

Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, May 7, 2015
6:00 p.m.

I. Call to Order

- A. Roll call
 - B. Pledge of Allegiance
 - C. Announcements by Presiding Officer
1. This meeting is being digitally recorded.
 2. The Planning Commission will hold a Public Hearing on May 14 regarding vacation rentals as an allowed use in certain residential zones. This hearing will take place at 6:30 p.m. in the City Council Chamber.
 3. The next regular City Council meeting is scheduled for May 21 at 6:00 p.m. in the City Council Chamber. During this meeting, the City Council will hold a Public Hearing on the proposed budget for fiscal year 2015-2016.

II. Public Hearing

- A. Ordinance Adopting System Development Charges for the City of Shady Cove and Repealing Ordinance Nos. 209 and 230
- B. Ordinance Adding Medical Marijuana Facilities as a Permitted Use in the General Commercial District (GC)
- C. Supplemental Budget for fiscal year 2014 - 2015

III. Public Comment

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

IV. Presentation

None

V. Consent Calendar

- A. Accounts Payable, \$5,882.23 (pg. 3)
- B. Regular Meeting Minutes of April 16, 2015 (pg. 4-5)

VI. Written Communications

None

VII. Staff Reports

None

VIII. Unfinished Business

None

IX. New Business

- A. First Reading – Ordinance Adopting System Development Charges for the City of Shady Cove and Repealing Ordinance Nos. 209 and 230 (pg. 6-12)
- B. First Reading – Ordinance Adding Medical Marijuana Facilities as a Permitted Use in the General Commercial District (GC) (pg. 13-17)
- C. Resolution 15-17 – Adopting Supplemental Budget for Fiscal Year 2014-2015 (pg. 18-19)

X. Public Comment on Non-Agenda Items

Public must state name and address and standing to discuss issue. Issues must have city-wide impact and not be personal issues.

XI. Council Comments

XII. Adjournment

**City of Shady Cove
Unpaid Bills Report
April 17 , 2015 to April 27, 2015**

<u>Payee</u>	<u>Amount</u>	<u>Description</u>
Celtic Circle	\$700.00	Shop Rental
CenturyLink Svcs	\$711.02	Phone Services
Costco	\$69.96	Supplies
David Christian	\$195.00	Radio Programming
Intuit	\$176.86	Checks
Medford Fuel	\$46.32	Public works gasoline/diesel
Napa	\$2.32	Streets
Pacific Power	\$19.56	Utilities
Perfection Cleaning	\$280.00	Cleaning Services
Postmaster	\$298.57	Sewer Billing
Reagles, Mitchell	\$44.00	Per Diem
RVCOG	\$3,049.50	Floodplain, Planning, Computer Services
Sherwin Williams	\$115.62	Park Maintenance
Southern Oregon Sanitation	\$98.50	Sanitation
Stewards	\$75.00	Porta Potty
Total:	\$5,882.23	
Total Amount of Unpaid Bills:	\$5,882.23	

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, April 16, 2015

CALL TO ORDER

Mayor Anderson called the Regular City Council Meeting to order at 6:00 p.m. in the City Council Chamber.

Council Present: Mayor Anderson, Councilor Ulrich, Councilor Burgess and Councilor Mitchell and Councilor Sanderson.

Staff Present: Aaron Prunty, City Administrator; and Bonnie Pickett, Administrative Assistant

ANNOUNCEMENTS

The mayor led the audience in the Pledge of Allegiance, and read the announcements listed on the agenda.

PUBLIC COMMENT

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

CONSENT CALENDAR

Revised Accounts Payable, \$78,492.79
Regular Meeting Minutes of April 6, 2015

Councilor Burgess and Mitchell had questions on a couple of the expenses.

Motion to Approve the Consent Calendar.

Motion: Councilor Ulrich Second: Councilor Mitchell

All ayes. Motion carried 5-0

STAFF REPORT

The City Administrator reviewed the 3rd Quarter Budget Summary. The Budget is right in line with where it should be for the year.

The City Administrator requested that City Hall be closed for CPR Training on Wednesday May 20, 2015.

NEW BUSINESS

A. Resolution 15-16 – Ratifying the 2015-2017 Collective Bargaining Agreement and Authorizing the Mayor to Sign the Agreement

Mayor Anderson noted the key changes in the Collective Bargaining Agreement. The City Administrator read the Resolution in its entirety.

Motion to Approve Resolution 15-16 – Ratifying the 2015-2017 Collective Bargaining Agreement and Authorizing the Mayor to Sign the Agreement

Motion: Councilor Mitchell Second: Councilor Sanderson
All ayes. Motion carried 5-0

B. July Meeting Schedule- cancelling the July 2, 2015 Council Meeting

Motion to Approve the Cancellation of the July 2, 2015 Council meeting .

Motion: Councilor Second: Councilor
All ayes. Motion carried 5-0

COUNCIL COMMENTS

Councilor Sanderson noted a new business has come to Shady Cove, Bison Ranch.

Councilor Ulrich stated the new bathroom is in at Aunt Caroline's Park. The park clean-up day will be on 4/18/15.

Councilor Mitchell will be absent for the June 18, 2015 Council Meeting.

Councilor Burgess noted the ease of the collective bargaining agreement. Also mentioned the Spaghetti feed and Silent Auction.

Mayor Anderson will be absent from the June 4th Council meeting.

Mayor Anderson noted that we will no longer be able to hold the City wide clean up at the fire station. The City Administrator is looking into other locations for the City wide clean-up. The Clean-up may be scheduled for late summer or early fall. Mayor Anderson directed the City Administrator to look into how the volunteers will be coordinated for the City wide clean-up.

ADJOURNMENT

The mayor adjourned the regular meeting at 6:35 p.m.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____

City of Shady Cove

Ordinance No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE ADOPTING SYSTEMS DEVELOPMENT CHARGES FOR THE CITY OF SHADY COVE, OREGON AND REPEALING ORDINANCE NOS. 209 AND 230

WHEREAS, the City Council of the City of Shady Cove enacted, pursuant to the authority set forth in ORS 223.297 et. Seq., Ordinance No. 209, on 05/01/2003, and subsequently amended by Ordinance No. 230, on 06/02/2005, providing the overall City implementing policy and procedures for System Development Charges (SDC's); and

WHEREAS, the City Council of the City of Shady Cove desires to update and fully incorporate and consolidate policies and procedures relating to System Development Charges into one Ordinance;

THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:

35.01.01 Purpose

The purpose of the system development charge is to impose a portion of the cost of capital improvements for parks, wastewater, flood control, and streets upon those developments and redevelopments that create the need for increase the demands on parks, wastewater, stormwater, and streets.

35.01.02 Definitions

The following definitions apply to Chapter 35.01 of this code:

- A. Capital Improvements – public facilities or assets used for the following systems:
 - a. Parks and recreation;
 - b. Wastewater collection, transmission, treatment, or disposal or any combination;
 - c. Drainage or flood control; or
 - d. Transportation.
- B. Contiguous – in a public way which abuts the parcel.
- C. Council – the city council of the City of Shady Cove, Oregon.
- D. Development – all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities. Development includes redevelopment of property. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved lands.
- E. Improvement Fee – a fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to §35.01.03.
- F. Owner – the owner or owners of record title or the purchaser or purchasers under a recorded land sales agreement, and other persons having an interest of record in the described real property.
- G. Parcel of Land – a lot, parcel, block or other tract of land that in accordance with city regulations is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

- H. Permittee – the person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.
- I. Qualified Public Improvement – a capital improvement that is:
 - a. Required as a condition of development approval;
 - b. Identified in the plan adopted pursuant to §35.01.07; and either:
 - i. Not located on or contiguous to a parcel of land that is the subject of the development approval; or
 - ii. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
- J. Reimbursement Fee – a fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to §35.01.03, and for which the council determines capacity to exist.
- K. System Development Charge – a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of capital improvements, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. A system development charge does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

35.01.03 System Development Charge Established

System development charges shall be established and may be revised by resolution of the council. The resolution shall set the amount of the charge, the type of permit to which the charge applies, and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.

35.01.04 Methodology

The methodology used to establish or modify the reimbursement fee shall, where applicable, be based on the cost of then-existing facilities including without limitation design, financing and construction costs, prior contributions by then-existing users, gifts or grants from federal or state government or private persons, the cost of the unused capacity of existing facilities, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the council. The methodology shall promote the objective that future system users shall contribute no more than an equitable share of the cost of then-existing facilities.

The methodology used to establish or modify the improvement fee shall, where applicable, demonstrate consideration of the estimated cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future system users.

The methodology used to establish or modify the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the council.

35.01.05 Authorized Expenditures

Reimbursement fees shall be applied only to capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of indebtedness.

Improvement fees shall be spent only on capacity increasing capital improvements associated with the system for which the fee is assessed, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or providing new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by current or projected development. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to §35.01.07.

Notwithstanding other provisions of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this chapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development expenditures.

35.01.06 Expenditure Restrictions

System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

35.01.07 Improvement Plan

Prior to the establishment of a system development charge, the council shall adopt a plan that includes a list of:

- A. The capital improvements that the council intends to fund in whole or in part with improvement fee revenues; and
- B. The estimated cost and time of construction of each improvement and the percentage of that cost eligible to be funded with improvement fee revenues; and
- C. A description of the process for modifying the plan.

In adopting this plan, the council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section.

The council may modify such plan and list at any time. If a system development charge will be increased by a proposed modification to the list the council will:

- A. At least 30 days prior to adoption of the proposed modification, provide written notice to persons who have requested notice pursuant to §35.01.12; and
- B. Hold a public hearing if a written request for a hearing is received within seven days of the date of the proposed modification.

A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on the periodic application of one of the construction cost indices published by the *Engineering News Record*.

35.01.08 Collection of Charge

The system development charge is payable upon the issuance of:

- A. A building permit; or

- B. A development permit; or
- C. A development permit for development not requiring the issuance of a building permit; or
- D. A permit or approval to connect to the sewer system; or
- E. A right-of-way access permit.

If no building, development, or access permit is required, the system development charge is payable at the time the usage of the capital improvement is increased based on the changes in the use of the property unrelated to seasonal or ordinary fluctuations in usage.

If development is commenced or connection is made to the sewer system without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.

The City Administrator shall collect the applicable system development charge from the permittee when a permit that allows building or development of a parcel is issued.

The City Administrator shall not issue such permit or allow such connection until the charge has been paid in full, or until a provision for installment payments has been made pursuant to §35.01.09, or unless an exemption is granted pursuant to §35.01.10.

35.01.09 Installment Payments

When a system development charge is due and collectible, the owner of the parcel of land subject to the system development charge may apply for payment in 20 semiannual installments, to include interest on the unpaid balance, in accordance with ORS 223.208.

The City Administrator shall provide application forms for installment payments, which shall include a waiver of all rights to contest validity of the lien, except for the correction of computational errors.

An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the property interest of the applicant is adequate to secure payment on the lien.

The City Administrator shall docket the lien in the lien docket. From that time the city shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by the council. The lien shall be enforceable in the manner provided in ORS Chapter 223.

The City Administrator is authorized to cancel assessments of system development charges, without further council action, when the development approved by the building permit is not constructed and the building permit is cancelled.

For property that has been subject to a cancellation of assessment of system development charges, a new installment payment contract shall be subject to the code provisions applicable to system development charges and installment payment contracts on file on the date the new contract is received by the city.

35.01.10 Exemptions

Structures and uses established and legally existing on or before the effective date of this chapter are exempt from a system development charge to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the sewer charges pursuant to the terms of this ordinance upon the receipt of a permit to connect to the sewer system.

Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development charge.

An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the capital improvements are exempt from all portions of the system development charge.

35.01.11 Credits

When a development occurs that is subject to a system development charge, the system development charge for the existing use, if applicable, shall be calculated and, if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required. No refund or credit shall be given unless provided by another paragraph of this section.

A credit shall be given to the permittee for the cost of a qualified public improvement upon acceptance by the city of the public improvement. The credit shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee and shall only be for the improvement fee charged for the type of improvement being constructed.

If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of the development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this paragraph. The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the city. The city may deny the credit provided for in this paragraph if the city demonstrates that the application does not meet the requirements of this section or if the improvement for which credit is sought was not included in the improvement plan pursuant to §35.01.07.

When the construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project.

Notwithstanding the previous paragraphs of this section, when establishing a methodology for a system development charge, the city may provide for a credit against the improvement fee, reimbursement fee, or both, for capital improvements constructed as part of the development which reduce the development's demand upon existing capital improvements and/or the need for future capital improvements, or a credit based upon any other rationale the council finds reasonable.

Credits shall not be transferable from one development to another.

Credits shall not be transferable from one type of system development charge to another.

Credits shall be used within 10 years from the date the credit is given.

35.01.12 Notice

The city shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a system development charge. The methodology supporting the system development charge shall be available at least 60 days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the city.

The city may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

35.01.13 Segregation and Use of Revenue

All funds derived from the system development charge described in this chapter are to be segregated by accounting practices from all funds of the city. Those system development charges collected under this chapter shall be used for no purpose other than set forth in §35.01.05.

The City Administrator shall provide the council with an annual accounting, by January 1 of each year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account in the previous fiscal year. A list of the amount spent on each project funded in whole or in part with system development charge revenues shall be included in the annual accounting.

35.01.14 Refunds

Refunds may be given by the City Administrator upon finding that there was a clerical error in the calculation of a system development charge.

Refunds shall not be allowed for failure to timely claim credit or for failure to timely seek an alternative system development charge rate calculation at the time of submission of an application for a building permit.

35.01.15 Appeal Procedure

A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the city council by filing a written request with the finance director describing with particularity the decision of the finance director and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.

After providing notice to the appellant, the council shall determine whether the City Administrator's decision or the expenditure is in accordance with this chapter and the provisions of ORS 223.297 to 223.214 and may affirm, modify, or overrule the decisions. If the council determines that there has been an improper expenditure of system development charge revenues, the council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the council shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.

A legal action challenging the methodology adopted by the council under this chapter shall not be filed later than 60 days after adoption. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100 and not otherwise.

35.01.16 Prohibited Connection

No person may connect to the sewer system of the city unless the appropriate system development charge has been paid or the lien or installment payment method has been applied for and approved.

35.01.17 Construction

For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, the following rules of construction shall apply:

- A. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
- B. The word, “shall,” is always mandatory and not discretionary; the word, “may,” is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the singular, unless the context clearly indicates the contrary.
- D. The phrase, “used for,” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”
- E. Where a regulation involves two or more connected items, provisions, or events:
 - a. “And” indicates that all the connected terms, conditions, provisions or events shall apply; and
 - b. “Or” indicates that the connected items, conditions, provisions, or events may singly or in any combination.
- F. The word, “includes,” shall not limit a term to the specific example, but is intended to extend its meaning to all other instance of like kind or character.

35.01.18 Severability

The provisions of this chapter are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this chapter shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the council’s intent that this chapter would have been adopted had such an unconstitutional provision not been included herein.

35.01.18 Classification

The council determines that any fee, rates or charges imposed by this chapter are not a tax subject to the property tax limitations of Article XI, section 11(b) of the Oregon Constitution.

City of Shady Cove

Ordinance No. _____

**AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING
THE SHADY COVE CODE OF ORDINANCES TO PERMIT MEDICAL
MARIJUANA FACILITIES**

Whereas, the State of Oregon enacted legislation to permit medical marijuana facilities to serve holders of medical marijuana cards; and

Whereas, the City of Shady Cove must amend its Code of Ordinances to implement the legislation; and

Whereas, Chapter 154, of the Shady Cove Code of Ordinances governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application; and

Whereas, The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on April 9, 2015, to consider amendments to Section 154.081 of the Shady Cove Code of Ordinances to add Medical Marijuana Facility as a permitted use in the General Commercial District (GC) subject to compliance with state licensing and operation requirements; and

Whereas, on April 9, 2015, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made, duly seconded, and unanimously approved, to recommend that the City Council approve the addition of medical marijuana facilities to Section 154.081.

Now therefore,

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS:**

The Shady Cove Code of Ordinances is amended as follows:

- | | |
|------------------------|--|
| Section 1: Title | This Ordinance shall be known as the Medical Marijuana Facility Ordinance of the City of Shady Cove, Oregon. |
| Section 2: Description | Medical Marijuana Facility regulations, attached as Exhibit A, approved by the City Council. |
| Section 3: Amendment | The permitted use regulations contained in Chapter 154.081 of the Shady Cove Code of Ordinances Plan Map are |

amended to add Medical Marijuana Facility and modify the numbering of the remaining uses in Section 154.081.

Section 4: The City Council adopts as its own, and incorporates by reference, the Planning Commission recommendation attached as Exhibit B.

PASSED AND APPROVED by the City Council of the City of Shady Cove this ____ day of _____, 2015.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____

EXHIBIT "A"

Amend Section 154.081(C)(39) to add Medical Marijuana Facility. (Because the list is alphabetical, the remaining uses on the list will be renumbered only.)

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

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

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

- i. Compliance with all requirements as established by the Oregon Health Authority (OHA) to be validly registered.
- ii. Prior to operating the business, the operator shall provide the City with a copy of the medical marijuana facility's valid proof of registration as issued by the OHA.

EXHIBIT "B"

BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON

IN THE MATTER OF CONSIDERATION OF)
AMENDMENTS TO CHAPTER 154.081 OF THE) RECOMMENDATION
SHADY COVE CODE OF ORDINANCES TO) TO CITY COUNCIL
PERMIT MEDICAL MARIJUANA FACILITIES)

APPLICANT: City of Shady Cove Planning File No. MMF 15-01

RECITALS:

- 1) Chapter 154, of the Municipal Code of the City of Shady Cove governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application; and,
- 2) The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on April 9, 2015, to consider amendments to Chapter 154.081 of the Shady Cove Code of Ordinances to include Medical Marijuana Facilities in the General Commercial District (GC) subject to compliance with state licensing and operation requirements. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff memorandum that is part of the record; and,
- 3) On April 9, 2015, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council approve the addition of medical marijuana facilities to Chapter 154.081. The motion passed by a roll call vote of 5 to 0.

NOW THEREFORE, the Planning Commission of the City of Shady Cove finds, concludes, and recommends as follows:

SECTION 1: FINDINGS

- 1) The Planning Commission hereby incorporates by reference all oral deliberations and findings of fact established in the record of the public hearing, and cites by reference: oral and written testimony of interested citizens and staff, and findings of fact which are a part of the record, the City Planner's staff report; and,
- 2) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the above request; and,

- 3) The City provided public notice through the Upper Rogue Independent, and mailed notices to owners of all commercial properties within the city limits via United States Postal Service. The Planning Commission finds and concludes that proper notice has been given; and,
- 4) The Planning Commission finds that although no one specifically spoke in opposition to the proposed amendments, several expressed concerns about associated marijuana grow operations and whether distribution of products should be through pharmacies rather than separate businesses. Another party wanted assurance that business owners would not be forced to rent space to dispensaries. The Commission also takes note of two communications received from business owners who objected to the proposed amendment, citing negative effects on the business climate in Shady Cove.
- 5) The criteria used to evaluate the requested amendments to the Code of Ordinances are contained in Section 154.438 with additional considerations in Section 154.380(F). The Planning Commission finds that the request meets the criteria and considerations.

SECTION 2: CONCLUSION

The Planning Commission concludes that the proposed amendments to Section 154.081 of the Shady Cove Code of Ordinances comply with procedural requirements of the Shady Cove Code of Ordinances, and appropriately implement State law regarding medical marijuana facilities. It also concludes that the small number of potential dispensaries will limit adverse effects of such businesses. The Commission also concludes that the recommendation is entirely separate from any decision that may be made in the future about implementing Measure 91 regulating recreational marijuana.

SECTION 3: DECISION

Based on the record of the public hearing on this matter, the Planning Commission recommends approval of amendments to Section 154.081 of the Shady Cove Code of Ordinances to include medical marijuana facilities as a permitted use in the General Commercial zoning district.

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this 17th day of April 2015, in Shady Cove, Oregon.


Paula Trudeau, Chair

City of Shady Cove

Resolution No. 15-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE,
OREGON, AUTHORIZING A SUPPLEMENTAL BUDGET TO RECEIVE
UNANTICIPATED RESOURCES AND APPROPRIATE EXPENDITURES WITHIN THE
2014-2015 BUDGET**

Whereas, ORS 294.471 allows a supplemental budget to be adopted by resolution in the event unanticipated revenues are received and appropriations are needed; and

Whereas, the City expects to receive an insurance claim settlement from City County Insurance Services in the amount of \$25,000, and expects to use that same amount toward the purchase of park property; and

Whereas, the City will use \$65,000 from the SDC Park Fund for the purchase of park property.

Now, therefore, be it resolved, the City Council of the City of Shady Cove, Oregon, makes the following changes to the 2014-2015 fiscal year budget:

General Fund

Resource: Miscellaneous Income\$1,000

Revised Budgeted Amount – General Fund

Resource: Miscellaneous Income\$25,000

Expenditure: Purchase Park Property\$25,000

Revised Budgeted Amount – System Development Fund

Expenditure: Purchase Park Property\$65,000

Adopted by the City Council this 7th day of May, 2015.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson

Councilor Ulrich

Councilor Sanderson

Councilor Burgess

Councilor Mitchell

