

AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, March 04, 2014, 7:00 p.m.
Council Chambers
21420 Main Street N.E., Aurora, Oregon

1. **Call to Order of Planning Commission Meeting:**
2. **City Recorder Calls Roll**

Chairman, Schaefer
Commissioner, Willman,
Commissioner, Gibson
Commissioner, Graham,
Commissioner, Fawcett,
Commissioner, Weidman
Commissioner, Rhoden-Freely

3. **Consent Agenda**

All matters listed within the Consent Agenda have been distributed to each member of the Aurora Planning Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the consent Agenda and placed on the Regular Agenda by request.

Minutes

- I. Aurora Planning Commission Meeting –February 04, 2014
- II. City Council Minutes – January, 2014
- III. Historic Review Board Minutes –

Correspondence

I.

4. **Visitor**

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

5. **New Business**

- A. **Discussion and or Action regarding Manufacturing in Commercial zone.**

6. Old Business

B. Discussion and or Action on the City Regulation of Marijuana.

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

7. Commission Action/Discussion

A. City Planning Activity (in Your Packets) Status of Development Projects within the City.

8. Adjourn,

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

STAFF PRESENT: Kelly Richardson, City Recorder

STAFF ABSENT: Renata Wakeley, City Planner

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

1. Call to Order of Planning Commission Meeting

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

2. City Recorder Did Roll Call

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

3. Consent Agenda

Minutes

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

No comments....

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

Correspondence

I.

4. Visitor

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

No one spoke.

5. Public Hearing

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

Staff summarizes her staff report,

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

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

TELEPHONE: (503)588-6177

FAX: (503)588-6094

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

REQUESTED ACTION

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

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

BACKGROUND

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

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

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

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

FINDING OF FACT AND CONCLUSIONS

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

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

FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The applicable comprehensive plan policies and map; and

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

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

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

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

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

Goal 9- Economic Policies

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

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

Goal 12- Transportation Policies

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

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

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

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

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

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

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

Encl: EXHIBIT A- Title 16

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

- 16.22 Historic Commercial Overlay
- 16.58 Site Development Review

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

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

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

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

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

Discussion begins with a review of items marked in red,

Begins with in favor of,

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

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

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

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

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

Hearing closed at 7:28 pm

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

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

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

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

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

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

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

6. New Business

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

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

7. Old Business

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

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

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

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

Grow site, what are your thoughts,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We screen and along with the state.

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

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

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

All of the tax revenue stays with the state. .

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

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

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

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

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

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

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

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

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

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

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

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

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

Graham, yes data before discussion.

Gibson, not sure what we can accomplish.

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

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

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

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7. Commission Action/Discussion

- A. City Planning Activity (in Your Packets)
Status of Development Projects within the City.

➤ City Planner Wakeley had no discussion items in addition to what has been previously discussed.

8. Adjourn

Chairman Schaefer adjourned the meeting at 9:50 pm

Chairman, Schaefer

ATTEST:

Kelly Richardson, City Recorder

Minutes
Aurora City Council Meeting
Tuesday, January 14, 2013, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Pete Marcellais, Marion County Deputy
Dennis Koho, City Attorney
Mary Lambert, Finance

STAFF ABSENT: Darrel Lockard, Public Works Superintendent

VISITORS PRESENT:

1. Call to Order of the City Council Meeting

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

2. Administrative Assistant does roll call

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

3. Consent Agenda

- I. City Council Meeting Minutes – December 10, 2013
- II. Planning Commission Meeting Minutes – December, 2013, Councilor Sahlin asks about food carts and what was the driving force behind this. Mayor Graupp explains the discussion that happened between pheasant run and another cart on 99E that happened and some ugliness that occurred so we decided to have some code language to address food carts.
- III. Historic Review Board Minutes –November, 2013

Correspondence

I. Future Discussion Item Franchise Renewal for Wave Division Cable Television. Do we want to maintain and activity clause. We will discuss this over the next year.

II. Oregon Court of Appeals Regarding Water Rights, we will be updating those and moving them around for well #1. Currently all of our water rights are up to date.

III. News letter Bairds Update and Email

IV. Information Regarding Independent Contracting.

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

4. Visitors

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

Byron Shriver, Keil Park, presents a water update on our water filter situation he shows council his filter and states that this one has been in place 3 months. It is currently quite brown. I do appreciate that every Friday public works comes down and blows off the water line to remove sediment. I will be back in 3 months to show you another update. I am not sure if you know what the problem is but you might. If you notice in the news we rely on our local government to keep our water safe. He explains the study that was done back in 2009 and asks this current council to read it so they can understand our water system and what our problems are. I believe the ORS requires an update every 5 years but I am not sure on that. He reminds council of the water rationing that took place over the summer of this year. He urges the council to continue making progress and moving forward with our water supply.

Any questions of the council none.

Annie Kirk asks about the water situation and the notice regarding the airport (Marion County January 22, 2014 Meeting) and asks if it is on the agenda tonight. **Mayor Graupp** no it is not currently on the agenda it is at the Planning Commission level at this time. This is a legal land use issue we have not gone through this yet with Planning Commission to discuss all of the land use issue regarding this situation and what Marion County can and cannot do and the ramifications of what that is. It is going through the process with Planning Commission and then a staff report to follow. I cannot speak to what Marion County is moving ahead with they have an agenda Mayor Graupp states that you should go and provide comments at the meeting with Marion County. As far as Mayor I cannot give you an opinion as Bill Graupp citizen I can. So at a later meeting after Planning Commission has an opportunity to make a recommendation back to council at which time we would then discuss it.

Mayor Graupp, Explains the Airport raised an issue through Marion County regarding the potential of providing clean water for the people who work there and that they wanted to go out and find a solution. Marion County contacted the City and said do you want to participate in this discussion regarding a public health issue. The answer is always yes if we can help and assist in a situation regarding a health issue. The answer was certainly we want to participate with anything regarding the Airport whenever possible. So we said sure so we went up there and at that meeting they stated that they had a public health issue and the response from us was that if there is a public health issue we want to collaborate with you using our resources and yours to come together and come up with a solution if possible. What that would be needed to be figured out. But what they didn't have when I went up there was actual data to support the risk that they stated they had. They agreed to go out and get the testing needed to prove there issue. (So far no response). So as far as what I was talking about with them they have not justified a public health risk if they do Marion County rolls out that I said lets collaborate let's see if there is a common solution that helps our city and there situation and pool our resources to help us and them. We are probably in a win – win situation with it. I was told they were going out to Wilsonville. True or False I actually met with the Mayor of Wilsonville this morning he didn't go straight to that exact statement but we did talk a lot. Until there is a public health issue and I called Marion County when I saw the notice and said hey you were there and we said show us the data but they have not at this point.

As far as what Marion County is doing with the public notice and the hearing process I can't speak for these guys but I want my city planner to provide a staff report because this is a legal situation and I am not able to provide this. Leave it to the professionals. I am not making any judgment on what Marion County is doing so that's where we are at they have their staff working for them. I am not sure If I answered your question or not.

Annie Kirk, I appreciate your explanation of the situation it was very clear. **Graupp**, we are not there to take over the airport or push our way into the airport but if anyone comes to meetings it's our responsibility to give them our comments. **Annie** in closing if not already brought to your attention I am under the impression that there is a water master plan that was done during Nick Kaiser term and **Graupp** yes we have one and I am currently reading through the information. Fred Netter has been very helpful with explaining the report.

Scott Reilly, Walnut Street I have a staff report from Marion County, where the legislative notice regarding our own city why did we not hear this from Aurora. Mayor Graupp I asked Marion County why they worded the notice this way. Again I say Marion County contacted us and asked if we wanted to have a conversation regarding the issue at the airport. **Mayor Graupp** states that if there is a documented concern I had stated that maybe we could look into a collaborated effort. So clearly this is misstated from Marion County. We had never discussed selling the Airport water. I spoke with Brendan from Marion County. Councilor Sahlin let me add that when I received the notice I called the Mayor within minutes and asked him why Marion County is stating this and making assumptions as to what our actions would be because that statement is clearly false. **Graupp** anyone can misread what my intended words were and I can misread what their

intended words were as well. So we called them up directly and said we were there we talked to the guy and again regarding it as a possible public health issue here so that is all we were doing the whole conversation was regarding water testing and them stating their case and showing that there was a public health issue it was never at any time was it stated that we want to sell you water. All of the action items when we left that meeting were for the airport there were no action items for us until we receive data from the airport.

Annie, is there a digital recording of the meeting? **Mayor Graupp** know that meeting was and ODA meeting so I doubt it I am just a guest at that meeting.

Reilly, so we continue to talk about it being a public safety issue I guess also when we discuss the potential of partnering on anything we have our own public safety issue potentially from July through October when you put the water restrictions on and the potential shortage for fires as we have many farms around in the area. It's an issue a couple of years ago we had a fire at Anderson hay which almost ran us out of water. So if we are going to put credence towards public safety I think it's important to remember the folks here at home before we consider the airport safety issues. **Mayor Graupp** no question about it.

Tom Potter 21244 Liberty Street, I would reiterate that we have a problem with our water and we need to look at this issue for us first. Again the Mayor states no one from the city has spent money on this issue except myself attending two meetings and there has been no resources spent on this and I informed Marion County that we have no intention to until we see some data. Again I don't know why we would do anything even if they show us data we have our own problems here and they have their own let them solve it. **Mayor Graupp** there is always a potential to collaborate especially money issues to make a better solution that usually always can come up with a better solution for a situation. Our contract with Marion County is a perfect example that collaborating works for the betterment of our citizen. **Mayor Graupp** we are in no way speaking with the Aurora Airport regarding selling water and I am not going to speculate on there resources lets face they have a lot more than we do. It is always a possibility and a fiduciary responsibility to look at those potentials. It doesn't mean that I am doing it but I have to look at those potentials because that is my job. I look at every possible solution for our cities problems. So which comes first this hearing or the Planning Commission meeting? **Graupp** we have not even started Marion County just leap forward on this. **Graupp** there meeting as far as I can tell wont effect our town at this point. That's there wording you are correct. The airport water district needs to come to us and ask through there board. **Councilor Sallee** again this is for everyone to provide comments from our citizens. **Potter**, will we have representation there **Graupp** no we are encouraging our citizens to attend and make comments. **Councilor Sahlin**, yes this is very concerning to the council they put us in a position to defend this to our citizens which; is we are not considering selling water. We get that they worded it poorly.

Annie Kirk, I would say maybe Nick Kaiser attend because of his long standing with the airport.

Potter, if someone from Council will not be in attendance will someone be writing a letter expressing concerns over the language on this notice or regarding this issue.

Councilor Sahlin, we had not really discussed that yet. We just received notice on this on Monday ourselves we really have not had time to do much at this point.

Graupp, I did speak with Marion County and reminded them of the action items from that meeting and that none of them were mine. I see what you guys are doing here but were not.

Annie, Did you submit anything in writing to correct what they have stated **Graupp** no.

Tara Weidman, you are talking about public awareness how can we get the word out to our citizens, can we put it on the aurora alerts email well really this is not our action so it really wouldn't be a part of that email service. **Graupp** we have been working hard to inform people that this public meeting that is held every month is our tool to get information out to our citizens. Can anything happen without the Council approval? **Graupp** No this is only a start and we will bring it to the Planning Commission. To make it clear if there is a public safety concern with data provided then we could look at the possibility. **Graupp**, it must be a public safety concern.

Mary Van Cleef, shouldn't we have received a notice? **Graupp** well yes if it would have directly concerned you then you would have received a notice in the mail from Marion County. They put it on their web-site. **Councilor Sahlin**, if it would have concerned us by law they would have to notice everyone.

Graupp, there is no way to supply sewer this is a goal exception from DLCD and it is almost impossible to do.

Graupp, there is a DLCD goal exception on the truck stop and the city of Donald provides there sewer. It has possibilities.

Dennis Koho, comments that the odd thing that is dangerous for the airport is once there is a declaration of a public health emergency it would permit Aurora to annex that area above and over the objection of the airport for the water district. The city would have to want to do this. **Graupp**, this would be very costly.

Sahlin, in a nutshell if we ignore the airport they are going to do what they want. So as citizens you need to voice your concerns so they are held accountable.

Sahlin I say that as a city we need to formally comment on how they wrote this because we have received many citizen complaints on this. I am hearing that our citizens want someone to attend and or comment on how they wrote this and Sallee agrees. We need to at the very least write a letter. I don't like the fact that we had to defend ourselves to our citizens on something they wrote. To say we openly offered to give them water is wrong. **Graupp** we didn't. I would need to talk with Mitch and the gang to see how you misinterpreted this. I have the meeting minutes and I have an email from Marion County that states since we started this action you really can't do these kind of things **Graupp** yes you started it.

Councilor Sahlin well all I know is receiving emails and knocks on my door insinuating that we are doing something behind everyone's back is a problem for me.

Councilor Sallee, I think a letter needs to go out with our position, **Councilor Sahlin** I am hearing what our constituents are saying. If this really is our position than I want a letter to go out as well.

Dennis I can attend if need be. **Graupp** well we can talk about that it's a little more complicated than that but ok. **Councilor Sallee**, so is that we are agreeing on is to send a letter **Graupp** no we are agreeing that Dennis and I are going to talk about it. I am not sure it's that easy to word such a thing. **Sallee** well I think it's important. **Graupp** how we go about it Dennis and I will have some time together.

No one else spoke.

5. **Mayor's Report,**

Not a lot to report,

A. Discuss in planning as we did before spending a cycle of looking at potential of Marijuana laws however Planning Commission stated not to make comments yet until other cities have finished their law suits and then maybe start the process. I did have a conversation with Kate Brown and she did imply that this is something that everyone needs to be considering. Realize that any time medical marijuana dispensary can come here at any time and currently we have nothing allowing it nor to deny it. Do we want further discussion on this now?

B. The other item we need is a parade manager very soon or were not going to have one.

There were really no more questions at this time.

6. **Discussion with Parks Committee, Councilor Sahlin** nothing in parks however I will add that we are looking at Public Works taking over the maintenance of the park. I will take care of the baseball field. Bringing it back in house is more feasible. **Lori Sahlin** points out what the park used to look like when it was done by public works and under the city.

Annie well than I assume that the city owns or can rent the equipment needed to take over that maintenance.

7. **Discussion with Traffic Safety Commission,** Status meeting with ODOT regarding intersection 551 and Grimm Rd. **Graupp** I explained to ODOT from my other hat as school board that this is very unsafe for our youngsters leaving school as inexperienced

drivers. **Councilor Sallee** explains her experience for the first time in that area and was shocked.

8. Reports

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

- Nothing Major any questions about calls for service,
- Donald had a house fire and discovered that it was a medical Marijuana dispensary. Donald stated there was not a business license. They are discussing if they need a license or not because they are technically selling only to their patients. It would really not be any different of a home health care nurse come in and give them their medication. **Graupp**, interesting.
- Cannons, they are not illegal to have or fire as long as they are not firing a projectile. I have had discussion with this person explained to him that he shouldn't fire it after 11 pm nor with any projectiles. I would suggest calling 911 to establish a report if it were to continue. **Graupp** if it is air cannon we cannot regulate it if it is on EFU land.

No more questions at this time.

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

1. Revenue & Expense Report

Council members welcome Mary to her first meeting.

Where do we stand in funds, the treasure report revenue has gone up in November because of the tax turn over. Do we have enough information to estimate turn over? I will look into that for our next meeting.

The letters on your desk top are the letters accompanying the audit and some of them are corrections. We passed the audit. How many copies do we need?

Any questions, none

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

1. Monthly Status Report (Storm Water)
2. Monthly Status Report (Water)
3. Parks Report, OSU Tree Report

You're here so is the pump running; yes stated Ray Lockard, Public Works Superintendent.

Were doing well we finished the runoff, well 5 proposals at next month's meeting, streets routine maintenance and looking into budget.

Graupp, We are having an issue with pump at well 5, which is the Keil park pump we are currently seeking bids for the problem because the screens are plugged. The potential fix is

blowing sand in there and clearing it out however this is a situation that we would have to maintain. We have two companies bidding to blow out the well and see if we can't get it fixed.

Councilor Sahlin Do you have any in site on the brown water issues? We have only been flushing for 3 weeks now and it took **Mayor Graupp** states it took Keizer almost 1 year before they saw better water quality.

Graupp, Marion County has agreed to get rid of those trees on Ehlen Rd affecting the wall.

We picked up an intern from School to help out.

Jim Fisher, if I trim trees near Legion Hall can I throw brush on the pile down at the treatment plant. Bob allowed it before but not sure what to do. Well that really is a grey area.

No more

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

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

- Not a lot going on
- Working on contracts and producing a model contract for future employees.
- Nothing more on Eddy Ventures,
- Sahlin asks, about the public officials bonds that we are being asked to sign. I will look at it and let you know.

9. Ordinances and Resolutions

A. Discussion and or Action on Resolution Number 680 Regarding Bank Account Signers.

Motion to approve Resolution 680 Regarding Bank Account Signers is made by Councilor Sahlin and is seconded by Councilor Sallee. Motion passes by all.

10. New Business

A. Discussion and or Action on OLCC Applications.

- **Aurora Colony Market**
- **Aurora Market & Deli**
- **Pacific Hazel Nut Factory**
- **Colony Pub**
- **Vang Star Store & Gas**

Motion to approve the OLCC license applications is made by Councilor Sallee and is seconded by Councilor Sahlin. Passed by all.

B. Discussion and or Action on Historic Review Board Members Renewal for Member Townsend and Member Fraser.

Motion to approve continued term for Karen Townsend and Mella Fraser is made by Councilor Sahlin and is seconded by Councilor Sallee. Motion passes by all.

C. Discussion and or Action with Scott Mills, House Candidate 18, didn't show up.

D. Discussion and or Action on Draft Audit Report by Grove Mueller and Swank.

Motion to approve the audit from Grove Mueller and Swank is made by Councilor Sallee and is seconded by Councilor Sahlin, Motion passes by all.

E. Discussion and or Action on Supplemental Budget Proposal for 2013-2014

Mayor Graupp, hands out the supplemental budget for this year to each council member,

Jan put 99 percent of this together and I helped to reorganize it.

Let's talk about it and highlight some issues,

- 25,000 deficit in the General fund, is you see now it's a 19,000
- Reduced municipal court fines. With the reduction of 10 it looks better.
- Pg 3 personnel services assistants and finance changes
- Pg 4 contract services for Jan Vlcek to help when needed
- Legal incorrect so I corrected that to 24,000
- Police services, currently 153 versus the 240 from our old dept.
- Pg6 same
- Court major 7 line 21 refund amount changes. Less tickets less refunds
- Pg 12 parks we increased the value of the park, can we bring this back in house for maintenance.
- 3,000 for tree removal and pruning.
- No change city Hall fund
- Parks SDC, pg 16 nothing
- Pg 17 line 2 PGE sale of the light Poles.
- Pg 18 see basic budget for streets

Sallee Cost of PGE will that save us yes it will.

- Pg 20 no changes
- Pg 22 water operating fund estimate
- Pg 25 last payment LID for sidewalks
- Pg 26 water reserve fund, no change

- Pg 30 line item 1 and 24 increased 6,000 on 1 and lowered it on 24.

Motion to accept the changes as discussed was made by Councilor Sahlin and is seconded by Councilor Sallee passes by all.

F. Discussion and or Action on ACVA Grant Fund Request for Island Maintenance.

Question is do we want to keep it with the city or do we want to discuss it later. We need to look at scope of work. **Table this discussion until February.**

G. Discussion and or Action on approval of ACVA Draft Letter to Citizens Regarding Weed Control. Any thoughts on this letter, talk about it in February.

Jim Fisher thanks the city for the paving on 3rd street.

Mayor Graupp, in forms Jim Fisher that the trees on or near main street through discussion with Council will be the property owners responsibility. Does that include replacement of side walk yes it does.

11. Old Business

A. NA

12. Adjourn

Mayor Graupp adjourns the meeting at 9:04 pm.

Bill Graupp, Mayor

ATTEST:

Kelly Richardson, City Recorder

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Bill Graupp, Mayor

ATTEST:



Kelly Richardson, City Recorder

societies, association, clubs, trustees, trusts or corporations; or any officers, agents, employees, factors of any kind or personal representatives thereof, in any capacity, either on that person's own behalf or for any other person, under either personal appointment or pursuant to law.

"Premises" means and includes all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business and also any personal property which is affixed to or is otherwise used in connection with any such business conducted on such premises within the city.

"Seasonal license" means a business license to be used for only part of the year or for not more than one hundred twenty (120) days.

"Sub-dealer" means any person renting or leasing an area, space or booth from a larger business, such as a mall, for the selling of goods or services, on a personal operation or consignment basis, for the purpose of personal profit. (Ord. 426 § 6(A), 2003; Ord. 355 § 1, 1992)

5.04.020 Purpose.

The ordinance codified in this chapter is enacted for the licensing of all types of businesses for a regulatory purpose. It shall allow investigation into the character and background of the individual requesting the license, as well as an inspection of the physical facilities of the place of business. The license requirement gives the applicant, at the discretion of the city council, the right to conduct business in the city. The levy and/or collection of a license fee and the issuance of a license shall not be construed as a permit by the city or the person to whom such license is issued to engage in any business which is unlawful, illegal or prohibited by the laws of the United States or by the laws of the state of Oregon, or by the ordinances of the city. (Ord. 355 § 2, 1992)

5.04.030 Intent of the council to impose fee exclusions and liabilities.

A. In order that business, manufacturing, pursuits, professions and trades be carried on and conducted in the city in a profitable and peaceful manner, it is necessary that the same be regulated and safeguarded and that the city provide police protection, and that businesses attracting customers and tourists to the city assist in the provision of necessary public facilities for such customers.

B. It is necessary that license fees be levied and fixed for the purpose of securing revenue to assist in such regulation and in defraying the cost of such police protection, and license surcharges be levied and fixed for the purpose of defraying the cost of acquisition, construction and maintenance of necessary public facilities, such as parking spaces and public restrooms.

C. No person whose income consists of salary or wages paid to such person by an employer or agent thereof covered and defined by this chapter and no person working as a domestic in a private home shall be deemed to be transacting or carrying on business in the city; provided, however, that if any person defined in this chapter fails to pay the license fee provide in this chapter, and such person has neither his or her residence nor place of business in the city but conducts business in the city, the agents or employees of such person engaged in business in the city shall be liable for the payment of such fee or for penalties imposed for failure to comply with this chapter. (Ord. 355 § 3, 1992)

5.04.040 Prohibited business operation.

It is unlawful for any persons, either directly or indirectly, to engage in any busi-

ORDINANCE NO. 656

AN ORDINANCE AMENDING CHAPTERS 1 AND 2 OF THE WILLAMINA DEVELOPMENT CODE RELATED TO MEDICAL MARIJUANA FACILITIES; AND DECLARING AN EMERGENCY

WHEREAS, the City of Willamina has adopted a Development Code (hereinafter called "Code"); and

WHEREAS, the State Legislature adopted HB 3460 authorizing the placement of medical marijuana facilities in certain zones within a City or County effective March 3, 2014; and

WHEREAS, the City Council directed the Planning Commission to develop language to limit these facilities to the Industrial Zone and to prohibit them within 1,000 feet of a designated City park in order to protect the welfare of its citizens, and more specifically, its children; and

WHEREAS, a Public Hearing was held before the Planning Commission on February 4, 2014, and the City Council on February 13, 2014, to obtain public comment on the proposed rules;

NOW THEREFORE THE CITY OF WILLAMINA ORDAINS AS FOLLOWS:

Section 1. THAT Exhibit A, attached hereto and made a part hereof) is hereby adopted and shall be incorporated into the Development Code; and

Section 2. THAT in order to protect the peace, health and welfare of Willamina, its residents and its visitors, the City Council declares an emergency to exist, and, therefore, this ordinance will be effective immediately upon its adoption by the City Council.

First Reading: 02/13/14 Second Reading: 02/13/14

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WILLAMINA this 13th day of February, 2014, by the following vote and became effective immediately.

YEAS BALLER, BRAMALL, SKYBERG, ST ONGE
NAYS NONE
ABSTAIN NONE
ABSENT HILL, TONEY

Corey L Adams, Mayor

ATTEST: Sue C Hollis, City Recorder



ATTACHMENT A
DCTA 2013-01

Code Amendment to include the process for reviewing land use applications
applicable to Medical Marijuana Facilities

Bold and underlined text = proposed additions to the City of Willamina Development Code
Other sections of the City's Code are included for informational purposes to provide additional details regarding an application review process and potential conditions of approval.

City of Willamina - Development Code -= Chapter 1 - Definitions

Medical Marijuana Facility: A medical marijuana facility validly registered with the State of Oregon that is authorized according to the State of Oregon Health Authority (OAH) to transfer usable marijuana and immature plants to and from:

- (1) registry identified cardholders, and**
- (2) persons responsible for a medical marijuana grow site.**

Parks: Recreational facilities that are either resource-based or activity based. Resource-based facilities are centered around particular natural resources which may provide opportunities for picnicking, hiking, water sports, fishing, or enjoying nature. Activity-based facilities are developed for the enjoyment of particular activities such as basketball, baseball/softball, football, or other recreational programs. Park activities included both active and passive types of recreation. City parks include Garden Spot (Main Street), Hampton Park and Huddleston Pond (Yamhill Street), Lamson Park (Lamson Avenue), Oaken Hills Park (3rd Street), Tina Miller Memorial Park (1st Street), Triangle Park (South Main), and any other park as designated by the City of Willamina.

City of Willamina - Development Code - Chapter 2 - How Land May be Used and Developed

2.108 INDUSTRIAL ZONE (M-1) (*excerpted sections*)

2.108.01 Purpose

To provide land for and to encourage the grouping together of warehousing, manufacturing, and other light industrial uses which, because of their normal characteristics, would be relatively unobjectionable, could be permitted to operate in close proximity to, and would not be detrimental to surrounding commercial or residential uses.

2.108.03 Conditional Uses

The following uses may be permitted in the M-1 District when authorized by the Planning Commission pursuant to Section 3.103.

- A. Bulk storage of flammable liquids or gases.

- B. Outdoor storage of materials of an industrial character.
- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, paint product manufacturing.
- E. Auction yard.
- F. Airport and heliport facilities.
- G. Wrecking, demolition, junk yards, including recycling firms.
- H. **Medical marijuana facility. (Also see Section 2.312.)**

2.108.04 Limitation of Use

The following special development limitations shall apply to all uses permitted in the M-1 district:

- A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence.
- B. In addition to the provisions of Section 2.209.09, the following fence requirements shall apply:
 - 1. The fence shall obstruct the storage from view on the sides of the property abutting or facing a residential or commercial district.
 - 2. The fence shall be of such material and design and must be maintained so as not to detract from the adjacent residences or commercial activities.
 - 3. The fence shall be free of advertising.
- C. Outside storage in a required yard shall not exceed 10 feet in height.

2.108.06 Development Standards

All development in the Industrial District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. **Off-street parking.** Off-street parking in the in the Industrial District shall conform to the standards of Section 2.203.

- B. Signs. Signs in the Industrial District shall conform to the provisions of Section 2.206.
- D. Site Plan Review. All new development or expansion of existing structure or use in the Industrial District shall be subject to the Site Development Review procedures of Section 3.105.
- E. Landscaping. All development in the Industrial District shall provide a minimum landscaped area equal to 6 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.
- F. Access. Site access points shall be located to minimize traffic hazards.

2.203 OFF-STREET PARKING AND LOADING (*excerpted sections*)

2.203.01 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Willamina.

2.203.02 Scope

Development of off-street parking and loading areas for commercial, industrial, or multi-family development shall be subject to the Site Development procedures of Section 2.200 and shall be reviewed pursuant to Section 3.105.

The provisions of this Section shall apply to the following types of development:

- A. Any new building or structure erected after the effective date of this Ordinance.
- B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
- C. A change in the use of a building or structure which would require additional parking spaces or off-street loading areas under the provisions of this Section.
- D. As a condition of approval in a land use decision.

2.203.05 Off-Street Automobile Parking Requirements

Off-street parking shall be provided as required by Section 2.203.08 and approved by the City in the amount not less than listed below.

Industrial Land Use

W. Medical Marijuana Facility

1 space per 300 s.f. of gross floor area

Note: The following listed Sections 2.303.06 through 2.203.10 are applicable and reviewed at the time of application submittal.

- 2.203.06 Standards For Disabled Person Parking Spaces
- 2.203.07 Off-Street Loading Requirements
- 2.203.08 Parking and Loading Area Development Requirements
- 2.203.09 General Provisions Off-Street Parking and Loading
- 2.203.10 Parking Lot Landscaping and Screening Standards
- 2.203.11 Bicycle Parking

A. **Bicycle Parking Required.** Bicycle Parking shall be required in all new multi-family residential (four (4) or more units), new public and semi-public, commercial and industrial development as well as park-and-ride lots. Bicycle parking shall also be required for expansions and other remodeling that increases the required level of automobile parking. Bicycle parking shall be provided in the following amounts:

LAND USE ACTIVITY	BICYCLE SPACES	HOW MEASURED
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<u>Medical Marijuana Facility</u>	<u>1</u>	<u>Per 10 vehicle parking spaces</u>
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B. Bicycle Parking Development Requirements (applicable at the time of development)

2.203 STORM DRAINAGE

Note: Standards are based upon the applicable sections of the development standards based upon review at the time of application submittal.

2.204 UTILITY LINES AND FACILITIES

Note: Standards are based upon the applicable sections of the development standards based upon review at the time of application submittal. Public utility standards (water, sewer, storm) and requirements are based upon availability for subject property and the proposed development.

2.206 SIGNS

Note: Standards are based upon the type of sign (and as defined) that is proposed for properties located within an Industrial Zone and other applicable sections of the sign standards.

2.207 SITE AND LANDSCAPING DESIGN

Note: Standards are based upon the applicable sections of the development standards based upon review at the time of application submittal.

2.301 GENERAL PROVISIONS(included for informational purposes)

2.301.01 Applicability of Special Use Standards

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same Zoning District. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

2.301.02 Process

The status of a special use as a permitted or conditional use is set forth in the underlying Zoning District.

Conditional uses shall be processed in accordance with the criteria and procedures specified in Section 3.103. Permitted uses shall be reviewed for compliance with the standards of Section 2.200 in the manner specified in the particular special use section.

- A. Conditional Uses: Special uses which are conditional uses in the underlying Zoning District shall be reviewed for compliance with the standards of Section 2.200 during the review of the Conditional Use

Permit. In addition to any specific requirements under the special use, the following information shall be included with the application submittal:

1. A description of the proposed use and specific reason for the request.
2. A vicinity map indicating the relationship of the proposed use to the surrounding area.
3. A site plan of the property, including existing and proposed improvements, and other information necessary to address the requirements and conditions associated with the use.
4. A building profile of proposed new or remodeled structures, as applicable.
5. Information addressing the criteria set forth under Section 3.103.

2.302 SUPPLEMENTAL STANDARDS FOR SPECIAL USES

2.312 MEDICAL MARIJUANA FACILITIES

2.312.01 Standards

Medical marijuana facilities may be allowed, subject to the following standards and restrictions:

- A. Compliance with all requirements as established by the Oregon Health Authority (OHA) to be validly registered.**
- B. Prior to operating the business, provide the City with a copy of the medical marijuana facility's valid proof of registration as issued by the OHA.**
- C. Compliance with the City's development requirements and design standards including all of the following:**
 - 1. location on property within an Industrial Zone District;**
 - 2. with the exception of Lamson Park, a location more than 1,000 feet from all outside boundaries of a City designated park;**
 - a. Note: The distance from Lamson Park is required to be 1,000 from the south, east, and west boundaries of the park. For the distance that Willamina Creek abuts the park, the distance requirement is waived.**

3. all conditions of approval resulting from the medical marijuana facility's conditional use permit application and review process as outlined in Section 3.103.

2.312.02 Non-Compliance

Any medical marijuana facility which does not comply with the requirements of this Section and the provisions of the underlying district shall be in violation of this Ordinance and shall be subject to the penalties and remedies of Subsection 1.102.03.

2.312.xx Reserved

3.103 CONDITIONAL USE PERMITS (included for informational purposes)

3.103.01 Process

Conditional Use Permit applications shall be reviewed in accordance with the Type II review procedures specified in Section 3.201.

3.103.02 Application and Fee

An application for a Conditional Use Permit shall be filed with the City recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

3.103.03 Criteria for Approval

Conditional Use Permits shall be approved if the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- A. The use is listed as a conditional use in the underlying district.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.
- C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.

EXHIBIT A

- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- E. The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use.
- F. The authorization of such conditional use will not be materially detrimental to the public health, safety and welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

3.201.03 Procedure for Type II and Type III Actions (included for informational purposes)

- A. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness.
 - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant.
 - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
 - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
 - 2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only.
- C. Applications for more than one Type II or Type III land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.
- D. Referrals will be sent to interested agencies such as City departments, school district, utility companies, and applicable state agencies at the City recorder/Clerk's option. If a county road or state highway might be impacted, referrals should be sent to Yamhill or Polk County Public Works and/or ODOT.
- E. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.202.02.

EXHIBIT A

- F. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties.
- G. The public hearing before the Planning Commission shall comply with the provisions in Section 3.203.
- H. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or
 - b. Fulfillment of the need for public service demands created by the proposed use.
 2. Changes or alterations of conditions shall be processed as a new administrative action.
 3. Whenever practical, all conditions of approval required by the City shall be completed prior to occupancy. When an applicant provides information which demonstrates to the satisfaction of the Planning Commission that it is not practical to fulfill all conditions prior to issuance of such permit, the Planning Commission may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.
 - a. **Types of Guarantees**

Performance guarantees may be in the form of performance bond payable to the City of Willamina, cash, certified check, time certificate of deposit, or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City recorder.
 - b. **Amount of Guarantee**

The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of

all materials, labor, equipment and other costs of the required performance.

c. Time Periods

The Planning Commission may grant a waiver of performance for a period not to exceed six (6) months. A request for extension of any waiver granted must be submitted to and approved by the City Council.

- I. The applicant shall be notified, in writing, of the Planning Commission's decision or recommendation. In addition, notice of the Commission's decision shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing.
- J. A Type II land use decision may be appealed to the City Council by either the applicant or persons receiving notice of the decision. The appeal shall be filed within ten (10) days from the date of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council.
- K. The timing requirements in established this Section are intended to allow a final action, including resolution of appeals for all Type II or Type III land use actions within one hundred twenty (120) days of receipt of a complete application. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance.
 - 1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting with in the 120 day period.
 - 2. Public notice shall be mailed to affected parties as specified in Section 3.202.
 - 3. The City Council shall hold a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

ORDINANCE NO. 966

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE CHAPTERS 5.08 AND 5.12 TO REGULATE MEDICAL MARIJUANA FACILITIES WITHIN THE CITY OF STAYTON

WHEREAS, On August 14, 2013, Governor Kitzhaber signed House Bill 3460 into law, authorizing the Oregon Health Authority to establish procedures to license and regulate medical marijuana dispensaries; and

WHEREAS, the Stayton Municipal Code, Chapter 5.12 does not currently address or regulate Medical Marijuana Facilities.

NOW, THEREFORE, THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1, Chapter 5.08.110 amended. Stayton Municipal Code, Title 5, Section 5.08.110 is hereby amended as follows: (additions are underlined, deletions are ~~crossed out~~)

5.08.110 LICENSE/PERMIT REQUIRED

1. No person shall engage in any of the following businesses or activities within the City limits without first obtaining a license or permit as provided in this Title, except as otherwise exempted herein: (Ord. 935, July 01, 2011)
 - a. Carnival, amusement park, amusement concessionaire;
 - b. Garage sale;
 - c. Junk dealer;
 - d. Promotional event; or
 - e. Solicitor.
 - f. Medical Marijuana Facility
2. The term of a license or permit shall be on a twelve (12) month cycle (commencing on the month of issuance) unless otherwise indicated. (Ord. 668, July 02, 1990)
3. No licenses will be issued to businesses that violate local, state, or federal law.

Section 2, Chapter 5.12 – Medical Marijuana Facilities. Stayton Municipal Code, Title 5, Section 5.12 is hereby amended as follows: (additions are underlined, deletions are ~~crossed out~~)

CHAPTER 5.12

MEDICAL MARIJUANA FACILITIES

5.12.010 REGULATIONS

Subject to local, state, and federal laws, rules, and regulations.

Section 3. Effective Date.

This Ordinance shall be effective from and after 30 days following its adoption by the Council and approval by the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this ___ day of _____, 2014.

CITY OF STAYTON

Signed _____, 2014

By: _____
A. Scott Vigil, Mayor

Signed _____, 2014

Attest: _____
Christine Shaffer, Interim City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

March 2014 Update

LAND USE APPLICATIONS

<u>Project</u>	<u>Status</u>
Building Permits/Correspondence	<ul style="list-style-type: none">• 20855 Walnut St• 21667 Hwy 99E• 21268/21270 Hwy 99E (solicitations)
Sign Permits	
Manufactured Home Permit	<ul style="list-style-type: none">• Impervious surface and carport discussions with 20843 Filbert St
Land Use Applications	<ul style="list-style-type: none">•

ADDITIONAL PLANNING

<u>Project</u>	<u>Status</u>
ODOT 99E Corridor Study	
Development Code/HRB updates	<ul style="list-style-type: none">• Medical Marijuana Dispensaries (MMD) discussion continued
Misc.	<ul style="list-style-type: none">• Volunteer to work on brochure samples for review and comment (check with Mayor Graupp)