

City of Mill City

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MILL CITY PLANNING COMMISSION AGENDA

March 14, 2014 9:00 a.m.

City Hall – 444 S. First Avenue

MILL CITY, OREGON 97360

1. **Call to Order and Flag Salute – 9:30 a.m.** Chair Nancy Kelle

2. **Approval of Minutes:** February 14, 2014 Regular Meeting
February 25, 2014 Joint Public Hearing – Parks Plan

3. **Public Comment:**

We welcome you to today's regular monthly meeting of the Mill City Planning Commission. This is an open meeting of the Commission and you are invited to observe the meeting.

If you wish to speak to the board regarding an issue which is not on the agenda, the Commission provides time at the beginning of each meeting to listen to public comments. The chairperson will ask for public comment. When you are recognized, please state your name, address and briefly explain the issue you wish to discuss. Depending on the nature of the issue, the Planning Commission may address the issue during this meeting, table the issue to a future meeting or may request that you speak with the City Recorder or Planning Consultant outside the meeting.

4. **Presentations: None Scheduled**

5. **Public Hearings (continued):**

File No. 2013-07 Site Plan Review – Duplex

Applicant: Tom Blaylock

Property Owner: Jano Krenz

Location: 200 Block, NW 5th Avenue, Mill City (behind 264 NW 5th Avenue)

Assessor's Map #: T9S, R3E, Section 30DA Tax Lot 02701

6. **Old Business:**

- a. Master Parks Plan – Council Action
- b. Medical Marijuana Dispensaries - SB 1531
- c. PC Annual Report to City Council
- d. Gloor Lot Line Adjustment – Building Permit Issues
- e. Other

7. **Information**

- a. City Recorder's Report

8. **New Business**

9. **Adjournment**

MILL CITY PLANNING COMMISSION
Meeting of February 14, 2014
9:00AM

Planning Commission members present: Chair Nancy Kelle, Vice-Chair Gay Stuntzner, Ann Carey, Dennis Chamberlin, David Leach, Cheryl Lundquist and Frances Villwock. Staff in attendance: City Recorder Stacie Cook and Planning Advisor David Kinney.

Community members present: Steve Blaylock, Tom Blaylock and Marge Henning.

The Planning Commission met for an on-site review of the property in question for the public hearing, located off of NW 5th Avenue and Hwy 22.

APPROVAL OF MINUTES:

Ann Carey noted that Steve Blaylock was at the meeting in January.

Gay Stuntzner said that the minutes reflect that a non-remonstrance agreement will be required for the improvements along Hwy 22. Why would a property owner be required to pay for State road improvements? Mr. Kinney said that it would depend on the improvements that are taking place and varies by property.

Mrs. Stuntzner asked how the non-remonstrance agreement for the Blaylock improvements would be written. Mr. Kinney said that it would state that if the City proceeds with a future project then the property owner will pay his share of the improvement cost. The non-remonstrance for the State would be very similar but would typically not include paving.

Cheryl Lundquist moved and was seconded by Dennis Chamberlin to Approve the Minutes of January 10, 2014. The motion carried unanimously.

CITIZEN COMMENTS: None.

PRESENTATIONS: None.

PUBLIC HEARING:	File No. 2013-03	Site Plan Review – Duplex
	Applicant:	Tom Blaylock
	Property Owner:	Jano Krenz
	Location:	200 Block, NW 5 th Avenue, Mill City (behind 264 NW 5 th Ave)
	Assessor's Map #:	Marion County – 93E30DA Tax Lot 02701

Chair Nancy Kelle opened the continued public hearing at 9:34a.m. and called for any potential conflicts of interest, bias or ex parte contact. Chair Kelle said that Green Mountain Real Estate sold the property but it was not her sale. Chair Kelle called for the applicant's presentation.

STAFF REPORT: Mr. Kinney said that ODOT has submitted a response to the question concerning access off of Hwy 22. The access was pre-approved in 1996 but because no development was done the permit was never completed. Cynthia Buswell, ODOT, indicates in her email response that the Hwy 22 Access Management Plan

addresses future access points. With the pre-approval, Mr. Kinney feels that the access should have been included on the mapping in the Hwy 22 Access Management Plan because the intent was to honor any existing permitted accesses.

Mr. Kinney asked applicant Tom Blaylock what his intentions are for this property. Mr. Blaylock said that with the new information concerning the access he is considering building mini storage rather than a duplex with a one way access off of Hwy 22 and exit off of 5th Ave.

Chairman Kelle said that if Mr. Blaylock's intent is to withdraw the duplex site plan review application then the hearing should be continued to the March 14th meeting to allow the property owners to discuss their intents. A written withdrawal will need to be provided to the City if that is what the end result is.

Mr. Kinney said that the City has 120 days to complete land use hearings so a decision will have to be made at the March meeting on this application.

Hearing continued to March 14, 2014 at 9:30a.m.

OLD BUSINESS:

Master Parks Plan: Mr. Kinney said that there were a few outside members of the public that attended, including members of the Skatepark Committee. A brief update on comments received was given. There were a few minor adjustments noted concerning plan drawings. The general reaction to the plan and maps was positive.

Discussion concerning the skatepark ensued. It was noted that the focus should be more on a skate spot for recreational purposes rather than a skatepark. There were also concerns about on-going maintenance costs and available space for a large structure.

Mr. Kinney asked for some priorities to include in the Master Parks Plan. Those identified, in no particular order, were:

1. Mill City Falls/Hammond Park
2. Railroad Bridge Maintenance/Upgrades & Trails
3. Kimmel Park Maintenance/Upgrades

Medical Marijuana Dispensaries: The Planning Commission discussed the merits of drafting an ordinance disallowing medical marijuana dispensaries within the City. Mr. Kinney said that as a zoning regulation the timeline to complete the process would prohibit meeting a March deadline. A medical marijuana dispensary is a commercial use, not a home occupation. A zoning regulation imposing more restrictive rules referencing youth activities, pre-schools or daycares could be drafted. Another option could be to adopt a general ordinance which says that no business activity that violates state and federal laws is allowed within the City.

Gay Stuntzner moved and was seconded by Cheryl Lundquist to Recommend to the City Council the Adoption of an Ordinance Modifying the Business License Code which Indicates: "Because the time frame to make zoning code amendments is prohibitive to have a change made by March the Planning Commission recommends a modification to the business license code to include the statement that no business license will be issued to a business that violates local, state or federal

law.” The motion carried unanimously.

PC Annual Report to City Council: Mr. Kinney will provide an updated report to the Planning Commission at the March meeting.

INFORMATION ITEMS: None.

NEW BUSINESS: None.

CITY RECORDER REPORT: Mrs. Cook gave a brief update on items happening within the City including:

- 1st Avenue/Wall Street Crosswalk.
- Oregon State Parks & Rec Grant.
- Transportation & Growth Management Grant.
- RARE Student.
- Manufactured Home Standards
- Possible Variance Application.

FURTHER BUSINESS FROM THE PLANNING COMMISSION: None.

The next meeting will be March 14, 2014.

The meeting was adjourned at 11:20a.m.

Prepared via recording by:

Stacie Cook, MMC, City Recorder/Planning Secretary

**MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, February 25, 2014
DRAFT**

Mayor Kirsch opened the meeting at 6:30 PM with the flag salute. Councilors present were Scott Baughman, Susann Heller, Justin Merrill, Fred Smith, and Thorin Thacker. Staff members in attendance were City Recorder, Stacie Cook and Planning Advisor David Kinney.

Planning Commission Members Vice Chair Gay Stuntzner, Cheryl Lundquist, Frances Villwock, Ann Carey, Dennis Chamberlin and David Leach.

Citizens in attendance were Lynda Harrington, Dorothy Keasey, Anita Leach, Roel Lundquist, Dan Meredith, Maryanne Meredith, Bill Sanderson and Frances Thomas.

DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST: Mayor Kirsch stated that anyone who felt they may have a potential conflict with anything on tonight's agenda may say so at this time or at any time during tonight's meeting.

CONSENT AGENDA

Mayor Kirsch noted that the language "The Sheriff's Office will use the City cameras on City-owned property and cameras owned by the Sheriff's office when they become available."

Councilor Thacker pulled item 'a' of the consent agenda.

Councilor Heller moved and was seconded by **Councilor Merrill**, to approve b; Approval of Accounts Payable, of the consent agenda. Stacie Cook polled the council; the motion passed unanimously, (6:0).

Councilor Thacker asked to clarify in the minutes that he stepped out of the room during the meeting to provide cameras to Sgt. Klein.

Councilor Thacker moved and was seconded by **Councilor Merrill** to Approve item a, Approval of the Minutes of the Regular City Council Meeting, February 11, 2014, as amended. The motion passed unanimously, (6:0).

SHERIFF'S OFFICE REPORT: None.

CITIZEN COMMENTS AND QUESTIONS: Lynda Harrington spoke to the Council about the City's Historic Railroad Bridge stating that it is in disrepair and aesthetically unpleasing. Mrs. Harrington asked for the Council's cooperation in working

Mrs. Cook said that she and Mr. Kinney discussed the possibility of including the Railroad Bridge as a component of the OPRD grant application. The conclusion was that it makes sense to add this element considering that there is work that needs to be done and the City already has some funds set aside, which can be used as matching funds toward the grant. Mrs. Cook will be checking with OPRD to see whether they feel that the Railroad Bridge is a feasible component.

Council consensus to have staff explore including the railroad bridge in the OPRD grant application.

PUBLIC HEARING

**Joint Hearing – PC/CC
Master Parks Plan**

Mayor Kirsch opened the public hearing at 6:50p.m. Mayor Kirsch introduced the Planning

Commission members in attendance and called for any potential conflicts of interest, bias or ex parte contact. Being none, Mayor Kirsch called for the staff report.

STAFF REPORT: Mr. Kinney began by introducing Frances Thomas, Ruth Lemke and Dorothy Keasey who worked for the last few years on the Parks Master Plan.

Mr. Kinney said that the Parks Master Plan will be an overall component of the Comprehensive Plan. The purpose is to outline needs for the City's parks system and more importantly, to be grant eligible. The drawings shown within the document, as well as the document itself, are purely conceptual. Adjustments can be made as the community grows and sees a need for change. The policies that are recommended do have some binding regulations to the City. These say that there will be community and neighborhood parks; there will be continued operation and maintenance of recreation trails; additional parks will be created in the south end of town as development occurs. Mr. Kinney said the one difficult item to plan for was a skatepark. The Committee looked at sites and tried to prioritize locations to place a skatepark. The document recommends the use of volunteers within the parks system. Also included is an outline of potential financing options.

PROPONENT'S TESTIMONY: Roel Lundquist, SW Linn, said that the right-of-way near 5th Avenue at Memorial Wayside Park will need to be dealt with. This may result in a slightly smaller park once completed. The park should then be dedicated as a public parcel.

Anita Leach, SE Hazel St. said that she would like to encourage the Council to try to get the Canyon Catalysts or a similar group back to assist with some of this work.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: None.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION OR CITY COUNCIL: Councilor Heller noted that the maps definitely need to be updated.

Ann Carey asked if there is enough in the document on the railroad bridge. Mr. Kinney suggested adding the information that Mrs. Harrington advised the Council of during her comments on the railroad bridge.

STAFF SUMMARY: Mr. Kinney thanked Councilor Heller, Dorothy Keasey, Ruth Lemke, Gay Stuntzner and Frances Thomas for their consideration during this process.

Mayor Kirsch closed the public hearing at 7:11p.m. calling for Planning Commission deliberation.

PLANNING COMMISSION DELIBERATION: Vice Chair Gay Stuntzner said that the Planning Commission has been dealing with this for quite some time and asked whether there are any further comments.

Mr. Kinney suggested including in the motion a recommendation to include a paragraph about the historical significance of the railroad bridge in the Parks Master Plan.

Cheryl Lundquist moved and was seconded by **Frances Villwock** to Recommend to the Council to Adopt the Parks Master Plan Including a Paragraph About the Historical Significance of the Railroad Bridge. The motion passed unanimously, (6:0).

CITY COUNCIL DELIBERATION: **Councilor Thacker** moved and was seconded by **Councilor Merrill** to Adopt the Mill City Parks Master Plan, including the Recommendation of the Planning Commission to Include a Paragraph about the Historical Significance of the Railroad Bridge, and to Read Ordinance No. 37X – Master Parks Plan for First Reading by Title Only. The motion

passed unanimously, (6:0).

Mr. Kinney read Ordinance No. 37X – Master Parks Plan by title only.

OLD BUSINESS

SW 3rd Avenue Fire Lane: Dave Curran, Linn County Road Department has been contacted again about the grading and compaction of the fire lane. Mr. Curran indicated that they are still willing to do the work but have just not been up this way.

Councilor Heller noted that a thank you should be sent to Linn County for filling potholes. Councilor Thacker stated that there is a very large pothole at SW 5th and Broadway Streets that needs to be filled.

Kimmel Park Security Measures: No update.

SCA Grant – SE Fairview Street Project: John Ashley has submitted contract documents for initial review by staff and legal counsel. City Attorney Jim McGehee has reviewed the document. A meeting has been set with John Ashley tomorrow to review the contract document further.

City Hall Interior Parking Lot Sidewalk: Councilor Baughman said that the information provided for lighting was done by a lighting engineer who is recommending three “downlights” on posts for installation.

The lighting engineer suggests installing three flag lights, however; they run about \$900 each so it may be better to install conduit so three can be installed eventually but to start with installing only one flag light.

Councilor Baughman said that he can assist the City with the purchase of the lights, which should provide a reduced rate and then the City can have the installation work done by a contractor.

Councilor Baughman suggested getting specs for the entry doors to City Hall so that costs can be researched and possibly included in the bid for the lighting.

Audit Proposals: On Tuesday, February 18, 2014 Councilors Baughman and Thacker, Finance Clerk Trisha Ruby and City Recorder Stacie Cook held interviews with the three firms; Accuity, Boldt, Carlisle & Smith and Pauly Rogers, that submitted proposals in response to our Audit RFP.

Discussion amongst the interviewers took place. Upon conclusion a consensus was reached to recommend contracting with Accuity, LLC for the 2013-2014 FY audit services. There were some concerns voiced regarding Accuity’s overall workload and their lack of use of specialized computer mining software to analyze the City’s data. However, staff contacted a number of agencies that use Accuity, LLC and received an overall good review from each.

Mayor Kirsch said that Boldt, Carlisle & Smith has served the City well and done a fabulous job for a number of years.

Councilor Merrill moved and was seconded by **Councilor Heller** to Accept the Audit Review Committee’s Recommendation to Contract with Accuity, LLC for Audit Services for FY 2013-2014. The motion passed unanimously, (6:0).

1st Avenue & Wall Street Crosswalk Update: Mrs. Cook said that on Thursday, February 13 she attended a meeting with ODOT representatives to discuss ODOT’s plans for paving work on Hwy 22 and into town along N 1st Avenue. As a part of the project the crosswalk at N 1st Avenue and Wall Street will be covered. ODOT will replace the sidewalk, however; in order to do so the location must be formally approved through their approval process and the City will be required to

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March 14, 2014

To: Chairman Nancy Kelle and Planning Commissioners

From: David W. Kinney, Planning Consultant

In RE: Blaylock Duplex – Supplemental Staff Report

Continuation of Public Hearing:

The Planning Commission continued the public hearing on construction of a proposed duplex for Tom Blaylock adjacent to Hwy 22.

At the January 10, 2014 hearing, Debi Van Agtmael, questioned whether the application conflicted with an existing ODOT approval for an access driveway to Oregon Highway 22. City Recorder Stacie Cook provided Mrs. Van Agtmael with copies of a 1998 partition which approved her lot east of Mr. Blaylock's property. She also has been in contact with ODOT regarding the prior approvals and how ODOT would handle a proposed new driveway onto Hwy 22.

Mr. Blaylock has informed City Recorder Stacie Cook that his intent is to change his application from a duplex to a commercial (storage units) proposal. A pre-application meeting is scheduled for Thursday, March 20th.

The hearing should be closed by the Chairman, the file application declared withdrawn by the applicant and the file closed.

Next steps:

- 1. Chairman Kelle should close the public hearing, confirm the application is withdrawn and declare the file closed.**

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March 14, 2014

To: Chairman Nancy Kelle and Planning Commissioners

From: David W. Kinney, Planning Consultant

In RE: SB 1531 - Medical Marijuana Dispensaries – Ability to Impose Moratorium

Issue Summary:

The Oregon Legislature adopted SB 1531 at the end of the 2014 legislative session. The final version of the bill provides cities and counties the option of imposing a one year moratorium (until May 1, 2015) on the siting of medical marijuana facility inside the jurisdiction.

A copy of the enrolled bill is enclosed.

The Planning Commission may want to discuss whether or not you wish to have the City Council consider this option.

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) (Pre-session 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 633.738, 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

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

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

.....
Kate Brown, Secretary of State

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March 14, 2014

To: Chairman Nancy Kelle and Planning Commissioners
From: David W. Kinney, Planning Consultant
In RE: Gloor Lot Line Adjustment, Public Works Standards and Building Permit requirements

Issue Summary:

Ann Carey and Stacie Cook both asked me to review city requirements that will apply to the double-lot and new buildings being constructed on the property that was consolidated on SW 3rd Avenue.

1. Lot Line Adjustment, Survey & Consolidation of Lots with Linn County.

The Linn County Assessor's map shows that the lots were consolidated and the subdivision lines have been eliminated. The dashed lines indicate the County Surveyor has removed the lot lines per a recorded survey or legal description modification.

2. Driveways Permitted under Mill City Public Works Standards.

Section 2.28.a of the public works standards allow one driveway on a street per residential lot. In this instance the city issued a building permit for a new home with two driveways fronting SW 3rd Avenue. The site approval was an error.

Since this is a double lot, the locations of the two driveways meet other spacing requirements for separation between the driveways and from the intersection to the north. Since the owner relied on the city's approval of the site plan in placing the home and accessory building, the owner may have a claim against the city if the city would rescind or close the approved driveway approach.

3. Building Design requirements.

The siding on the main building and the accessory structures are required to use the same siding type or material and be painted in similar or compatible colors.

S.E. 1/4 N.E. 1/4 SEC. 31 T.9S. R.3E. W.M.

Linn County

SEE MAP 9 SE 31AA

09S03E31AD
MILLCITY

SW KINGWOOD AVE

Cancelled Nos.

- 200
- 301
- 400
- 500
- 600
- 700
- 800
- 1005
- 1220
- 1221
- 1222
- 1223
- 1224
- 1501
- 1502
- 2400



TL 2500 showing
parcel lines
removed between
Lots 8 & 9

SEE MAP 9 SE 32

MILL CITY PLANNING COMMISSION 2013 Annual Report

The Planning Commission and Planning staff completed or worked on the following items during 2013.

1. **Mill City Local Wetlands Inventory.**

Lane Council of Governments (LCOG), in cooperation with SWCA, Environmental Consultants, completed the *Local Wetland Inventory Report for the City of Mill City*. The Mill City Local Wetlands Inventory shows 12 small wetlands in Mill City, but not all are considered locally significant. The Oregon Division of State Lands approved the report on December 14, 2011.

Mill City is one of eight cities in the southern Willamette Valley area participating in an EPA grant funded project to conduct local wetland inventories and navigate a range of choices for addressing those resources. Under LCDC Goal 5 Oregon cities are required to inventory, list and manage locally significant wetlands within the city limits and urban growth area of the community. A completed inventory will support compliance with state and federal requirements relating to wetland and riparian areas. It will also provide the City and individual property owners with an important understanding of these resources. In 2012 LCOG received another EPA grant to assist the eight cities in developing zoning regulations.

- LCOG staff developed DRAFT regulations in cooperation w/ DSL and DLCD staff.
- The Planning Commission reviewed the DRAFT regulations in Fall 2012.
- The Planning Commission and City Council held a joint public hearing in 2013.
- Ordinance 368 adopting the Local Wetlands Inventory was adopted in June 2013.

2. **Mill City Municipal Code Amendments – SMC Chapter 17 “Zoning”:**

The Planning Commission reviewed a series of minor amendments to SMC Chapter 17 “Zoning”. Corrections were made throughout the code to address conflicts and inconsistencies:

- | | |
|-------------------------------|--|
| • Zoning Official | Eliminated references to city administrator |
| • Notice of Decision | Correctly refer to Notice of Decision in Chapter 17.64 |
| • Notices for Public Hearings | Deletes outdated provisions & refers to Chapter 17.64. |
| • Appeals | Correctly refer to Appeals section in Chapter 17.64 |
| • Fees and Deposits | Fees and deposits modified so applicants are billed for actual costs. Allows withholding building permits until all fees paid. |
| • Notices of Public Hearings | Fixed notice requirements to comply with ORS 197.763. |
| • Development Agreement | Authorized City to require a development agreement to ensure all public improvements are installed with a project. |
| • Temporary RV use | Modified 17.44.020.G to allow temporary use of an RV during construction in the public, commercial and industrial zones. |

Public hearings were held and Ordinance 369 was adopted in August 2013.

3. **Zoning Code Codification:** The Planning Consultant codified all the zoning amendments adopted from 2008 to 2013. City Recorder Stacie Cook posted the updated SMC – Chapter 17 “Zoning” on the City’s website in December 2013.
4. **Zoning Code Amendments – Discussions.** The Planning Commission discussed several zoning code revisions, but did not make any recommendations to the City Council.
 - a. Accessory buildings
 - b. RV parking/storage on residential lots
 - c. Residential building maintenance standards
5. **Mill City Master Parks Plan:** The Parks Advisory Committee met a number of times from September to December 2013 to complete work on the DRAFT *Mill City Parks Master Plan*. An open house was held on February 13, 2014 and the Planning Commission and City Council held a public hearing on February 25, 2014.
6. **Land Use Applications:** The Planning Commission handled seven (7) new land use applications in 2013 and took action on several older applications that have not been finalized or closed out.

Applications Reviewed in 2013

1.	2010-07	City of Mill City	Local Wetlands Inventory	Adopted – Ordinance 368
2.	2012-02	City of Mill City	SMC Chap 17 – Zoning (Temp Use of RV)	Adopted – part of Ord 369
3.	2012-09	Yarbrough	Village @ Santiam Pointe Replat	Approved + extension granted
4.	2013-01	Baptist Church	Site Plan Review for new church	Approved; no action by applicant Applicant unable to complete; Approval expired.
5.	2013-02	City of Mill City	SMC Chap 17 – Zoning (Admin Update)	Adopted – Ordinance 369
6.	2013-03	McClung	Variance – setbacks	Approved
7.	2013-04	Gloor	Lot Line Adjustment – SE 3 rd	Approved
8.	2013-05	Bosch	Duplex – SE Grove	Approved
9.	2013-06	AeroEnvironment	Electric Charging Station – Mt. Edge Café	Approved
10.	2013-07	Blaylock	Duplex – NW 5 th	PC Hearing open until March 2014

Prior Land Use Decisions requiring additional action

11.	2007-03-05	City of Mill City	Riparian Code Amendments	On indefinite hold – Needs Inventory
12.	2007-03-04	Baughman Annex	Annexation	Finalize Ordinance for City Council
13.	2012-08	Buildable Lands	Builldable Lands Inventory	Approved by PC; CC Hearings held Map corrections and Adopting Ordinance needed
	Linn County	Drake - Stafford	UGB Amendment – Remove from UGB	Approved – Send to Linn Cty

Submitted by the Mill City Planning Commission on March 14, 2014.

Nancy Kelle, Chairperson

on behalf of Gay Stuntzner, Vice-Chair, and Planning Commissioners Ann Carey, Dennis Chamberlain, David Leach, Cheryl Lundquist and Frances Villwock.