

AGENDA
Aurora Planning Commission Meeting
Tuesday, April 07, 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 PLANNING COMMISSION MEETING

2. CITY RECORDER DOES ROLL CALL

3. CONSENT AGENDA

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

4. CORRESPONDENCE –

- a) Letter from City Council regarding Senate Bill 534

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.

6. PUBLIC HEARING

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

7. NEW BUSINESS

- a) None

8. OLD BUSINESS

- a) None

9. Commission Action/Discussion

- a) City Planning Activity (In Your Packets) Status of Development Projects within the City.

10. ADJOURN

Minutes
Aurora Planning Commission Meeting
Tuesday, March 3, 2014, 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: None

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Chairman Schaefer at 7:00 pm

2. CITY RECORDER DOES ROLL CALL

Chair Schaefer - Present
Commissioner Graham - Present
Commissioner Fawcett - Present
Commissioner Gibson - Present
Commissioner Rhoden-Feely - Late
Commissioner Weidman - Present
Commissioner Willman - Present

3. CONSENT AGENDA

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

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

4. CORRESPONDENCE –

- a) Email from City Planner, Chair Schaefer explains that this is an email between me and the City Planner regarding the text amendment. The City Planner explains that because she has not been in attendance in an attempt to save costs to the city I just wanted the entire Commission to be aware of the schedule and give them ample time to provide feedback.

Wakeley goes on to state that she has a few concerns specifically where you are calling out specific businesses regarding bars on windows, locks on garbage cans so I would like the City Attorney to go review the wording. Chair Schaefer states that he would be ok with the change he thought they had got the wording from the City of Ashland. Wakeley explains

that the Oregon Health Authority will be governing all aspects of back ground checks and so forth.

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.

Mary Vancleef, Aurora asks the Commission if we are thinking of allowing marijuana in our town. Chair Schaefer well the moratorium is almost over on this and we have to address it in our code.

No one else spoke at this time.

6. PUBLIC HEARING, Opens at 7:12 pm

- a) Hearing on Conditional Use Permit 2015-01 Christ Lutheran Church, City Planner opens with public hearing procedures,

**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Conditional Use Permit 2015-01 [CUP-15-01]
DATE: February 25, 2015 (for the March 3, 2015 Planning Commission meeting)

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

REQUEST: Conditional Use Permit approval for church uses, religious classes, and daycare and associated uses.

SITE LOCATION: 15029 2nd Street NE, Aurora OR
Map 041.W.12CD, Tax Lot 2600

SITE SIZE: 19,602 square feet or 0.45 acres

DESIGNATION: Zoning: Residential (R-1) with Historic Residential Overlay (HRO)

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.20 Historic Residential Overlay and 16.60 Conditional Uses

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Application and site plan
Exhibit C: Historic Review Board minutes (November 20, 2014)
Exhibit D: Request for Comments (RFC) responses
Exhibit E: Conditional Use Permit Approval File No. CU-96-4-

9659

I. REQUEST

Conditional Use Permit approval for church uses, religious classes, and daycare and associated uses as the existing conditional use permit on file is related to daycare uses in the parsonage only.

II. PROCEDURE

The application was determined by staff to be subject to a Conditional Use (CU) application as the proposed/current uses are only permitted with conditional use approval and a conditional use permit for the church and associated church uses is not on file with the City of Aurora. CU applications are processed as Quasi-Judicial Decisions under AMC 16.76. AMC 16.60 provides the criteria for reviewing Conditional Uses.

The application was received and fees paid on February 2, 2015. The application was determined complete by Staff and notice was mailed to surrounding property owners on February 11, 2015. The City has until **June 11, 2014**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

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

IV. CRITERIA AND FINDINGS

The applicable review criteria for Conditional Use Permits are found in AMC Chapter 16.60-Conditional Uses.

16.60 Conditional Uses

A. The planning commission may approve a conditional use permit only when the applicant has shown that all of the following conditions exist:

1. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;

FINDING: The property is currently used as a church and the applicant is seeking to memorialize the condition use as permitted for the church and related uses, religious classes, and a daycare within the church building and parsonage. The applicant has a conditional use permit on file for operation of a daycare within the parsonage (See Exhibit E). According to the applicant, there will be no new use on the property to that which is already occurring on site.

According to the applicant, the proposed addition will not create additional need for parking and accessibility and circulation will be improved by the proposed on site improvements to the front access.

Staff finds the current use of the property has been found to be suitable to date. Notice of the CUP application was mailed to property owners within 200 feet of the subject property and published in the Canby Herald.

Staff finds this criteria is met.

2. All required public facilities have adequate capacity to serve the proposal and are improved to the standards in Chapter 16.34;

FINDING: Lot 2600 fronts onto a public street on its south side, which is improved with 6 foot sidewalks along the frontage which are found by staff to be in good condition. The frontage does not have curbs, gutters or paved parking along the frontage but is rather gravel. The 2009 Transportation System Plan identifies 2nd Street as a local residential, requiring 54 feet of right-of-way, 32 feet of pavement width, and 5 foot sidewalks. 2nd Street has 90 feet of ROW and additional dedication is not required. Staff finds this criteria is met.

The proposed conditional uses are those currently being served on site and according to the applicant,

AMC section 16.28- Parking District Overlay only applies to properties located in the historic commercial overlay.

Staff finds the uses proposed for conditional use approval may lead to additional traffic or impacts to the site. However, according to the applicant, the proposed uses are currently already occurring on site. Staff does not recommend the conditional use application require frontage improvements to address required parking and impacts. The applicant has submitted a concurrent Site Development Review application (File No. SDR-2015-01) which reviews impacts to the site related to the additional development and on-site changes proposed. Site Development Review applications must show compliance with the AMC.

Staff finds this criteria is met.

3. The requirements of the zoning district are met;

FINDING: AMC 16.20.030.A allows churches as a conditional use and when authorized by the planning commission, "provided that all building setbacks shall be a minimum of thirty (30) feet from any property line". The existing structure meets setback requirements for the zone with the exception of the required thirty (30) foot minimum setback from the front property line required for churches in the zone. The minimum front setback in the HRO zone is fifteen (15) feet for other permitted uses. Staff finds the structure, shown by the County Assessor as constructed in 1952, is not increasing the non-conformity of the structure. Indeed, the application proposes to reduce the front setback by removing the main entrance porch which is constructed to the front property line and revises the structure to be setback twelve (12) feet from the front property line.

Staff finds that while this criteria cannot be met, the structure can be considered a pre-existing non-conforming use. Staff recommends a condition of approval of the condition use permit include that the applicant cannot increase the non-conforming setbacks as required by code.

A sign permit application was not included with the application. The applicant does include text in the site plan stating, “relocate sign” but no additional information or measurements were provided. If new or revised signage is proposed, the applicant shall be required to submit a sign permit application. This is included as a recommended condition of approval.

Additional development or uses on Lot 2600 not included with the application may be subject to additional land use requirements or applications. Staff finds this criteria can be met, with conditions.

4. The use is compatible with surrounding properties or will be made compatible by imposing conditions;

FINDING: Surrounding properties are residentially zoned and the use is permitted upon receipt of conditional use permit approval under 16.20.030.A. The use has been underway for some time and the applicant seeks to memorialize the conditional use permit for current uses for the file. Notice was mailed to property owners within 200 feet of the subject property and published in the Canby Herald in advance of the public hearing. Staff finds this criterion is met.

5. All parking and loading areas are designed and improved in accordance with the requirements set forth in Chapter 16.42;

FINDING: No additional parking or loading areas are proposed. Staff finds the uses proposed for conditional use approval may lead to additional traffic or impacts to the site. However, according to the applicant, the proposed uses are currently already occurring on site. The applicant has submitted a concurrent application for Site Development Review which reviews impacts related to the on-site development and changes. These are also summarized below.

Parking shall be in conformance with the HRO zone, Title 17, and 16.42. The HRO zone is not included in the Parking District Overlay (AMC 16.28) which may exempt some properties from meeting parking standards. AMC 16.42.030.B.1 requires one (1) space per four (4) seats or eight (8) feet of bench length. According to the applicant, the break out below summarizes the total square footage for the subject structure (see Exhibit B).

Large Assembly Space/Circulation:	6,347 SF
Vertical Circulation:	1045 SF
Small Classrooms:	1213 SF
Office:	313 SF
Restrooms:	758 SF
Food Preparation:	440 SF
Sanctuary Benches:	239 LF

Staff has attempted to break out the square footage requirements into the various components in compliance with AMC 16.42.040.A., “In the event several uses occupy a single structure or parcel of land, the total requirements of the several uses should be computed separately”.

USE	16.42 REQUIREMENT	SUBJECT APPLICATION	SPACES NEEDED
Sanctuary	16.42.100.B.1. Church or meeting rooms:	239 linear feet	Minimum of 30

benches	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 square feet	(6347 sf ft of assembly space)	parking spaces
Small Classrooms	16.42.100.B.1 above of 1 space per 60 sq ft; or 16.42.100.B.2 for Library, reading room: 1 space per 400 square feet; or 16.42.100.B.5 for pre-school nursery or kindergarten: 5 spaces plus 1 space per classroom	1,213 sq ft	Between 3, 6, or 20 parking spaces depending upon interpretation of use
Office	16.42.100.C.2: Retail, bank, office, medical, dental: 1 space per 400 square feet but not less than 3 spaces per establishment	313 square feet (1 new office)	3 spaces minimum

Using the table above, a **minimum of 36 spaces** should be available for use by the church. This calculation does not include the parsonage. According to the applicant, the gravel parking lot is above to accommodate eleven (11) parking spaces on site. According to AMC 16.42.130, one can assume ten (10) feet of curb length is needed per 90 degree on-street parking space. The subject property also has approximately 120 feet of frontage along 2nd Street, minus access drives, which could accommodate an additional twelve (12) parking spaces. **This still leaves a deficit of 13 parking spaces, at a minimum.**

No ADA parking is indicated on-site on the abutting public street. Staff recommends the Planning Commission defer to the building inspector to determine whether ADA parking is required on-street or on site. If ADA parking is required, it shall be constructed in accordance with the Uniform Building Code, in conformance with AMC 16.42.100. This is included as a recommended condition of approval.

16.42.050.A. states, “All parking and maneuvering surfaces shall have a durable, hard and dustless surface such as asphalt, concrete, cobblestone, unit masonry, scored and colored concrete, grasscrete, compacted gravel, or combinations of the above”. Staff finds the parking areas along the street, required to be meet the minimum parking requirements for the structure, are in poor condition. The parking lot to the east of the structure is also in poor to very poor condition.

16.42.050.J states, “J. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way”. 16.42.050.K requires, “The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height, and at least three feet from the lot line or any required fence. Staff recommends the on-street parking and parking lot to the east be improved to meet the Aurora public works design standards for parking areas as well as AMC 16.42.050.L. to provide curb bumpers along the portions of the private parking lot that abut residential properties and the on-street parking that abuts the public sidewalks. This is included as a recommended condition of approval.

According to the applicant, the existing parking lot and on-street parking are adequate for the existing church and the proposed addition/remodel does not create the need for additional parking.

Alternatively, the Planning Commission can choose to waive some of the AMC parking requirements for the property and/or require that the applicant provide all 36 parking spaces on-site, with no on-street improvements to the gravel on-street parking.

Staff finds this criteria can be met, with conditions.

6. All landscaping is designed and improved in accordance with the requirements set forth in Chapter 16.38;

FINDING: Beyond the frontage improvements for access and paving, no additional landscaping is proposed.

The lot measures 19,602 square feet. According to the Marion County Assessor, the on site improvements include 5,623 sq ft for the main level of the existing church. The parsonage is not included on the Marion County Assessor records. Based upon the site plan provided and the proposed additional impervious surfacing, it does not believe the 50 percent impervious surface limitation has been exceeded.

If landscaping improvements exceed \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with AMC 17.04.050.B.2. This is included as a recommended condition of approval.

7. All public improvements are designed and constructed in accordance with the requirements set forth in Chapter 16.34;

FINDING: See AMC 16.60.A.2. *summarized above.* Staff finds this criterion is met.

8. All facilities for the handicapped are designed in accordance with the requirements set forth in the ADA requirements;

FINDING: The applicant has submitted a concurrent application for Site Development Review (File No. SDR-2015-01) for improvement to pedestrian and ADA accessibility to the site. Staff finds this criteria can be met with SDR approval.

9. The provisions of all applicable chapters of this title are satisfied; and

FINDING: Staff finds the applicant can meet the zone criteria under the HRO, with conditional use approval.

10. Properties located in the historic commercial or historic residential overlay comply with the requirements set forth in Title 17 of the Aurora Municipal Code. A certificate of appropriateness approved by the historic review board shall satisfy this requirement.

FINDING: The property is located in the Historic Residential Overlay and is identified as the Christ Lutheran Church (Historic Non-Contributing, Secondary Significant, Resource #80) in the Aurora

Historic Building Inventory from 1985 and is listed as constructed in 1903 and extensively remodeled in the 1950's.

The Historic Review Board (HRB) reviewed the proposed Site Development Review approval on November 20, 2014. See Exhibit C.

The HRB provided the following comments: (1) the flat roof shall be screened with a parapet. Proposed conditions of approval to address HRB comments are included as recommended conditions of approval below.

B. In reviewing an application for a conditional use, the commission shall consider the most appropriate use of the land and the general welfare of the people residing or working in the neighborhood. In addition to the general requirements of this title, the commission may impose any other reasonable conditions deemed necessary. Such conditions may include, but are not limited to:

- 1. Limiting the manner in which the use is to be conducted, including restrictions on the hours of operation;*
- 2. Establishing additional setbacks or open areas;*
- 3. Designating the size, number, location and nature of vehicle access points;*
- 4. Limiting or otherwise designating the number, size, location, height and lighting of signs;*
- 5. Requiring fences, sight-obscuring hedges or other screening and landscaping to protect adjacent properties;*
- 6. Protecting and preserving existing soils, vegetation, wildlife habitat or other natural resources.*

FINDINGS: The property abuts residential properties to the north, south, east and west. The uses have been ongoing for a number of years and notice of the conditional use permit application was mailed to property owners within 200 feet and published in the Canby Herald.

Staff has included as a recommended condition of approval that any changed or additional signage shall be subject to a sign permit application.

The Aurora nuisance code (AMC section 8.04.040) provides limitations of noise generally between 7 a.m. and 10 p.m. Staff finds the city nuisance code is sufficient to restrict impacts upon surrounding properties.

Staff finds the criteria for Conditional Use approval under AMC 16.60.B can be met, with conditions as recommended below.

V. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for Conditional Use Permit (CUP-2015-01) based upon the following:

- 1) The applicant cannot increase non-conforming setbacks, as required by the AMC 16.20.030.A, as part of their conditional use permit approval.
- 2) If additional or revised signage is proposed, the applicant shall be required to submit a sign permit application.

- 3) The Conditional Use permit approve shall be remain valid for the length of ownership by the current property owner but may be revoked upon transfer of ownership, suspension of use as a church for more than two years, or noncompliance with any of the conditions of approval as part of this application, pursuant AMC 16.60.090. Additional development or uses on Lot 2600 not included with this application may subject the property to additional land use requirements or applications.
- 4) The on-street parking fronting upon Lot 2600 and the on-site parking area to the east of the existing structures shall be improved to meet the Aurora public works design standards for parking areas as well as AMC 16.42.050.L. to provide curb bumpers along the portions of the private parking lot that abut residential properties and the on-street parking that abuts the public sidewalks. Final inspection of the improvements by the City of Aurora shall be required prior to final occupancy approval.
- 5) The flat roof shall be screened with a parapet.
- 6) If landscaping improvements exceed \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with AMC 17.04.050.B.2

VI. PLANNING COMMISSION ACTION

- A. Approve the conditional use permit (CUP-2015-01) for
 1. As recommended by staff, or
 2. As determined by the Planning Commission stating how the application satisfies all the required criteria, and any revisions to the recommended conditions of approval, or
- B. Deny the request for a conditional use permit approval for CUP 15-01 stating how the application does not meet the applicable approval criteria.
- C. Continue the hearing to a time certain or indefinitely (considering the 120 day limit on applications).
 - City Planner Wakeley then calls out #3 transfer of ownership this is not a code requirement it is one we added. If another church comes in they would have to come before you.
 - NO questions from the Planning Commission on the staff report and Chair Schaefer opens it up to the audience for and comments.
 - Visitor Comments, Pastor Craig introduces himself along with the architects on the project. Richard Rothweiler informs the group that I am here to answer any questions you may have at this time.
 - There are no questions at this time

Hearing Closes at 7:30 pm

Planning Commission discuss briefly item number 3 question, is the permit revoke able upon sale. The discussion is that presumably a new church wouldn't need review however if it sells to someone else and they propose a different use completely they of course they need to come back.

Motion to accept the staff report and amend number 3 is made by Commissioner Gibson and is seconded by Commissioner Fawcett. Passes by all.

b) Hearing on Site Development Review Application Christ Lutheran Church,

**CITY OF AURORA
PLANNING COMMISSION**

STAFF REPORT: Site Development Review 2015-01 [SDR-15-01]
DATE: February 25, 2015 (for the March 3, 2015 Planning Commission meeting)

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

REQUEST: Site Development Review approval for modification to the existing structure to improve pedestrian circulation and ADA improvements, such as to the restrooms, stairs, and front entrance. The proposal also includes the addition of a new entry tower.

SITE LOCATION: 15029 2nd Street NE, Aurora OR
Map 041.W.12CD, Tax Lot 2600

SITE SIZE: 19,602 square feet or 0.45 acres

DESIGNATION: Zoning: Residential (R-1) with Historic Residential Overlay (HRO)

CRITERIA: Aurora Municipal Code (AMC) Chapters 16.20 Historic Commercial Overlay and 16.58 Site Development Review

ENCLOSURES: Exhibit A: Assessor Map
Exhibit B: Application and site plan
Exhibit C: Historic Review Board minutes (November 2, 2014)
Exhibit D: Request for Comments (RFC) responses

I. REQUEST

Site Development Review approval for modification to the existing structure to improve pedestrian circulation and ADA improvements, such as to the restrooms, stairs, and front entrance. The proposal also includes the addition of a new entry tower.

II. PROCEDURE

The application was determined by staff to be subject to Site Development Review (SDR) as the application proposed a height increase of more than 35 feet and the potential remodel/revisions could be considered to intensify the use of the property. SDR applications are processed as Limited Land Use decisions under AMC 16.78. The application was also determined by staff to be subject to a Conditional Use (CU) application as the proposed use is only permitted with conditional use approval. CU applications are processed as Quasi-Judicial Decisions under AMC 16.76. AMC 16.58 provides the criteria for reviewing Site Development Reviews.

The application was received and fees paid on February 2, 2015. The application was determined complete by Staff and notice was mailed to surrounding property owners on February 11, 2015. The City has until **June 11, 2014**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

III. APPEAL

Appeals are governed by AMC 16.78.120. An appeal of the Planning Commission's decision shall be made, in writing, to the City Council within 15 days of the Commission's final written decision.

IV. CRITERIA AND FINDINGS

The applicable review criteria for Site Development Review are found in AMC 16.58.

16.58.100 Approval Standards

The review of a Site Plan shall be based upon consideration of the following:

- A. Provisions of all applicable chapters;*

FINDINGS: The subject parcel is zoned Residential (R-1) with a Historic Residential Overlay (HRO).

The applicant has submitted a concurrent application for conditional use approval (CUP-2015-01) along with site development review approval. AMC section 16.20.030.A. permits churches as a conditional use, pending planning commission approval and provided that all building setbacks shall be a minimum of thirty (30) feet from any property line. While the existing structure has a zero (0) front yard setback, the application proposed to remove the main entrance porch/portico for a new front setback of twelve (12) feet. While this does not meet the requirement of the zone, it does reduce the front yard setback to twelve (12) feet to better align with the primary buildings footprint and neighboring parsonage. Staff finds this criterion can be met.

16.20.040.J requires all properties, uses, and structures in the HRO to meet the requirements of

Title 17, Historic Preservation. Comments from the Historic Review Board are included under Exhibit C. Staff finds this criterion is met.

B. Buildings shall be located to preserve topography and natural drainage and shall be located outside areas subject to ground slumping or sliding;

FINDINGS: The site is an already developed site that has been in place since 1903 with major revisions made on site around 1953. The subject application makes minor revisions to elements outside of the existing footprint of the current structure for increase accessibility, including new stairs and ADA ramp. Significant changes to topography and slope will not occur and staff finds minor impacts to drainage may occur with the 2.8% increase in impervious surface, according to the applicant. Staff finds this criteria does not apply.

C. Privacy and noise;

- 1. Buildings shall be oriented in a manner which protects private spaces on adjoining residential properties from view and noise;*
- 2. On site uses which create noise, lights, or glare shall be buffered from adjoining residential uses;*

FINDINGS: The applicant is not proposing the creation of private spaces beyond the gathering area fronting upon 2nd Street which currently serves as the main entrance to the structure. Staff finds this criteria does not apply.

According to the applicant, the new entry tower and ADA accessibility improvements will including lighting to illuminate public access areas. A lighting plan was not included with the subject application. A lighting plan in conformance with criteria 16.58.100.C.2. and I.3-4. shall be submitted for City review and approval prior to final occupancy permit approval and in order to keep the conditional use permit application valid.

Staff finds this criteria can be met, with conditions.

D. Residential private outdoor areas:

FINDINGS: Staff finds this criteria does not apply.

E. Residential shared outdoor recreation areas:

FINDINGS: Staff finds this criteria does not apply.

F. Shared outdoor recreation space shall be readily observable for reasons of crime prevention and safety;

FINDINGS: The applicant is not proposing the creation of outdoor recreation space beyond the gathering area fronting upon 2nd Street which currently serves as the main entrance to the structure. Staff finds this criteria does not apply.

H. Demarcation of public, semipublic, and private spaces;

FINDINGS: Staff finds this criteria does not apply as the space is private property.

I. Crime prevention and safety:

3. Exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime;

4. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person.

FINDINGS: Criteria I.1 and I.2 are related to residential development and found not to apply. A lighting plan for the site was not provided by the applicant. A lighting plan in conformance with the above criteria shall be submitted for City review and approval prior to final occupancy permit approval and in order to keep the conditional use permit application valid. The lighting plan must also show that lighting shall not reflect onto surrounding properties. This is included as a recommended conditional of approval.

J. Access and circulation;

1. The number of allowed access points for a development shall be as determined by the City Engineer in accordance with standard engineering practices for city rights-of-way, as determined by Marion County for county rights-of-way, and as determined by the Oregon Department of Transportation for access to Highway 99E.

2. All circulation patterns within a development shall be design to accommodate emergency vehicles.

FINDINGS: The subject property is currently developed and in use. A Request for Comments was submitted to the Aurora Rural Fire District and State Fire Marshall on February 10, 2015 and no comments were returned at the time of this staff report. Staff finds this criteria is met.

K. Public transit;

FINDINGS: Pedestrian access to the property is proposed via 2nd Street which contains six (6) foot sidewalks in good condition. No transit stops abut or are adjacent to the subject properties. Staff finds this criterion does not apply.

L. All parking and loading requirements shall be design in accordance with the requirements set forth in Chapter 16.42.

FINDINGS: Parking shall be in conformance with the HRO zone, Title 17, and 16.42. The HRO zone is not included in the Parking District Overlay (AMC 16.28) which may exempt some properties from meeting parking standards. AMC 16.42.030.B.1 requires one (1) space per four (4) seats or eight (8) feet of bench length. According to the applicant, the break out below summarizes the total square footage for the subject structure (see Exhibit B).

Large Assembly Space/Circulation: 6,347 SF
 Vertical Circulation: 1045 SF
 Small Classrooms: 1213 SF
 Office: 313 SF
 Restrooms: 758 SF
 Food Preparation: 440 SF
 Sanctuary Benches: 239 LF

Staff has attempted to break out the square footage requirements into the various components in compliance with AMC 16.42.040.A., “In the event several uses occupy a single structure or parcel of land, the total requirements of the several uses should be computed separately”.

USE	16.42 REQUIREMENT	SUBJECT APPLICATION	SPACES NEEDED
Sanctuary benches	16.42.100.B.1. Church or meeting rooms: 1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 square feet	239 linear feet (6347 sf ft of assembly space)	Minimum of 30 parking spaces
Small Classrooms	16.42.100.B.1 above of 1 space per 60 sq ft; or 16.42.100.B.2 for Library, reading room: 1 space per 400 square feet; or 16.42.100.B.5 for pre-school nursery or kindergarten: 5 spaces plus 1 space per classroom	1,213 sq ft	Between 3, 6, or 20 parking spaces depending upon interpretation of use
Office	16.42.100.C.2: Retail, bank, office, medical, dental: 1 space per 400 square feet but not less than 3 spaces per establishment	313 square feet (1 new office)	3 spaces minimum

Using the table above, a **minimum of 36 spaces** should be available for use by the church. This calculation does not include the parsonage. According to the applicant, the gravel parking lot is above to accommodate eleven (11) parking spaces on site. According to AMC 16.42.130, one can assume ten (10) feet of curb length is needed per 90 degree on-street parking space. The subject property also has approximately 120 feet of frontage along 2nd Street, minus access drives, which could accommodate an additional twelve (12) parking spaces. **This still leaves a deficit of 13 parking spaces, at a minimum.**

No ADA parking is indicated on-site on the abutting public street. Staff recommends the Planning Commission defer to the building inspector to determine whether ADA parking is required on-street or on site. If ADA parking is required, it shall be constructed in accordance with the Uniform Building Code, in conformance with AMC 16.42.100. This is included as a recommended condition of approval.

16.42.050.A. states, “All parking and maneuvering surfaces shall have a durable, hard and dustless surface such as asphalt, concrete, cobblestone, unit masonry, scored and colored concrete, grasscrete, compacted gravel, or combinations of the above”. Staff finds the parking areas along the street, required

to be meet the minimum parking requirements for the structure, are in poor condition. The parking lot to the east of the structure is also in poor to very poor condition.

16.42.050.J states, “J. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way”. 16.42.050.K requires, “The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height, and at least three feet from the lot line or any required fence. Staff recommends the on-street parking and parking lot to the east be improved to meet the Aurora public works design standards for parking areas as well as AMC 16.42.050.L. to provide curb bumpers along the portions of the private parking lot that abut residential properties and the on-street parking that abuts the public sidewalks. This is included as a recommended condition of approval.

According to the applicant, the existing parking lot and on-street parking are adequate for the existing church and the proposed addition/remodel does not create the need for additional parking.

Alternatively, the Planning Commission can choose to waive some of the AMC parking requirements for the property and/or require that the applicant provide all 36 parking spaces on-site, with no on-street improvements to the gravel on-street parking.

Staff finds this criteria can be met, with conditions.

M. All landscaping shall be designed in accordance with the requirements set forth in Chapter 16.38.

FINDINGS: A preliminary landscape plan was not provided by the applicant. Additional impervious surface is proposed along from the frontage. According to the applicant, this will reduce the landscape coverage by 2.8%, leaving over 30% of the property landscaped. The HRO zone states impervious surfaces shall not cover more than fifty (50) percent of a lot or parcel. The lot measures 19,602 square feet. According to the Marion County Assessor, the on site improvements include 5,623 sq ft for the main level of the existing church. The parsonage is not included on the Marion County Assessor records. Based upon the site plan provided and the proposed additional impervious surfacing, it does not believe the 50 percent impervious surface limitation has been exceeded.

If landscaping improvements exceed \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with AMC 17.04.050.B.2. This is included as a recommended condition of approval.

N. All public improvements shall be designed in accordance with the requirements of Chapter 16.34.

FINDINGS: The subject property is generally considered developed extension of water, sewer, or storm drainage improvements are not required. The application shall be subject to City of Aurora and State of Oregon development, building and fire codes. This is included as a recommended condition of approval.

While street improvements are not required as additional right-of-way dedication is not required at this time and the Site Development Review application does not require completion of a Traffic Impact Analysis as the proposed application is not determined by staff to intensify the use of the property by more than twenty-five (25) percent (AMC 16.58.060.A.5), the property does use on-street parking in order to meet the minimum parking requirements for the use according to AMC 16.42. Parking is discussed under criteria L. above with recommended conditions of approval for the on-site and on-street diagonal parking.

Staff finds this criterion can be met, with conditions.

O. All facilities for handicapped shall be designed in accordance with the requirements set forth in the ADA requirements;

FINDINGS: The subject application include ADA improvements to the existing restrooms, pedestrian access, and installation of an elevator. Remodel and construction shall be required to comply with all City of Aurora and State of Oregon development, building and fire codes. This is included as a recommended condition of approval. Staff finds this criterion can be met, with conditions.

P. All of the provisions and regulations of the underlying zone shall apply.

FINDINGS: Staff finds the applicant meets the zone criteria under the HRO, pending conditional use approval by the planning commission, and can meet the criteria for Site Development Review approval, with recommended conditions of approval. The application meets the minimum side and rear yard setbacks and meets the height limitation of 35 feet. While the application does not meet the minimum front yard setback of 35 feet for churches as a conditional use in the HRO zone, the applicant is proposing to reduce the non-conformity of the pre-existing non-conforming use.

Staff finds this criterion is met.

V. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings in the staff report, staff recommends that the Planning Commission **approve** the application for Site Development Review (SDR-2015-01) based upon the following:

- 1) Develop the subject property in accordance with plans approved by the city.
- 2) Comply with all City of Aurora and State of Oregon development, building and fire codes.
- 3) A lighting plan in conformance with AMC 16.58.100.I. shall be submitted for City review and approval prior to business license approval. The lighting plan shall also show that lighting shall not reflect onto surrounding properties. A lighting plan in conformance with criteria 16.58.100.C.2. and I.3-4. shall be submitted for City review and approval prior to final occupancy permit approval and in order to keep the conditional use permit application valid. The lighting plan shall show that lighting shall not reflect upon surrounding

properties.

- 4) The on-street parking fronting upon Lot 2600 and the on-site parking area to the east of the existing structures shall be improved to meet the Aurora public works design standards for parking areas as well as AMC 16.42.050.L. to provide curb bumpers along the portions of the private parking lot that abut residential properties and the on-street parking that abuts the public sidewalks. Final inspection of the improvements by the City of Aurora shall be required prior to final occupancy approval.
- 5) If landscaping improvements exceed \$2,500, review and approval by the Historic Review Board (HRB) is also required in conformance with AMC 17.04.050.B.2.

VI. PLANNING COMMISSION ACTION

- C. Approve the site development review application (SDR 2015-01) for minor additions, remodel and addition of the steeple:
 1. As recommended by staff, or
 2. As determined by the Planning Commission stating how the application satisfies all the required criteria, and any revisions to the recommended conditions of approval, or
- B. Deny the request for site development review approval for SDR 15-01 stating how the application does not meet the applicable approval criteria.
- C. Continue the hearing to a time certain or indefinitely (considering the 120 day limit on applications).

Richard Rothweiler, architect again I am here to answer any questions our goal here is to increase access to the site with a new entrance and elevator. Chair Schaefer asks if the large red brick structure is staying no it will go away. The City Planner asks if the flat roof is visible from 2nd street and he states no it is behind a parapet as requested by HRB. Commissioner Graham asks if they have a lighting plan no not at this time as move further along in the project we will submit one for approval. Most of what we are considering is down casting light onto the retaining wall. Commissioner Fawcett asks about ADA and Wakeley informs them that would be uniform building code requirements and take care of at building permit stage.

Motion to approve the SDR application as per staff report is made by Commissioner Gibson and is seconded by Commissioner Fawcett. Passed by all present.

Public Hearing closes at 7:50 pm

7. NEW BUSINESS

- a) Discussion and or Action on Senate Bill 534 Provision for City Services to an Airport. Chair Schaefer goes down the sign in sheet for comments at this time.

Scott Caufield, no comment

Spud Sperb, reserve comment for later

Lance Lyon, not at this time.

Craig Johnson nothing at this time.

Roger Kaye, I am with friends of Marion County which was established in 1998 and our mission is to protect farm land in the county. We are opposed to SB 534 because we see danger in expansion at the airport and if you allow connection to city services this will be inevitable. At which point you will be giving up control of the growth. Chair Schaefer poses a question are you opposed to annexation or Aurora providing services to the airport? We are opposed either way.

Ben Williams, friends of French Prairie, I have a letter here of our stance which is in opposition to this bill. This bill is written state wide but really it is a request to Aurora which I believe was requested by Aurora. Chair Schaefer I am not sure that is correct information as we don't sponsor this bill. There is a brief discussion regarding the run way expansion at the airport and the impacts to the surrounding area. Again Chair Schaefer poses the question are you opposed to annexation or Aurora providing services or both. We are opposed to the city providing water and believe that annexation is the only way. Ultimately we like to see more data and the airport solve their own problems.

Greg Leo, I am here representing City of Wilsonville and Mayor Knapp and the city opposes this bill and asks Aurora to join us in doing so. According to the League of Oregon Citites this bill is unnecessary because they have the ability to do so already we need to keep control at the local level. Chair Schaefer ask clarification and Leo states annexation would be the only remedy then it gives the ability to regulate and provide services accordingly.

Ron and Mary Van Kleef, Aurora with everything I am hearing here this doesn't appear to benefit the City of Aurora at all. We can barley provide water to our own community let alone to the Airport. Chair Schaefer well we wouldn't just allow them to hook up without it costing them a great deal of money to make infrastructure upgrades to our system.

Commissioner Weidman, why is this discussion happening right now why would they not just approach us and provide a plan on what they are proposing.

Mayor Graupp goes on record to say I need a plan and engineering to present to the city to show what they are proposing. Van Kleef can they force us in anyway no they cannot unless an emergency is declared and then there is still a process.

Mike Iverson, they really need to solve their own problem with their own wells.

Spud Sperb, Aurora I have been here for 37 years I think one of the longest here at this meeting and from what I am hearing here tonight it is 100% in opposition on this. Last summer we were regulated on outside use of water we simply should not consider this. If they want to do these things they just need to annex into the city not go backdoor.

Schaefer just for clarification if they annex then they could get services no I think they should solve their own problems if they can't then have them make a pitch to the city.

Commissioner Willman, what is it that we are trying to decide here tonight.

Greg Taylor, Aurora this is really a much bigger situation this involves land use law and it has much more potential to affect the city, if we were to put infrastructure in place it would mean expansion. There are three other bills coming up that is a much larger issue that will affect the land surrounding the airport.

Craig McNamara, if passed is there anything to circumvent the wish of annexation no it says may not shall. So this doesn't change anything really both sides need to agree.

Schaefer it would be highly unlikely that the city would provide services without annexation. Unless they brought us a plan and data that would be good for the both of us.

Gibson, so do you feel annexation wouldn't need to be a condition, maybe however there rates and charges would not be the same so they could cover the costs involved to do business.

Spud Sperb, would that be legal to charge them more. Well it would be in the contract and the cost to do business.

Commissioner Graham if I were to live out of the city I would have to annex so they should too.

Weidman, well I think it is presumptuous to say that it won't pass because Council didn't think it would get this far so I think we shouldn't be so presumptuous.

Rhoden-Feeley, This conversation seems to be repeating itself and I hear an overwhelmingly amount of opposition to this bill.

A motion is made to make recommendation to City Council to oppose Senate Bill 534 by Commissioner Willman and seconded by Commissioner Graham. 5 ayes and 1 nay by Chair Schaefer.

8. OLD BUSINESS

a) NA

9. Commission Action/Discussion

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

10. ADJOURN

Chair Schaefer adjourned the March 03, 2015 Aurora Planning Commission Meeting at 9:35 P.M.

Chair Schaefer

ATTEST:

Kelly Richardson, CMC
City Recorder

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

STAFF PRESENT Kelly Richardson, City Recorder
Darrel Lockard, Public Works Superintendent
Pete Marcellais, Marion County Deputy
Dennis Koho, City Attorney

STAFF ABSENT: Mary Lambert, Finance Officer

VISITORS PRESENT: Joseph Schaefer, Aurora

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Mayor Bill Graupp at 7:00 pm

2. CITY RECORDER DOES ROLL CALL

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

3. CONSENT AGENDA

- a) City Council Meeting Minutes January, 2015, A question is asked regarding the January action item to locate information regarding the dilapidated house along 99E. Mayor Graupp states he will look into the issue and report back next month. The status of the Eddy property is ongoing there is a potential buyer and Mr. Eddy is having an environmental study done however no results are back at this time.
- b) Planning Commission Minutes, January, 2015
- c) Historic Review Board Minutes, December, 2014

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

4. CORRESPONDENCE –

- a) Flyer from Pudding River Water Shed Council, Mayor Graupp states he would like to receive more in depth information specific to this and the potential park.

5. VISITORS

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

No one spoke at this time.

6. REPORTS

a) Mayor Bill Graupp

Mayor report, Informs Council that Senate Bill 534 is to authorize the airport to enter into agreement to which provides sewer and water to the airport without requiring annexation or consent to eventual annexation, to the city. I asked Planning Commission Chair to review SB 534 and give us some feedback. The initial feedback was not positive and I called and asked why are we moving forward with this if everyone has an issue. So I (Graupp) then called Senator Girard and shared our concerns with him and he stated I wished you would have called earlier. Girard stated the bill was being sponsored by Wilsonville Chamber of Commerce. Mayor Tim Knapp whom is against the bill stated as far as I am concerned there is not enough time for us to weigh in on this. When I (Graupp) returned I had email from Senator Vic Gilliam Chief of Staff whom I (Graupp) am meeting with next. I left a message with DLCD to get there response. I have not heard from DLCD, Girard, or Wilsonville.

Councilor Sallee informs the group that she has received emails from citizens in the community asking our positions are we in support of the airport or not?

Email from February 3rd, meeting notes with Girard, diffusing the situation this isn't going to happen for a long time. Refer to attached email (provided by Sallee)

Councilor Sallee, states that we need better communication as a whole, Mayor Graupp states that he did notify council that he was meeting with Girard. At this council meeting he notified the group that he has upcoming meeting with Mr. Vic Gilliam. I can tell you that these (Pudding River Council) minutes are not accurate to what I stated.

Action Item: Get a copy of email from February 3rd meeting.

Councilor Vlcek, asks if City Attorney Koho give us a lesson on how a bill travels?

- An idea to change, amend, or create a new law is presented by a concerned citizen or group to a Representative.
- The Representative decides to sponsor the bill and introduce it to the House of Representatives, and requests that the attorneys in the Legislative Counsel's office draft the bill in the proper legal language.
- The bill is then presented to the Chief Clerk of the House, who assigns the bill a number and sends it back to the Legislative Counsel's office to verify it is in proper legal form and style.
- The bill is then sent to the State Printing Division, where it is printed and returned to House of Representatives for its first reading.
- After the bill's first reading, the Speaker refers it to a committee. The bill is also forwarded to the Legislative Fiscal Officer and Legislative Revenue Officer to determine fiscal or revenue impact.
- The committee reviews the bill, and holds public hearings and work sessions.
- In order for the bill to go to the House floor for a final vote, or be reported out of committee, a committee report is signed by the committee chair and delivered back to the Chief Clerk.

- Any amendments to the bill are printed, and the bill may be reprinted to include the amendments (engrossed bill).
- The bill, now back in the house of origin (House), has its second reading.
- The measure then has its third reading, which is its final recitation before the vote. This is the time the body debates the measure. To pass, the bill must receive aye votes of a majority of members (31 in the House, 16 in the Senate).
- If the bill is passed by a majority of the House members, it is sent to the Senate.
- The bill is read for the first time, and the Senate President assigns it to committee. The committee reports the bill back to the Senate where the bill is given the second and third readings.
- If the bill is passed in the Senate without changes, it is sent back to the House for enrolling.
- If the bill is amended in the Senate by even one word, it must be sent back to the House for concurrence. If the House does not concur with the amendments, the presiding officers of each body appoint a conference committee to resolve the differences between the two versions of the bill.
- After the bill has passed both houses in the identical form, it is signed by three officers: the Speaker of the House, the Senate President, and the Chief Clerk of the House or Secretary of the Senate, depending on where the bill originated.
- The enrolled bill is then sent to the Governor who has five days to take action. If the Legislative Assembly is adjourned, the Governor has 30 days to consider it.
- If the Governor chooses to sign the bill, it will become law on January 1 of the year after the passage of the act or on the prescribed effective date. In 1999, the Legislative Assembly adopted ORS 171.022, which reads, "Except as otherwise provided in the Act, an Act of the Legislative Assembly takes effect on January 1 of the year after passage of the Act." The Governor may allow a bill to become law without his/her signature, or the Governor may decide to veto the bill. The Governor's veto may be overridden by a two-thirds vote of both houses.
- The signed enrolled bill, or act, is then filed with the Secretary of State, who assigns it an Oregon Laws chapter number.
- Staff in the Legislative Counsel's office insert the text of the new laws into the existing Oregon Revised Statutes in the appropriate locations and make any other necessary code changes.

Councilor Vlcek asks if we need to send a letter or send someone to the meeting to show our support or not? Do we need to have a meeting prior.

Chair Schaefer states that you have a Planning Commission and normally you have us weigh in first and then the council would make the final decision.

This is not a good use of the land use law and my PC is advising me to stand down on this.

Ben Williams, Clackamas County resident states that when Aurora Airport expands they get rid of valuable AG land. Wilsonville chamber is actively stating that Aurora is supporting this Senator Beyer stated there will be a hearing at the State. City Attorney Koho states Beyer is a friend of mine and I could appear at the hearing if council would like me to and Mayor Graupp states that I don't want to comment until I have a recommendation from our Planning Commission which will be done at their next meeting.

Councilor Sahlin, there is a problem with the fact that there stating things that we as a City have not said. This is an issue because things tend to happen whether you're there or not. Councilor Sallee isn't time an issue that we need to move forward. Graupp states that Planning Commission Chair states it will hang up in the house so I think we have time. City Attorney Koho states maybe we should at least send a letter that we don't have a position yet.

Mike Iverson, resident of Marion County states that he doesn't support annexation at all.

Mayor Graupp informs Council that there is a Jeff Merkley town hall meeting in Aurora they booked the Aurora Aviation hall since I was out of town and couldn't reserve the Aurora fire hall. I will be announcing Mr. Merkley.

- **ACTION:** Put SB 534 on the March agenda for discussion. At this time Council will not take a position until Planning Commission weighs in on this.
- City Attorney Koho will draft a letter to state that Aurora currently is not taking a position.

b) Marion County Deputy

- Deputy report points out the stats, currently we are working on the format. Waiting to hear back on bid for the stop lines. Waiting for code enforcement regarding animals when I get it back I will bring it to you.

ACTION: Send a certified letter informing the property owner on Ottaway that from here on out they will be responsible for the noxious vegetation.

c) Traffic Safety Committee

- Nothing at this time.

No Council discussion

ACTION: NA

d) Finance Officer

- Finance officer report, Finance Officer Lambert is absent so Mayor Graupp informs the council that revenue appears on track and we are monitoring spending very closely especially in the public works department.
- It is the consensus of the Council to declare an open position on the Budget Committee.

No Council Discussion

ACTION: NA

e) Public Works

- The telemetry has been fixed along with the false alarm issues we were having except on that Tag Tech is looking into.

Council discussed briefly the incident at the water filtration unit where a piece of the unit broke off. Councilor Vlcek asks if we are required to respond to the alarms. It is stated by Public Works Superintendent Lockard that yes it would be required to respond to the alarms and take care of the issue. Currently we have a city employee going down each day to do a manual backwash which helps with the alarm issues however with that said whoever set this system up really didn't know what they were doing. Councilor Brotherton states that he thinks the City Engineer should weigh in on whether or not this is a good idea. Lockard responds that no resending water back through the system is not a good idea the filtered run off of water should be disposed of not re-filtered

again and again. Councilor Vlcek so is large amounts of good water going to the treatment plant each day Lockard states no in conjunction with the Mayor. Lockard also informs them that we would still have to continue the manual backwash because the two systems don't talk and that we should have a dedicated pump for this reason. Councilor Brotherton still thinks that it would be a good idea for our City Engineer to provide comment regarding this issue and Councilor Sahlin states that it would be a good idea to at least meet yearly with him to go over our systems. Everyone agrees to look at the budget to see if there are dollars for this.

Lockard informs council that comp time for water is under control. Councilor Vlcek states that after speaking with employee Simon he is concerned because Simon stated he goes down daily to perform the manual backwash which comp time is then accrued. Also Councilor Vlcek asks Lockard how long the city water went unfiltered while the repairs were happening and Lockard informs them that it took about 2 weeks. Also when I heard of your concerns I took water in for testing and our arsenic levels and such were still at acceptable levels.

Councilor Sallee asks if we have a call out policy in place for these types of incidents.

The park is looking good and there was not a lot of damage during this last wind storm.

Sallee asks about the punch list and what is up next Lockard states, water plant repairs, picnic tables, treatment plant permit.

ACTION: It is agreed that our policy/procedure call out should be updated.

f) Parks Committee

- Park report, Councilor Sahlin states at this point the committee is dormant.

Council discussed, Easter is fast approaching so we need to make sure the wooded area is picked up and the tennis courts clean. Councilor Vlcek informs the group that we have a donation of metal for the soccer goals and they should be complete soon.

ACTION: prepare Park for upcoming Easter egg hunt

g) City Recorder

- Recorder report,

Council discussed, briefly the possible mitigation to v7 springbrook software but no decision is made.

ACTION: Look into files regarding dilapidated house along 99E

h) City Attorney

- City Attorney report, City Attorney Koho informs the council that the Eddy property is still ongoing at this point the system is continuing moving it forward.
- We are still discussing the issue with Orchard view association regarding the retention pond.

Council discussed the qualifications to be eligible for council position. A possible need for an executive session to discuss the Orchard View situation at a later date if needed.

ACTION: NA

7. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

a) NA

8. NEW BUSINESS

a) Discussion and or Action on Declaring Open Position on Budget Committee.

A motion is made by Councilor Sallee to declare the open position on Budget Committee and is seconded by Councilor Vlcek. Passed by all.

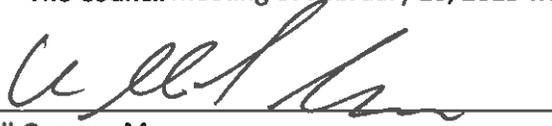
Councilor Vlcek asks if this really needs to go before the Planning Commission first and Chair Schaefer reminds them that the Planning Commission is in charge of doing the long range planning goals the process would be planning first then we provide recommendation to council which then decides. Councilor Vlcek asks if the treatment plant is at capacity which Darell states no it is not at this time.

OLD BUSINESS

a) NA

9. ADJOURN

The Council meeting of February 10, 2015 was adjourned by Mayor Graupp at 8:50 pm.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, CMC
City Recorder



Old Aurora Colony Or. Barn, Aurora, Oregon Clark Moore Will 1906

City of Aurora

FOUNDED 1856

"National Historic Site"

April 2, 2015

Honorable Rep. Brian Clem
Chair, House Committee on Rural Communities, Land Use, and Water
900 Court St. NE, H-284
Salem, Oregon 97301

Re: Senate Bill 534

Dear. Rep. Clem:

The City Council of the City of Aurora would like to be on record opposing SB 534 which is now in your committee. The bill would allow any city to sell water or sewer services to an airport without the provision for at least eventual annexation. The Council does not fully understand the implications of this bill and how it would fit within existing land use processes.

We believe that this proposal lacks transparency and is aimed primarily at the Aurora Airport. We also understand that this proposal comes to you as a result of the advocacy of the Wilsonville Chamber of Commerce. Proper open public discussions with the City of Aurora would need to take place before any consideration for annexation and offering of public services could be made. Our rural lands are not well served by allowing airports to become mini-urbanized areas without proper land use planning and jurisdictional oversight.

We urge you to not approve the bill. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Sahlin', written in a cursive style.

Jason Sahlin
City Council President
City of Aurora

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)

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)

EXHIBIT A1

"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 incidental to the primary business conducted on the premises;

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

F. Medical Marijuana Dispensary (MMD), subject to the following standards:

1. Buffers

- a. Elementary, middle or high school, public or private: 500 feet
- b. Day care: 100 feet
- c. Other medical marijuana businesses, dispensaries or recreational: 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. Doors and windows may not be covered with security grates.
8. Hours of operation are limited to 10 am to 7 pm.
9. 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. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

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

a. Elementary, middle or high school, public or private: 500 feet

b. Day care: 100 feet

c. Other medical marijuana businesses, dispensaries or recreational: 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. Doors and windows may not be covered with security grates.

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

9. 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. 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)

**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

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House March 5, 2014

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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