homeowners request for help with his deductible which they defer to the insurance recommendation not to do.

- b) Discussion and or Action on Planning Commission Recommendation to Appoint Craig McNamara to fill Commissioner Grahams seat.

Motion to approve the Planning Commission Recommendation to appoint Craig McNamara to Planning Commission is made by Councilor Sahlin and is seconded by Councilor Southard. Passed by All.

- c) Discussion and or Action on Reappointment of Commissioner Gibson to Planning Commission.

Motion to approve Planning Commission Recommendation to reappoint Commissioner Gibson to Planning Commission is made by Councilor Vlcek and is seconded by Councilor Southard. Passed by All.

10. OLD BUSINESS

- a) NA

11. ADJOURN,

Mayor Graupp adjourned the April 14, 2015 Council Meeting at 8:32 PM.

Bill Graupp, Mayor

ATTEST:

Kelly Richardson, CMC
City Recorder

Minutes
Aurora Planning Commission Meeting
Tuesday, April 7, 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
Renata Wakeley, City Planner

STAFF ABSENT: None

VISITORS PRESENT: Leroy Bodine, Canby
Craig McNamara, Aurora
Bill Graupp, Aurora

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Chairman Schaefer at 7:02 pm

2. CITY RECORDER DOES ROLL CALL

Chair Schaefer - Present

Commissioner Graham, moment of silence for our revered volunteer. 3/20/2015

Commissioner Fawcett - Present

Commissioner Gibson - Present

Commissioner Rhoden-Feely - Present

Commissioner Weidman - Present

Commissioner Willman - Resigned

3. CONSENT AGENDA

a) Planning Commission Minutes – March, 2015

b) City Council Meeting Minutes – February, 2015

c) Historic Review Board Minutes – February, 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) Letter from City Council regarding Senate Bill 534, currently stalled in committee

b) Letter of Resignation from Commissioner Willman

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.

Leroy Bodine, Canby Oregon a retired building official, as a patient and card holder I support medical marijuana facilities for a number of reasons. I am here tonight to urge you to support them as well. I have seen firsthand how it can help patients.

6. PUBLIC HEARING – Opens at 7:19 pm, no conflicts or ex-parte contact reported.

- a) Discussion and or Action on Text Amendment LA-2015-01 Addressing Medical Marijuana Dispensaries in the Commercial Zone.

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

105 HIGH STREET S. E. SALEM, OREGON 97301-3667
TELEPHONE: (503)588-6177 FAX: (503)588-6094

TO: Aurora Planning Commission
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 2015-01 (LA-15-01)
DATE: March 31, 2015 for presentation at April 7, 2015 hearing

REQUESTED ACTION

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

- A. Adopt the findings in the staff report and recommend that the City Council adopt Legislative Amendment 15-01:
 - 1. As presented by staff; or
 - 2. As amended by the Planning Commission (stating revisions).
- B. Recommend that the City Council take no action on Legislative Amendment 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 facilities (MMFs) 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 MMFs up until May 1, 2015.

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

The Planning Commission gave staff general direction to follow legislative action and administrative rulemaking related to the marijuana issue, and consider potential standards that could be implemented as amendments to the Aurora Municipal Code- Title 16 in line with the regulations authorized by SB 1531. The Planning Commission had discussion regarding proposed amendments to the AMC on several regularly scheduled Planning Commission meetings in 2014 and 2015.

While administrative rulemaking continues related to Measure 91 (recreational marijuana), the legislature has not taken further action to address either the medical or recreational marijuana programs in the State of Oregon. Due to State and local procedural requirements, the City must move forward directly in order to have any Development Ordinance amendments regulating MMFs in place by May 1, 2015.

The following section of the Aurora Municipal Code (AMC) is 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 SB 1531 to minimize conflicts between MMFs 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 MMF 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 MMFs, the City could be forced to make interpretations of the 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, adopts the following Findings of Fact and Conclusions:

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on 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 8th edition, at least 10 days prior to the scheduled May 12, 2015 City Council hearing.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the Planning Commission and the decision by the City Council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.
6. The Planning Commission will review the proposed legislative amendments at a April 7, 2015 public hearing.

FINDINGS

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

FINDINGS: Goal 1, Citizen Involvement: A public hearing on the proposed amendments is scheduled before the Planning Commission on April 7, 2015 and a second hearing is scheduled 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 finds Goal 1 is met.

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

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

Goal 5, Open Spaces, Natural Resources, and Historic Areas: The proposed amendments included the addition of MMF'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 (MMFs), 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.

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 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 finds Goal 9 is met.

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

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

Goal 12, Transportation: The proposed code amendments expand upon permitted uses in the commercial zones while prohibited MMF'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, MMF'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 finds 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 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 Facility under AMC 16.04 ensures the MMF 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 MMFs, registration as a business with the Secretary of State, a background check on the person responsible for the MMF, implementation of security, alarm and surveillance measures, and compliance with operational standards.

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

Staff finds this criterion is met.

3. The applicable comprehensive plan policies and map; and

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

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

FINDINGS: A public hearing on the proposed amendments is 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 finds this condition is met.

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

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

Goal 9- Economic Policies

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

FINDINGS: The draft code amendments respond to a need/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).

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

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

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

Commissioner Weidman asks a question regarding where the taxes go and regulation by tax. Chair Schaefer this is something done more through measure 91 and is by population and percentage. Weidman is this something we could pursue Schaefer yes however it would require a legal review.

Visitor Bodine asks a clarification on the hours of operation which is limited to 10 am to 7 pm. again let me say that I am in favor of this because of my history and how it has helped me.

Public Hearing Closes at 7:37

Planning Commission Discussion, Following discussion the planning commission consensus is to change the following 4 items.

1. Move “doors and windows may not be covered with security grates” to following section – development standards- so this applies to all businesses.
2. To “buffer text” add, “which shall only be measured at the initial land use application and not subsequent annual renewals”.
3. Change distance from schools from 500 feet to 1000 feet.
4. Revise text to read, “other marijuana businesses” instead of referring to medical, recreational, dispensaries, etc.

A motion to approve as amended by discussion with the 4 revisions is made by Commissioner Fawcett and is seconded by Commissioner Weidman. Passed by All.

7. NEW BUSINESS

- a) Discussion and or Action on Consideration of Craig McNamara letter of interest. The applicant expressed his interest of serving on the board and doing his part to shape Aurora.

A motion to recommend Craig McNamara to the City Council for appointment to the Aurora Planning Commission is made by Commissioner Gibson and is seconded by Commissioner Fawcett.

- b) Discussion and or Action on nomination of New Vice Chair, Commissioner Fawcett and Rhoden –Feely were both considered and Rhoden-Feely accepted the nomination.

8. OLD BUSINESS

- a) NA

9. COMMISSION/DISCUSSION

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

City Planner Wakeley gives a brief overview of a training she attended regarding medical marijuana in Oregon.

- Measure 91 potential for January 2016.
- How the law regulates reasonable time path and manner
- Summarizes 3 options to prohibit through business license, local tax and control: time, space and manner. They recommended the language be restrictive not permissive.

To name a few.

10. ADJOURN

Chair Schaefer adjourned the April 7, 2015 Aurora Planning Commission Meeting at 8:07 P.M.

Chair Schaefer

ATTEST:

Kelly Richardson, CMC
City Recorder

Minutes
Aurora Historic Review Board Meeting
Thursday, March 26, 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 March 26, 2015 was called to order by Chair Abernathy at 7:18 pm

2. CITY RECORDER DOES ROLL CALL

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

3. CONSENT AGENDA

- a) Historic Review Board Meeting Minutes – February 26, 2015
- b) City Council Minutes – February, 2015
- c) Planning Commission – February, 2015

A motion to approve the Historic Review Board minutes of February 26, 201, as presented made was made by Member Townsend and is seconded by Member Fraser. 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.

No one spoke at this time.

6. NEW BUSINESS

- a) Discussion and or Action on Code Text Amendment Regarding Medical Marijuana in the Historical Overlay. The board is unanimously against this taking place in the Historic Overlay because,
 - 1. Concerns regarding preservation of the historic character of the area.
 - 2. Concerns with the types of businesses located in the overlay as they are primarily family orientated.
 - 3. They do not feel it will blend well with its surrounding.

- b) Discussion and or Action on Fence Application at 14685 Lloyds Lane property owner Lee Torian. This is a non-contributing structure and the fence would be a 6ft fence made of cedar we have 3 styles to choose from the board states that all 3 styles would be acceptable. Currently there is a fence along Airport Rd that is a stock wire that would need to be kept the same or replaced with wood only so the applicant is only going to repair what is existing at this time because they didn't want to go the added expense of replacing with all wood.

Motion to approve as presented along the back side of property with either style 1, 2 and 3 was made by Member Townsend and is seconded by Member Fraser.

7. OLD BUSINESS

- a) Discussion and or Action on Sign Inventory, City Recorder reports the letters went out on March 12.
- b) Discussion and or Action/Continuation on the sign application for 21668 Hwy 99E Aurora Dental Davenport. This is a wall sign made of a urethane wood composite material the coloring is dark background with light lettering. The board explains to the applicant that the sign itself is acceptable except the reversed dark/light is not. The sign needs a lighter background with darker lettering then it would be in compliance with the code. The board did discuss briefly the graphics on the window and they informed the applicant they would be acceptable.

Action: Applicant agrees to come back at the next meeting with a solution to making the sign compliant.

8. ADJOURN, Chairman Abernathy adjourned the meeting of March 26, 2015 at 8:25 pm.

Gayle Abernathy, Chairman

ATTEST:

Kelly Richardson, CMC
City Recorder

From: Wakeley, Renata [renatac@mwvcog.org]
Sent: Monday, April 20, 2015 2:54 PM
To: Donald City Manager; recorder
Subject: FW: Business Development Grants Available in Marion County

FYI. Please include in upcoming PC and CC packets and note the fund sources is for private sector businesses and has a deadline of Thursday May 14, 2015.

Thank you.

Renata Wakeley, Community Development Director
Mid-Willamette Valley Council of Governments
100 High Street SE, Suite 200
Salem, OR 97301
(ph) 503-540-1618
(fx) 503-588-6094

From: Sarah Cavazos [<mailto:SCavazos@co.marion.or.us>]
Sent: Monday, April 20, 2015 2:34 PM
To: bcummins@diana-food.com; terri@firstcommercialoregon.com; Evann Remington; Allison McKenzie; aj@hancockcre.com; bobhill62@hotmail.com; kemblejj@me.com; Tchambers@missionmedicalimaging.com; jim@modernbuildingsystems.com; Wakeley, Renata; cfreeman@sedcor.com; mitchell.gee@state.or.us; Morris, Angie; Lesa.Goff@wellsfargo.com
Cc: Kevin Cameron; tfrazier@jobgrowers.com; forrest@meritnw.org; Derek Godwin (OSU)
Subject: Business Development Grants Available in Marion County

Good afternoon,

The Marion County Community Services department opened the Business Development Grants program for applications on April 16, 2015. The grants are available to private sector businesses in Marion County (see web-link below). Please share the information below as you see fit. If you have any questions that I can answer please don't hesitate to contact me.

Thank you for all you do to support the economy in Marion County!

The Marion County's Economic Development Oregon Lottery Grants program is now accepting applications for Business Development grants for the 15/16 program funding cycle. Private sector businesses may requests up to \$50,000 for projects which will create new jobs within Marion County. Applications are due by noon on Thursday May 14, 2015.

Additional information regarding eligible projects and the application materials can be found online at: <http://www.co.marion.or.us/CS/EconomicDevelopment>

Sarah Cavazos
Management Analyst
Marion County Community Services
Phone: (503) 589-3234
Fax: (503) 373-4460

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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 8th 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 schedule 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)

Enrolled
Senate Bill 1531

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

CHAPTER

AN ACT

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

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

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

SECTION 2. Notwithstanding ORS 633.798, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered, or applying for registration, under ORS 475.314 that are located in the area subject to the jurisdiction of the city or county. For purposes of this section, "reasonable regulations" includes reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located within a zone described in ORS 475.314 (3)(a) and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana.

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

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

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

(4) A registered medical marijuana facility that is located in an area subject to the jurisdiction of a city or county that enacts a moratorium under this section may choose to surrender the medical marijuana facility's registration. To surrender registration under this subsection, the medical marijuana facility must notify the authority, in a manner prescribed

by the authority, of the surrender. If a medical marijuana facility surrenders registration under this subsection, the authority may refund any fee imposed by the authority pursuant to ORS 475.314 (12).

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

SECTION 5. ORS 475.314 is amended to read:

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

(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

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

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

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

(b) The address of the medical marijuana facility;

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

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

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

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

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

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

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

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

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

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

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

(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.

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

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

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

(5) If a person submits the application required under subsection (2) of this section, the medical marijuana facility identified in the application meets the qualifications for a medical marijuana facility described in subsection (3) of this section and the person responsible for the medical marijuana facility passes the criminal records check required under subsection (4) of this section, the authority shall register the medical marijuana facility and issue the person responsible for the medical marijuana facility proof of registration. The person responsible for the medical marijuana facility

shall display the proof of registration on the premises of the medical marijuana facility at all times when usable marijuana or immature marijuana plants are being transferred as described in subsection (1) of this section.

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

(b) A registered medical marijuana facility shall maintain:

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

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

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

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

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

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

(a) The premises of an applicant for a medical marijuana facility or a registered medical marijuana facility to ensure compliance with the qualifications for a medical marijuana facility described in subsection (3) of this section; and

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

~~[(9)(a)]~~ **(10)(a)** A registry identification cardholder or the designated primary caregiver of a registry identification cardholder may reimburse a medical marijuana facility registered under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

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

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

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

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

(b) Establish fees for registering and renewing registration for a medical marijuana facility under this section.

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

Passed by Senate February 18, 2014

Repassed by Senate March 7, 2014

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House March 5, 2014

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2014

Approved:

.....M.,....., 2014

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2014

.....
Kate Brown, Secretary of State

EXHIBIT 84

City of Aurora

March 27, 2015

Aurora Planning Commission

Re: Medical Marijuana Dispensaries in the Historic Commercial Overlay

Dear planners,

At the March 26 meeting of the Historic Review Board, discussion and a consensus was reached regarding the inclusion of medical marijuana dispensaries within the commercial historic district overlay. While we acknowledge the thought that went into the conditions for use in 16.22.039, we are in agreement that inclusion of this use would be detrimental to the purposes and current usage of the commercial historic district. We ask that you remove it as a conditional use in 16.----.

1. In accepting the distinction of having a portion of the city become a national historic district, the City of Aurora has accepted that preservation of the character-defining elements of the 19th century village is a priority. It has further reinforced this role in two community wide visioning documents that advise current and future planning.
2. As a result of Aurora's historic preservation, over a period of over 40 years a tourism industry has become the backbone of commercial activity in nearly all of the city's historic commercial area. This includes a high degree of leisure retail activity including antiques and specialty shops, galleries and restaurants as well as amenities such as a public restroom, RV parking and visitor services. Medical marijuana dispensing is not a tourism expectation.
3. Of particular significance is the Old Aurora Colony Museum, adjacent to the historic commercial overlay complex, that brings not only national visitors to town but additional visitors to many family oriented events all during the year. School children visit the museum regularly for special tours and singular classes and homeschoolers take walking tours of the downtown area.
4. Likewise, shoppers are typically families. Either on vacation or on a local shopping trip from one of the cities surrounding Aurora, the historic commercial district conveys a historical lesson in its buildings and retail contents as well as a revenue driven necessity for upkeep of these historic buildings. Since shoppers are walking from one building to another, the outdoor popularity of the historic district being a major draw, any smoke smells from typical use at these dispensaries would be unwelcome to both families and our many senior shoppers.
5. Due to the age of the downtown area, there is limited parking – most of it on-street. Additional short term parking from businesses that do not add to the destination's all-day parking mode of the historic commercial district will be an additional burden to accommodate.

Thank you for your consideration,

Historic Review Board
Gayle Abernathy, Chair

EXHIBIT C1



May 6, 2015

To the City of Aurora City Council

I wish to formally state my opposition to allowing a Medical Marijuana Retail Store in our Historic Commercial District.

One of the main reasons I chose Aurora to open my yarn and bead shop was because of the environment of the city. The beauty and serenity of the area welcomes families. For a day they can go back in time to imagine what it was like to live when Emma lived here.

It seems like a natural fit for me since I showcase local hand spun yarn and alpaca fiber. I give knitting, crochet and other crafting lessons and often teach children as well as adults the skills of their ancestors.

Aurora is a place to bring your children, to wander the shops, to spend a quiet afternoon at the museum.

When I was told of the Medical Marijuana Retail Store being allowed in our downtown area, my heart sunk! This is not what I worked nine years for and I fear it will open the door to a regular retail outlet for the sale of Marijuana come July. After all, if you're allowing the sale of Marijuana anyway, what is the big deal to expand it to anyone?

Please reconsider your decision. Don't bring this element to the heart of our city. Please!

A handwritten signature in cursive script that reads "Marleen Carroll".

Marleen Carroll
Beyond Art LLC
21497 Hwy 99E NE
Aurora OR 97002
503-678-2633
email@beyondart.us

Exhibit C2

To the City of Aurora City Council, May 3, 2015

Re: Medical Marijuana Retail Facilities located in the Historic Commercial Zone

We are against allowing Medical Marijuana Retail Stores in Aurora's Historic Commercial District for the following reasons:

- **This is an established tourism location** that relies on destination retail and historic heritage activities. Medical marijuana stores are not an expectation of these visitors and would be a turn off for them. Would you expect to see marijuana businesses in Williamsburg or even Disneyland? This is a NATIONAL historic district of considerable stature.
- **The majority of our customer base is family oriented.** Small children, teenagers and grandparents all come for family recreational shopping and for the heritage activities. Retail marijuana facilities are strictly an adult business and parents will be wary of having their children near them.
- **The clientele of medical marijuana facilities includes very ill customers** who not only come regularly to purchase their supplies but often stay on to consume them. It has also come to include others who may accompany them but have no interest in the merchandise that the rest of us are selling. This does not fit the successful small-business historic shopping district model that we have nurtured over the last 45 years.
- **Parking is already limited.** It works well enough for our unique sharing situation because our destination customers spend the day and park and walk between all of our shops. Medical marijuana customers will be coming for their specific needs only, taking valuable space.
- **The business hours for medical marijuana stores** as stated in the code of 10am to 7pm means that closing time extends up to 2 hours longer than typical stores close here. The effect is that our stores are vulnerable to security issues with no regular police services. Over time, our businesses will no doubt relocate to another area rather than risk losses. Our businesses do not have the luxury of extra staff budgets to stay open later nor does customer activity warrant staying open during the after work/dinner hours.
- **The staff report on this code change reports that no negative economic impact is expected but we strongly disagree.** Not only would our customer base decline due to the introduction of such businesses but the "expected" increase in business would be only for the medical marijuana stores, possibly the gas station and one small grocery store. Twentyeight businesses would not see sales from any of these customers.
- **Since this is a unique historic area with a very unique business industry, unlike any other small city of its size in Oregon,** it seems the city should want to protect it from any possible economic decline.
- **Many business owners in the historic commercial zone live in Aurora.** The 30 businesses located in the historic commercial zone employ at least 23 owners and workers who live and vote in the city of Aurora.



Exhibit 30

<u>Name</u>	<u>Business</u>	<u>Address</u>
Charlene Carroll	Beyond ART LLC	21497 Hwy 99E NE

Exhibit 64

Chapter 16.04

DEFINITIONS

Sections:

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

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:

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

(Some pages excluded for brevity)

“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)

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: 100 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 disposed of off-site.
7. Hours of operation are limited to 10 am to 7 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 16.22

HC HISTORIC COMMERCIAL OVERLAY

Sections:

16.22.010 Purpose.

16.22.020 Permitted uses.

16.22.030 Conditional uses.

16.22.040 Development standards.

16.22.010 Purpose.

The purpose of the historic commercial overlay is to implement the City of Aurora Design Guidelines for Historic Properties while providing for a concentrated, central commercial, office and retail goods and services area with opportunities for employment and business and professional services in close proximity to residential services. (Ord. 415 § 7.74.010, 2002)

16.22.020 Permitted uses.

In the historic commercial zone, activities shall be conducted within an enclosed structure or building and are subject to Chapter 16.58, and shall require approval under Title 17 as applicable. Only the following uses and their accessory uses are permitted outright:

A. Auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or church;

B. Bed and breakfast inn, hotel or motel;

C. Bicycle sales or repair;

D. Community recreation facilities;

E. Cultural exhibits and library services;

F. Day care facility licensed by state;

G. Dwelling units located on the second floor of the commercial structure;

H. Eating and drinking establishments;

I. Financial, insurance and real estate offices;

J. General retail and convenience sales, except adult bookstores;

K. Medical or dental services including labs;

L. Parking structure or lot;

M. Professional and administrative offices;

N. Public safety and support facilities;

O. Public transportation passenger terminal or taxi stand;

P. Repair services for household and personal items, excluding motorized vehicles;

Q. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;

R. Schools;

S. Single-family residence, provided it is an accessory use and cannot be sold separately;

T. Studios, including art, photography, dance, and music;

U. Vehicle fuel sales. (Ord. 415 § 7.74.020, 2002)

16.22.030 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, a certificate of appropriateness approved by the historic review board, other relevant

sections of this title and any conditions imposed by the planning commission:

- A. Home occupations (Type II) subject to Chapter 16.46;
- B. 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 incidental to the primary business conducted on the premises. (Ord. 415 § 7.74.030, 2002)
- C. Food carts located on the same property/lot and accessory to an established indoor eating and drinking establishment.
 1. No structures, product display, or storage shall be located within yard setback or buffering and screening areas.
 2. Drive-through units are prohibited.
 3. Signage shall comply with AMC 16.44 and Title 17, as applicable, and shall be calculated as a portion of total signage as permitted for the site.
 4. Shall be limited to one accessory unit per site/primary business.
 5. Food Carts shall not have any internal floor space available to customers.
 6. Food Carts shall not exceed 15 -20 feet in length.
 7. Sewer or grey water disposal hookups are not permitted.

D. Medical Marijuana Dispensary (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: 1000 feet
 - b. Day care: 100 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 disposed of off-site.
7. Hours of operation are limited to 10 am to 7 pm.
8. Drive through windows are prohibited.

16.22.040 Development standards.

- A. There is no minimum lot size for lots served by municipal sewer. Minimum lot sizes for lots without municipal sewer shall be as determined by the county sanitarian.
- B. There is no minimum lot depth.
- C. Minimum lot width shall be fifty (50) feet.
- D. No front setbacks shall be permitted, except as necessary to maintain visual clearance areas at unsignalized intersections. No rear or side setbacks are required.
- E. No building shall exceed thirty-five (35) feet in height.
- F. Parking shall be in accordance with Chapter 16.42 except as specifically exempted by Chapter 16.28 and Title 17, and should be located to the rear of the building. The planning commission may approve parking to the side of the building where parking to the rear is not feasible.
- G. Signs shall be in accordance with the requirements of Chapter 16.44, and the City of Aurora Design Guidelines for Historic Properties.
- H. Landscaping shall be in accordance with the requirements of the City of Aurora Design Guidelines for Historic Properties, Chapter 16.38, and the Aurora Downtown Improvement Plan.

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

J. All properties, uses and structures in the historic commercial overlay shall be subject to the requirements of Title 17, Historic Preservation, and any applicable section of this title. (Ord. 415 § 7.74.040, 2002)

16.22.050 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. Displays for resale purposes of small merchandise which shall be removed to the interior of the business after business hours;
3. Display, for resale purposes, of live trees, shrubs and other plants.
4. Outdoor seating in relation to permitted eating or drinking establishment, including food carts, subject to 16.34.060.D., and with Historic Review Board review and approval.

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)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Tuesday, May 12, 2015 at 7:00 p.m. at Aurora City Hall, 21420 Main Street NE**, the Aurora City Council will conduct a public hearing regarding Legislative Amendment 2015-01 (LA-15-01) to consider adoption of proposed amendments to the Aurora Municipal Code.

The proposed amendments for application LA-15-02 include **amendments to the Aurora Municipal Code section 16.04-Definitions to define Medical Marijuana Dispensaries and amendments to 16.14- Commercial zone and 16.22-Historic Commercial Overlay zone to allow Medical Marijuana Dispensaries as conditional uses. The draft code amendments will be available for review one week prior to first evidentiary hearing.**

Person wishing to participate in the public hearing may appear in person or by representative at the date and time listed above. Written comments may also be submitted by mailing information to 21420 Main Street NE, Aurora, OR 97002.

One week prior to the meeting a copy of amendments will be available for inspection at no cost or copies may be purchased at a reasonable cost.

For further information, please contact the City of Aurora at (503) 678-1283.

Report from the Finance Officer
May 12, 2015

- Revenue and expense report for the period ending March 31, 2015 is included. This report shows budgeted amounts and percent of budget received/spent.
- I will continue to monitor the expense vs. budget closely. I spoke with Public Works Superintendent Lockard regarding 80% spent on water materials and services. I asked that he keep an eye on spending. Other than that, there are no new areas of concern at this time.
- We have had 2 budget committee meetings with a third tomorrow. I am hoping the budget will be approved by the committee at that meeting.
- Keeping current with payables and receivables.
- Continuing with front office duties.

Respectfully,



Mary C. Lambert

CITY OF AURORA - TREASURER'S REPORT Ending March 31, 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	357,294.08	83.99%	429,788.00	261,569.64	60.86%	430,078.44
15 CITY HALL BUILDING	119,827.00	118,128.00	1,935.56	100.81%	119,827.00	0.00	0.00%	120,063.56
25 PARK RESERVE	1,146.00	1,136.00	4.21	42.10%	1,146.00	0.00	0.00%	1,140.21
29 PARK SDCs	27,069.00	29,164.00	2,317.77	99.69%	27,069.00	0.00	0.00%	31,481.77
30 STREET/STORM	274,053.00	159,055.00	55,906.36	44.14%	168,031.00	41,382.02	24.63%	173,579.34
35 ST/STORM RESERVE	51,993.00	38,367.00	9,129.69	66.69%	51,993.00	0.00	0.00%	47,496.69
39 ST/STORM SDCs	22,192.00	13,840.00	2,967.72	26.33%	22,192.00	0.00	0.00%	16,807.72
40 WATER OPERATING	498,000.00	216,959.00	190,293.31	67.24%	315,658.00	235,001.01	74.45%	172,251.30
42 SPW MAINTENANCE	39,717.00	31,566.00	8,116.52	99.52%	39,717.00	0.00	0.00%	39,682.52
45 WATER RESERVE	46,681.00	26,567.00	20,092.01	99.86%	46,681.00	0.00	0.00%	46,659.01
49 WATER SDCs	60,398.00	45,478.00	5,729.34	27.97%	60,398.00	0.00	0.00%	51,207.34
50 SEWER OPERATING	436,300.00	177,718.00	184,239.99	67.17%	270,087.00	140,258.58	51.93%	221,699.41
55 SEWER RESERVE	55,727.00	45,552.00	10,166.16	99.86%	55,727.00	0.00	0.00%	55,718.16
57 G. O. DEBT SERVICE	319,800.00	33,176.00	287,639.32	98.34%	319,800.00	57,400.00	17.95%	263,415.32
59 SEWER SDCs	32,778.00	28,623.00	2,142.41	34.58%	32,778.00	10,000.00	30.51%	20,765.41
TOTALS	2,675,070.00	1,299,683.00	1,137,974.45		1,960,892.00	745,611.25		1,692,046.20
		* beg balances	per audit					

City Council
Public Works Activity Report
May 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. It needs an aerial photo on this 5 year cycle.

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 6-8 hours daily producing an average 160,000 gal per day

Streets: Routine operation and maintenance. Monitoring street lights.

Park: Picking up with after each storm. Sprayed ball field. Reservations for park have started. Replace hoop nets.

Notice for Council Missing 1 picnic table from park

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

Waste water irrigation system

Water plant electrical upgrade

Street parking and stop sign lines painting

Street grant application

Fix tennis net

Water meters replacement

Memo

To: City Council
From: Kelly Richardson
CC: None
Date: 5/7/2015
Re: Recorders Report Month of April 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
 - Working with HRB on sign inventory enforcement letters.
- ❖ Attending Conference Committee And Records Committee Meetings
- ❖ Records Request update
 - Finished a large employee file 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.
- ❖ Budget items and forecast.
- ❖ Worked on various HR duties and reports.

ORDINANCE 478

AN ORDINANCE AMENDING THE CITY OF AURORA MUNICIPAL CODE

WHEREAS, the City of Aurora received an application to amend the Aurora Municipal Code (AMC) to revise conditional uses under the Commercial (C) zone to allow more floor space to be used for the manufacture and processing of products that are associated with on-site retail sales and business when the property does not abut a residential zone; and

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

WHEREAS, the Aurora Planning Commission held a public hearing on the proposed amendments to the City of Aurora Municipal Code on September 2, 2014, at which time the public was given full opportunity to be present and heard on the matter;

WHEREAS, the Aurora City Council held a public hearing on the proposed amendments to the City of Aurora Municipal Code on September 9, 2014, at which time the public was given full opportunity to be present and heard on the matter;

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

NOW THEREFORE; The people of the City of Aurora ordain as follows;

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

Passed by this Council this _____ day of _____, 2015 by the following vote:

AYES: _____

NAYS: _____

Approved by the Mayor this _____ day of _____, 2015

Bill Graupp, Mayor

ATTEST: _____
Kelly 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

MANAGING OREGON RESOURCES EFFICIENTLY {MORE}

INTERGOVERNMENTAL AGREEMENT for resources and services

This Agreement is made between the SIGNED PARTIES pursuant to the authority provided by ORS Chapter 190 and shall be referred as the MORE-IGA {Managing Oregon Resources Efficiently Intergovernmental Agreement} ("AGREEMENT").

WHEREAS:

1. Each PARTY owns certain equipment and materials, and provides services that may be useful to another PARTY for public works, municipal, transportation, engineering, construction, operations, maintenance, service districts, emergency management and related activities; and
2. The PARTIES agree that sharing equipment, materials, and services promotes the cost-effective and efficient use of public resources; and
3. The PARTIES desire to enter into this AGREEMENT to establish procedures for sharing equipment, materials, resources, and services, and defining legal relationships and responsibilities. Therefore, in consideration of the mutual covenants herein, it is

AGREED:

1. The PARTIES shall make available to each other vehicles, equipment, machinery, materials, related items ("EQUIPMENT OR MATERIALS") and/or services in the manner and on the terms and conditions provided herein. The PARTY supplying the services or the EQUIPMENT OR MATERIALS shall be designated as the "PROVIDER" herein. The PARTY receiving the services or assuming the use of EQUIPMENT OR MATERIALS shall be designated as the "USER" herein.
2. A cost estimate for specific services will be supplied by the PROVIDER at the request of the USER. Service PROVIDERS shall maintain an accurate cost accounting system, track expenditures and provide monthly billing to USER. Unless other arrangements are agreed upon by the PARTIES, PROVIDER'S invoices will be paid by USERS in full within thirty (30) days of billing.
3. EQUIPMENT OR MATERIALS and/or services shall be provided upon reasonable request at mutually convenient times and locations. The PROVIDER retains the right to refuse to honor a request if the EQUIPMENT OR MATERIALS are needed for other purposes, if providing the EQUIPMENT OR MATERIALS would be unduly inconvenient, or if for any other reason, the PROVIDER determines in good faith that it is not in its best interest to provide a particular item at the requested time. EQUIPMENT OR MATERIALS shall be returned immediately at PROVIDER'S request.
4. The USER receiving the EQUIPMENT OR MATERIALS shall take proper precaution in its operation, storage and maintenance. EQUIPMENT OR MATERIALS shall be used only for its intended purpose. The USER shall permit the EQUIPMENT OR MATERIALS to be used only by properly trained, properly licensed, and supervised operators. The USER shall be responsible for EQUIPMENT OR MATERIALS repairs necessitated by misuse or negligent operation and for the maintenance and/or replacement of high wear items (i.e., milling machine teeth, etc.). The USER shall not be responsible for scheduled preventive maintenance (P.M.) unless EQUIPMENT OR MATERIALS hours used exceeds the P.M. schedule periods and has been agreed by the PROVIDER. The USER shall perform and document required written maintenance checks prior to and after use and shall provide routine daily maintenance of EQUIPMENT OR MATERIALS (i.e., fluid checks, lubricating, etc.) during the period in which the EQUIPMENT OR MATERIALS is in USER'S possession.
5. PROVIDER shall endeavor to provide EQUIPMENT OR MATERIALS in good working order and to inform USER of any information reasonably necessary for the proper operation of the EQUIPMENT OR MATERIALS. The EQUIPMENT OR MATERIALS are provided "as is", with no representation or warranties as to its condition or its fitness for a particular purpose. USER shall be solely responsible for selecting the proper EQUIPMENT OR MATERIALS for its needs and inspecting EQUIPMENT OR MATERIALS prior to use. It is acknowledged by the PARTIES that the PROVIDER is not in the

business of selling, leasing, renting or otherwise providing EQUIPMENT OR MATERIALS to others, and that the PARTIES are acting only for their mutual convenience and efficiency.

6. The PARTIES shall provide EQUIPMENT OR MATERIALS storage to each other, at no charge, upon request when mutually convenient. It is recognized that such storage is for the benefit of the PARTY requesting it. The PARTY storing the EQUIPMENT OR MATERIALS shall be responsible for providing a reasonably safe and secure area and not responsible nor liable for theft or damage.
7. The PROVIDER may require, in its sole discretion, that only PROVIDER'S personnel operate EQUIPMENT OR MATERIALS. In so doing, PROVIDER shall be deemed an independent contractor and PROVIDER'S employees shall not be deemed employees of USER. The PROVIDER'S operator shall perform under the general direction and control of the USER, but shall retain full control over the manner and means of using the EQUIPMENT OR MATERIALS.
8. For the purposes of this AGREEMENT, the PARTIES are independent contractors. Nothing herein shall alter the employment status of any workers providing services under this AGREEMENT. Such workers shall at all times continue to be subject to all standards of performance, disciplinary rules and other terms and conditions of their employer. No USER shall be responsible for the direct payment of any salaries, wages, compensation or benefits for PROVIDER'S workers performing services to USERS under this AGREEMENT.
9. Each PARTY shall be solely responsible for its own acts and those of its employees and officers under this AGREEMENT. No PARTY shall be responsible or liable for consequential damages to another PARTY arising out of providing or using EQUIPMENT OR MATERIALS or services under this AGREEMENT. PROVIDERS requiring that their personnel operate EQUIPMENT OR MATERIALS shall, within limits of the Oregon Constitution and the Oregon Tort Claims Act, hold harmless, indemnify and defend the USER, its officer, agents and employees from all claims arising solely by reason of any negligent act by persons designated by PROVIDER to operate EQUIPMENT OR MATERIALS. Notwithstanding the above, the USER shall bear sole responsibility for ensuring that it has the authority to request the work, for its designs and for any representations made to the PROVIDER regarding site conditions or other aspects of the project. The PROVIDERS of the EQUIPMENT OR MATERIALS shall adequately insure the EQUIPMENT OR MATERIALS or provide self-insurance coverage.
10. Any PARTY may terminate its participation by providing thirty (30) days written notice to the other PARTIES. Any amounts due and owing by a terminating PARTY shall be paid within thirty (30) days of termination.
11. Nothing herein shall be deemed to restrict authority of any of the PARTIES to enter into separate agreements governing the terms and conditions for providing EQUIPMENT OR MATERIALS or services on terms different than specified herein.
12. Any OREGON PUBLIC ENTITY may become a PARTY to this AGREEMENT. Each PARTY in accordance with the applicable procedures of that PARTY shall approve this AGREEMENT. This AGREEMENT will be executed separately by each PARTY and shall be effective as to each PARTY and binding among all the PARTIES that have signed this AGREEMENT on the date of execution and sending a copy of the signed AGREEMENT to the CONTRACT ADMINISTRATOR. The current CONTRACT ADMINISTRATOR is:

Don Newell, Marion County Public Works, 5155 Silverton Road NE, Salem, Oregon 97305
Telephone: 503.365.3129, e-mail: DNewell@co.Marion.or.us

A new CONTRACT ADMINISTRATOR may be named at any time with the approval of a majority of the PARTIES.

13. This AGREEMENT may be amended by written amendment signed by all of the PARTIES.

- end of the AGREEMENT narrative -

Final MORE-IGA narrative revision date: March 5, 2013 (no changes or additions are allowed to the above)

MORE-IGA SIGNATURE PAGE

(MANAGING OREGON RESOURCES EFFICIENTLY INTERGOVERNMENTAL AGREEMENT)

IN THE WITNESS WHEREOF, the PUBLIC ENTITY _____ (PARTY) has caused this AGREEMENT to be executed by its duly authorized representatives as the date of their signatures below:

_____ Signature of Officer	_____ Date	_____ Officer's title
_____ Signature of Officer	_____ Date	_____ Officer's title
_____ Signature of Counsel	_____ Date	_____ Counsel's title

Name & title of the
AGENCY'S IGA
OVERSEER: _____

Address: _____

Office Phone: _____ Cell Phone: _____

E-mail: _____

Optional: Name &
title of Agency's
2nd Contact: _____

Office Phone: _____ Cell Phone: _____

E-mail: _____

1. Mail the original signed MORE-IGA SIGNATURE PAGE (this page -- *actual hard copy page*) to:
Don Newell, CONTRACT ADMINISTRATOR for distribution to member agencies.
Marion County, 5155 Silverton Road NE, Salem, Oregon 97305 e-mail: DNewell@co.Marion.or.us
Telephone: 503.365.3129 MORE-IGA web site: <http://www.MOREoregon.com>
2. Retain a 2nd original signed MORE-IGA SIGNATURE PAGE for your records (a total of 2-sets are required).
3. Send additional agency staff contacts' e-mail addresses to the above CONTRACT ADMINISTRATOR.
4. Copy other PARTIES' MORE-IGA SIGNATURE PAGES for your agency's records from the above MORE-IGA web site.



INSTRUCTIONS FOR THE MORE-IGA

(MANAGING OREGON RESOURCES EFFICIENTLY INTERGOVERNMENTAL AGREEMENT)

"Doing MORE with less!"

The following is directed to officials of local and state governments that may want to participate in the accompanying MORE-IGA [AGREEMENT]. There are four pages to the MORE-IGA:

- The MORE-IGA narrative – pages 1-2
 - MORE-IGA SIGNATURE PAGE – page 3
 - INSTRUCTIONS FOR THE MORE-IGA (this page) – page 4
- a. The purpose of the MORE-IGA is for to exchange EQUIPMENT OR MATERIALS or services between OREGON PUBLIC ENTITIES.
 - b. All PARTIES, who sign the AGREEMENT, must honor the AGREEMENT entirely.
 - c. Each PUBLIC ENTITIES shall identify an AGENCY'S IGA OVERSEER which will process, file and will receive and maintain IGA documents.
 - d. Don Newell of Marion County has agreed to act as the CONTRACT ADMINISTRATOR. The CONTRACT ADMINISTRATOR will notify all the AGENCY'S IGA OVERSEERS for all PARTIES. The CONTRACT ADMINISTRATOR will not resolve any disputes of the AGREEMENT PARTIES, nor would Marion County or its employees be liable for any damages sought between any two other PARTIES.
 - e. Each new PARTY shall execute the MORE-IGA SIGNATURE PAGE in two original sets: One shall be filed with the CONTRACT ADMINISTRATOR for approval, filing and distribution, and the second for the PARTY entity's records.
 - f. Each AGENCY'S IGA OVERSEER will receive digital copies of the MORE-IGA SIGNATURE PAGE from the web site: <http://www.MOREoregon.com> for their records. The CONTRACT ADMINISTRATOR will directly inform the AGENCY'S IGA OVERSEERS of new Agencies signers by e-mail.
 - g. After the signature and approval process is completed, any PARTY may directly approach any other PARTY for exchange of equipment, materials, resources, and services. There is no need to coordinate requests amongst other PARTIES or with the CONTRACT ADMINISTRATOR.
 - h. It is important to note paragraph 3 (page 1): "The PROVIDER retains the right to refuse to honor a request".
 - i. The CONTRACT ADMINISTRATOR maintains two-e-mail lists: 1) Each PUBLIC ENTITIES' AGENCY'S IGA OVERSEERS; 2) other PUBLIC ENTITIES' staff that want to be informed of MORE members' news, announcements, and activities. MORE members will schedule and host meetings 3-times a year to discuss joint issues.
 - j. An optional 2nd agency contact person can identify on the MORE-IGA SIGNATURE PAGE which will also receive direct ongoing correspondence of MORE's activities or of its members.
 - k. The IGA, list of PUBLIC ENTITIES with agencies' contacts, digital file copies of MORE-IGA SIGNATURE PAGES, meeting announcements, and members' news are found on <http://www.MOREoregon.com>

Questions or concerns may be addressed to:

Don Newell, CONTRACT ADMINISTRATOR.

Marion County, 5155 Silverton Road NE, Salem, Oregon 97305

Telephone: 503.365.3129;

e-mail: DNewell@co.Marion.or.us

History: An original joint agency IGA for shared services was originally signed by Multnomah County, the City of Gresham and Oregon Department of Transportation in 1996. By the provision of a 1999 ADDENDUM, other parties agreed to sign the agreement. The IGA was revised in July 2002 and was named PMAT-IGA (PORTLAND METROPOLITAN AREA TRANSPORTATION CO-OPERATIVE INTERGOVERNMENTAL AGREEMENT) with 33-signing agencies. In February 2013 the MORE-IGA, with a more statewide focus, was crafted in tandem to eventually replaced PMAT-IGA.

A second ODOT IGA (OMAT), which allows agencies work with ODOT, can be obtained by contacting:

Rita Gill, OMAT Administrator, Oregon Department of Transportation, Region 1-Contracts & Agreements Unit;

123 NW Flanders Street, Portland, OR 97209-4012;

Telephone: 503-731-8548; e-mail: Syreeta.Gill@ODOT.state.or.us