

**AGENDA**  
**Aurora Planning Commission Meeting**  
Tuesday, January 5, 2016, at 7:00 P.M.  
City Council Chambers, Aurora City Hall  
21420 Main Street NE, Aurora, OR 97002

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**1. CALL TO ORDER OF THE AURORA PLANNING COMMISSION MEETING**

**2. CITY RECORDER DOES ROLL CALL**

**3. CONSENT AGENDA**

- a) Planning Commission – December, 2015
- b) City Council Minutes – November, 2015
- c) Historic Review Board Meeting Minutes – None

**4. CORRESPONDENCE –**

- a) Recreational Marijuana Land use Compatibility Statement
- b) Recreational Marijuana License and Application

**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. NEW BUSINESS**

- a) None

**7. OLD BUSINESS**

- a) Discussion and or Action on Orchard View Subdivision Storm Drain issues.

**8. Commission Action/Discussion**

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

**9. ADJOURN**

**Minutes**  
**Aurora Planning Commission Meeting**  
Tuesday, December 01, 2015, at 7:00 P.M.  
City Council Chambers, Aurora City Hall  
21420 Main Street NE, Aurora, OR 97002

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

**STAFF ABSENT:**

**VISITORS PRESENT:** None

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

**3. CONSENT AGENDA**

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

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

**4. CORRESPONDENCE –**

**5. VISITORS**

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

No one speaks at this time.

**6. PUBLIC HEARING**

- a) Discussion and or Action on Height Variance Application (VA-15-03) Christ Lutheran Church Continuance, Chair Schaefer reads the hearing script let the record show that Chair

Schaefer and Commissioner Ensign were both absent at the last hearing and both declare no ex-parte contact except a site visit by Chair Schaefer.

**CITY OF AURORA  
PLANNING COMMISSION**

**STAFF REPORT:** Variance 2015-03 [VAR-15-03]

**DATE:** December 1, 2015

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SUPPLEMENTAL MEMO FOR VAR-2015-03, Christ Lutheran Church

MARION COUNTY ASSESSORS

AURORA HISTORIC INVENTORY

Date of construction

Date of Demolition

There has been additional information submitted as your staff report shows as follows the original date of construction and when it was demolished along with a 1952 remodeling permit. There is an article that shows the original tower at 114ft along with a few pictures of the earlier church.

It is the staff recommendation that the applicant has met the variance criteria and to approve with the previously stated 3 conditions as the Historic Review Board has already recommended allowing the height variance. There are no additional exhibits to present at this time.

Applicant Representative Richard Rothweiler, states that we did as you asked and provided proof of height of the original steeple when it was built and a comparison of the trees and again we do not feel as though this is going to be a large impact on the street. We are well below the neighboring trees.

No questions at this time from the Commissioners.

Chair Schaefer does a quick run through of various dates as presented. Applicants Pastor Craig Johnson state that there will be no shadow cast and there will be no cross on top.

Pastor Craig states he is in favor of this change as it is a part of a pledge that was made to the congregation to improve the safety and access to the church for the better.

Karen Townsend 15058 2<sup>nd</sup> Street states she is opposed as I do like the drawings and the concept of the church changes I have definite concerns regarding the height that is proposed and the impact I believe it will have on the neighborhood. One of my concerns is that there is pressure to change this in the future to a commercial zone there are 7 homes on this block and I personally fear that this could take place in the future as there a more than one conditional uses that have been approved. Additional since the last time you met I would bring to the Commissions attention that at the HRB meeting you are referencing we did not have a full board and we had new members that may have thought there pressure to pass this along as being a good neighbor so to speak.

Chair Schaefer states that there is no pressure to change to commercial it did not come from the city.

Gayle Abernathy, 2<sup>nd</sup> street neighbor discusses the same potential issue/pressure to become a commercial district and again Chair Schaefer states that is not coming from the Planning Commission. Abernathy goes on to say that she dislikes how visitors to the site often stare at her driveway and her property at times not realizing it is a residents. Chair Schaefer states that he has always thought the parking in that area too wide and so there fore to make it look more residential you could increase the setbacks from the street to allow better landscaping for the residence and for the feel of a neighborhood.

City Planner Wakeley does comment that 90 feet is wide however on topic I would remind Commissioners that there is a certain criteria and the decision needs to be based on that.

No one else spoke at this time,

The applicant Rothweiler, points out that the additional 6 feet shouldn't make that large of an impact in their opinion. We feel as though we are addressing the concerns and just trying to bring back the original look and feel of the building.

Hearing closes at 7:41 PM

Deliberations,

The Commissioners discuss various criteria's and whether or not they are met at this time. Commissioner Rhoden Feeley states that in her opinion criteria E and F are not met. Chair Scheafer does not necessarily agree with Feeley criteria E its always been a church and F I think it wouldn't fit without a steeple. As far as the original church members who tore down the original steeple they probably didn't realize the magnitude of that decision and what it meant in the future. 23 years ago there was not really code to follow. Commissioners state a few more comments and it is clear they are leaning towards allowing the increased height.

Eventually a decision is made.

A motion to approve the height variance not to exceed 48 feet maximum is made by Commissioner Weidman and is seconded by Commissioner McNamara. Ayes 6 Nays 1 Feeley. Motion passes.

Townsend at this point responds to the parking idea and states the width of the street would be needed for the many events that take place. In her opinion.

## **7. NEW BUSINESS**

- a) Discussion and or Action on Maletis Property Development South of the Willamette River. Chair Schaefer updates the group regarding this situation where they want to bring the Langdon Farm property into the Urban Reserve area. They brought suit against Clackamas County. There is a brief discussion back and forth no decision or action is made.
- b) Discussion and or Action on Urban Growth Boundary Expansion for Industrial and Aviation Land Article. Chair Schaefer explains to the group that this was a court case from the City of Scappoose that actually was approved which doesn't happen very often. No decision or

action is taken. Commissioner McNamara asks the difference in this case that it passed Schaefer it was very employment specific showing a need.

## **8. OLD BUSINESS**

- a) Discussion and or Action on Orchard View Subdivision. Tabled until January.
- b) Discussion and or Action on/Feedback on Code Sections from (LA-15-02) made minor changes, the Commissioners discuss various comments from the Council regarding the text most of which are minor changes such as 16.14.040 on J and K they are concerned with materials vs style. They recognized the need but didn't want us to be too restrictive. Regarding 16.36.050 the council had discussed not being too restrictive again and suggesting they were thinking no more than 1 visible and possibly the other not more than 15 feet. The discussion between Commissioners was leaning more towards no more than one stored outside and there was no resolution regarding being stored or parked.

## **9. COMMISSION/DISCUSSION**

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

## **10. ADJOURN**

Chair Schaefer adjourned the December 1, 2015 Aurora Planning Commission Meeting at 8:40 P.M.

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Chair Schaefer

ATTEST:

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Kelly Richardson, CMC  
City Recorder

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

**STAFF PRESENT:** Kelly Richardson, City Recorder  
Darrel Lockard, Public Works Superintendent  
Officer Huitt, Marion County  
Dennis Koho, City Attorney

**STAFF ABSENT:** Mary Lambert, Finance Officer

**VISITORS PRESENT:** Anna Rankin, Pudding River Water Council  
Noelle Brooks, Aurora

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

Meeting was called to order by Mayor Bill Graupp at 7:12 pm

**2. CITY RECORDER DOES ROLL CALL**

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

**3. CONSENT AGENDA**

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

**ACTION ITEM:** Councilor Vlcek ask where are we at with the street sweeping.

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

**4. CORRESPONDENCE - NA**

**5. VISITORS**

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

Noelle Brooks, ACVA representative along with Kathleen Maison presents a banner project that they are hoping the city can help sponsor for the downtown area as part of a beatification project. Presented is a draft of the banners they are proposing.

Councilor Sallee asks the two of them if the banners would be throughout the entire town or just in the Historic District, Brooks no it would just be in the downtown core business district to begin with. This next year will be the 160<sup>th</sup> year so we fill it is a big deal along with the museum's 50<sup>th</sup> year. Councilor Vlcek comments that if they flipped the design it would be a close match to the new Aurora Deputy's patch.

**6. PUBLIC HEARING, Opens at 7:53 PM**

TO: Aurora City Council  
FROM: Renata Wakeley, City Planner  
RE: Legislative Amendment 2015-02 (LA-15-02)  
DATE: November 10, 2015

**REQUESTED ACTION**

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

- A. Adopt the findings in the staff report and adopt Legislative Amendment 15-02:
  - 1. As presented by staff and the Planning Commission; or
  - 2. As amended by the City Council (stating revisions).
  
- B. Take no action on Legislative Amendment 15-02.
  
- C. Continue the public hearing:
  - 1. To a time certain, or
  - 2. Indefinitely.

**BACKGROUND**

In 2013, House Bill 3460 created a medical marijuana registration system and allowed medical marijuana facilities (MMFs) to be located in certain zones, including commercial, industrial, and mixed use. In 2015, House Bill 3400 further clarified marijuana regulations, expanded permissions for recreational marijuana, and also allowed jurisdictions to adopt reasonable time place, and manner restrictions on both. The Planning Commission reviewed and discussed several options for this new legislation in September and October 2015. At the same time, the Planning Commission received feedback from interested parties regarding recreational vehicles and accessory buildings and LA-15-02 includes proposed amendments to clarify the text on these items.

The Aurora Planning Commission held a public hearing on November 3<sup>rd</sup>, 2015. The following sections of the Aurora Municipal Code (AMC) are proposed by staff and the Planning Commission for amendment:

- 16.04 Definitions
- 16.14 Commercial
- 16.16 Industrial
- 16.36 Manufactured Home Regulations
- 16.42 Off-Street Parking and Loading Requirements

Legislative Amendment 15-02 includes the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold and strikethrough** format for review purposes (see Exhibit A).

The purpose of the proposed amendment is to create “reasonable regulations” as allowed by House Bill 3460 and 3400 for time, place and manner restrictions for marijuana associated retailers, processors, and growers. By addressing marijuana sales, production, and processing, the City seeks to further clarify where these uses are permitted and mitigate potential conflicts with surrounding uses. The proposed amendments also seek to add clarity and certainty to the Aurora Municipal Code – Title 16.

#### FINDING OF FACT

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

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on October 13, 2015, which was 21-days prior to the first evidentiary hearing and 28-days prior to the City Council hearing on November 10, 2015.
2. Amendments to the Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Legislative Amendments shall be made in accordance with the procedures and standards set forth in AMC 16.74-Procedures for Decision Making-Legislative. A legislative application may be approved or denied.
3. AMC 16.74.030 outlines notice requirements. At least ten days prior to the first public hearing, the City shall publish notice in a newspaper of general circulation. The notice of the planning commission and city council hearings was published in the Canby Herald on October 28, 2015, at least 10 days prior to the scheduled November 10, 2015 City Council hearing.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the Planning Commission and the decision by the City Council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.
6. The Planning Commission reviewed the proposed legislative amendments at a November 3, 2015 public hearing and made a unanimous recommendation for City Council approval of LA-15-02.

## STANDARDS FOR THE DECISION AND FINDINGS

*16.74.060 provides the standards for a Legislative Amendment decision as follows:*

*A. The recommendation by the Planning Commission and the decision by the Council shall be based on consideration of the following factors:*

- 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197;*

**FINDINGS: Goal 1, Citizen Involvement:** A public hearing on the proposed amendments was held by the Planning Commission on November 3, 2015 and the City Council hearing is scheduled for November 10, 2015. Notice was posted at City Hall and published in the Canby Herald. The staff report was available for review one week prior to the Planning Commission and City Council hearings. This is consistent with City procedures. Staff and the Planning Commission found Goal 1 is met.

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

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

**Goal 5, Open Spaces, Natural Resources, and Historic Areas:** The proposed amendments do not affect regulations within the Aurora Historic District nor does it affect open spaces or natural resources. Staff and the Planning Commission found Goal 5 does not apply.

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

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

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

**Goal 9, Economic Development:** The draft code amendments respond to a need/revision identified by Senate Bills 3460/3400 to address permitted uses on commercial and industrial lands. The proposed code amendments are not found to deter employment or business opportunities but rather to allow for greater economic uses on commercial and industrial properties while also protecting the intent of these zones and permissible locations as well as the intent of the Aurora Historic District.

The Planning Commission has determined which uses under the Senate Bills are best suited in which zoning locations to match the purpose and intent of the zone. The code update also

addressed design standards for storage units in the commercial zone to protect design standards of the primary structures in the zone. Staff and the Planning Commission found Goal 9 is met.

Goal 10, Housing: The draft code amendments address storage of recreational vehicles on residentially zoned lands and within public rights-of-way not intended to accommodate housing. Staff finds Goal 10 is not applicable. The proposal does not address Goal 10 issues.

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

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable as the code amendments address permitted uses under State law on properties already zoned for commercial and industrial development. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues as the proposed code amendments apply to existing commercial and industrial sites within the City limits and permissible uses within these zones.

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

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

FINDINGS: Staff and the Planning Commission found the adoption actions are consistent with Oregon Revised Statute 197.610(1) for notice to the Department of Land Conservation and Development. Measure 56 notice was not required as the proposed amendments do not reduce permissible uses on commercial lands.

The addition of specific definitions for marijuana grow sites, processing sites and retail sites under AMC 16.04 ensures compliance with recently adopted legislation at the State level. Above the State-imposed and regulated standards for said facilities, jurisdictions are permitted to adopt reasonable time, place and manner restrictions to meet the intent of their development code and comprehensive plans. Proposed amendments to address these new regulations and to further clarify the locations of specific facilities are found by staff to be reasonable and address the intent and purpose of the specific zoning codes, as outlined under each zoning code chapter.

Staff and the Planning Commission found this criterion is met.

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

The applicable Aurora Comprehensive Plan Goals align with the Statewide Planning Goals and associated policies as outlined under FINDINGS, subsection A.1 above. Staff and the Planning Commission found this criteria is met.

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

**FINDINGS:** The draft code amendments respond to a need/revision identified by Senate Bill 3460/3400 to potential permitted uses on commercial and industrial lands. The proposed code amendments are not found to deter employment or business opportunities but rather to clarify locations of permitted specific uses, allow for greater economic uses of commercial and industrial properties, and maintain design standards while also protecting the intent of the zones and the Aurora Historic District.

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

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

**FINDINGS:** Staff or the Planning Commission did not find a change in circumstance, mistake or inconsistency in the comprehensive plan or implementing ordinances. Rather, the proposed code amendments are a result of Senate Bill 13460/3400531 and the City's need to refine and clarify permitted locations and uses within the City of Aurora, adopt "reasonable regulations" for their review, as well as further clarify storage of recreational vehicles and design standards for accessory structure. Staff and the Planning Commission found this criterion is met.

**EXHIBIT A** Aurora Municipal Code (AMC) section 16.04- Definitions  
Aurora Municipal Code (AMC) section 16.14- Commercial zone  
Aurora Municipal Code (AMC) section 16.16- Industrial zone  
Aurora Municipal Code (AMC) section 16.36- Manufactured Home Regulation  
Aurora Municipal Code (AMC) section 16.42- Off-Street Parking and Loading

Councilor Vlcek asks if they are considering them all together or are we chopping it up. Mayor Graupps states let's talk about each one individually.

There is no testimony from the audience at this time Mayor Graupp closes the Public Hearing at 8:01 PM.

Council begins discussions regarding the code changes being proposed.

1. Marijuana, Councilor Vlcek begins with a question regarding odor has this been addressed in the code changes. City Planner Wakeley informs the council that there is not a criteria for odor however your nuisance code does and remember this is a conditional use and the applicant is required to apply and a

review process would then take place on a yearly basis. Councilor Vlcek is also concerned about security and Wakeley states that normally that is up to the property owner.

2. Storage Units, there is a brief discussion here regarding temporary storage solutions the council needed more specific information regarding materials it is the consensus of the council that they need more information and want to wait for a full council before rendering a decision.

3. RV Storage, Council discuss various options but ultimately feel allowing one RV is very strict but it is the consensus of the council to wait for a full council before rendering a decision.

It is the consensus of the council to approve the recreational marijuana code language as presented.

A motion is made to approve the recreational marijuana code language as presented and to continue the hearing on the other 2 items by Councilor Vlcek and seconded by Councilor Sallee. Passed by all.

## **7. REPORTS**

### **a) Mayor Bill Graupp**

- Mayor reports that the city received a 20,000 dollar grant from Business Oregon to help offset the costs of the Engineering bill for the Wastewater Facility Plan.

Council discussed, NA

**ACTION ITEM: NA**

### **b) Marion County Deputy**

- Deputy report is attached activity is normal and there are no questions from council.

Council discussed.....

**ACTION ITEM: Action to be.....**

Councilor Sallee on a personal note asks Deputy Huitt what is a normal response time and what constitutes an arrival. Huitt, when an officer arrives they will notify dispatch on an audible alarm they will attempt to validate if they can't then it drops in priority as it is not active threat.

### **c) Finance Officer**

- Finance officer is absent. The report is attached and everything looks to be on track.

Council discussed, NA

**ACTION ITEM: NA**

### **d) Public Works**

- Public Works report the following items have been finished, street sweeper scheduled, trees trimmed in the park however more trees have been identified that will need to come down in the next phase. Councilor Vlcek asks Public Works how long has the aeration basin been septic. Lockard since around April until now Vlcek why so long Lockard because it takes time for something like this to heal and clear up. Councilor Vlcek is also concerned about the manual backwashes that have been taking place at the water treatment plant. Lockard informs council that there is currently a process in place to help insure the safety of our employees regarding this issue until it is permanently fixed. Lockard if all goes well we won't need manual backwashes after tomorrow. Councilor Sallee requests this process be in written format and also asks if there is a backup protocol if the electronics were to fail Lockard not at this time if they fail the system goes down. Lockard reports the new utility worker will begin December 1<sup>st</sup>.

Council discussed, NA

**ACTION ITEM: NA**

e) Parks Committee

- Park report none given at this time other than trees are being looked at again.

Council discussed, NA

**ACTION ITEM: NA**

f) City Recorder

- Recorder report is attached and read into the record

Council discussed nothing at this time.

**ACTION ITEM: NA**

g) City Attorney

- City Attorney report's that the Eddy properties purchase that was pending fell through and that the city is still moving forward just as before. Trial should be in December.

Council discussed, NA

**ACTION ITEM: NA**

**8. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS**

- a) Discussion and or Action on Ordinance Number 480 to Amend the Aurora Municipal Code Regarding Various Sections. First Reading, Not read at this time hearing was continued.

**9. NEW BUSINESS**

- a) Discussion and or Action on Proposal for Living Color Landscape to include Highway 99E Planter Strips.

Motion is made to approve the Living Color Contract to include 99E Planter Strips by Councilor Sallee and is seconded by Councilor Vlcek. Motion Passes.

- b) Discussion and or Action or Presentation of Information from the Pudding River Water Council, Anna Rankin the coordinator for the pudding river water shed informs council that currently we have dollars that we would like to collaborate with and work on getting more dollars so that it will go further in an effort to address storm water runoff. Lockard states we do have bio swells in addressing this issue. There are few various items and or ideas that were discussed Public Works will look around the city to see what some of our options are.

#### 10. OLD BUSINESS

- a) NA

**Councilor Sallee informs Council that her home has sold and is actively looking for a Permanente residence.**

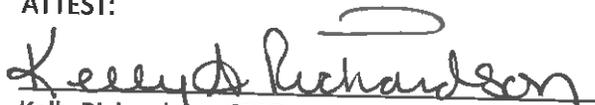
#### 11. ADJOURN,

Mayor Graupp adjourned the November 10, 2015 Council Meeting at 9:48 PM.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, CMC  
City Recorder



# OREGON LIQUOR CONTROL COMMISSION REQUEST

## Land Use Compatibility Statement

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

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

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

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

**How to complete a LUCS:**

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

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

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

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

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

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

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

Section 2 – To be Completed by Local Jurisdiction

Site Location:

Inside city limits

Inside UGB

Outside UGB

Name of Jurisdiction:

Property Zoning of  
Proposed Premises:

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

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

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

Comments:

Name of Reviewing Local Official (print):

Title:

Date:

Email:

Phone:

Signature:

Check this box if there are attachments to this form:

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

# Life of a License Application

## Submitted

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

## Received

*OLCC License Investigator receives application and begins review.*

## Local Government

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

## Prohibited Use

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

## Completeness Review

*License Investigator and Applicant collect all additional necessary information.*

## Application Review

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

## Non-Compliant

## Possible Denial

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

## Premises Inspection

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

## Non-Compliant

## Possible Denial

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

## Approved

*Applicant has met all requirements of application and premises inspection.*

## License Fee Due

*Applicant pays the licensing fee in the online system.*

## All Fees Paid

## License Issued

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

# Life of a License Application

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## Non-Compliant

## Possible Denial

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

## Approved

*Applicant has met all requirements of application and premises inspection.*

## License Fee Due

*Applicant pays the licensing fee in the online system.*

## All Fees Paid

## License Issued

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