

**Central Point
City Hall
541-664-3321**

City Council

Mayor
Hank Williams

Ward I
Bruce Dinger

Ward II
Kelly Geiger

Ward III
Ellie George

Ward IV
Allen Broderick

At Large
David Douglas
Rick Samuelson

Administration
Chris Clayton, City
Manager
Deanna Casey, City
Recorder

**Community
Development**
Tom Humphrey,
Director

Finance
Bev Adams, Director

Human Resources
Barb Robson, Director

**Parks and Public
Works**
Matt Samitore,
Director
Jennifer Boardman,
Manager

Police
Kris Allison Chief

**CITY OF CENTRAL POINT
City Council Meeting Agenda
March 27, 2014**

Next Res. 1393
Next Ord. 1984

- I. REGULAR MEETING CALLED TO ORDER – 7:00 P.M.**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PUBLIC APPEARANCES** - *This time is reserved for citizens to comment on items that are not on the agenda.*

V. SPECIAL PRESENTATION – SOREDI

VI. CONSENT AGENDA

- Page 1 - 6 A. Approval of March 13, 2014 Council Minutes
- 7-10 B. Approval of OLCC Application for Schmizza Pub & Grill
- 11 C. Approval to cancel the April 24, 2014 Regular City Council Meeting.
- 12 - 13 D. Approval of March 2014 Surplus List

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS

- 15 - 18 A. Second Reading, Ordinance No. _____, An Ordinance Amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4; and Chapter 17.46, C-5 Allowing Medical Marijuana Dispensaries as a Conditional Use (Humphrey)
- 20 - 21 B. Resolution No. _____, Allocating PacifiCorp Electric Franchise Fees to the Street Fund for Street Light Expense (Adams)

- 23 - 27 C. First Reading – Ordinance Amending CPMC Chapter 10.04.100 Parking Prohibitions and 10.04.112 Mobile Home, Motor Home, Camper, Van, Car or Truck Parking Prohibitions (Allison)

IX. BUSINESS

- A. Mae Richardson Traffic/Parking Discussion (Samitore)

- 29 - 33 B. Senate Bill 1531 Discussion (Clayton)

X. MAYOR’S REPORT

XI. CITY MANAGER’S REPORT

XII. COUNCIL REPORTS

XIII. DEPARTMENT REPORTS

XIV. EXECUTIVE SESSION

The City Council may adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XV. ADJOURNMENT

Consent Agenda

**CITY OF CENTRAL POINT
City Council Meeting Minutes
March 13, 2014**

I. REGULAR MEETING CALLED TO ORDER

Council President Bruce Dingler called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL: Mayor: Hank Williams was excused.
Council Members: Allen Broderick, Bruce Dingler, Kelly Geiger, Rick Samuelson, and David Douglas, were present. Ellie George was absent.

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Chief Kris Allison; Community Development Director Tom Humphrey; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

IV. PUBLIC APPEARANCES - None

V. CONSENT AGENDA

- A. Approval of February 27, 2014 City Council Minutes
- B. Approval of Arbor Week Proclamation
- C. Approval of OLCC Application for Schmizza Pub and Grill
- D. Approval of Cheese Festival Traffic Control Plan

City Manager Chris Clayton asked that the OLCC Application for Schmizza Pub and Grill be removed from the Consent Agenda.

Allen Broderick moved to approve the Consent Agenda with the OLCC Application for Schmizza Pub and Grill being removed. Kelly Geiger seconded. Roll call: Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; and Rick Samuelson, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA

Mr. Clayton explained that there have been a few issues getting the applicant to respond to request by the Building Official to get permits and licensed contractors. Staff feels it is important to hold the OLCC authorization until these issues with the building can be solved. Once Mr. McIntire responds and there is some improvement in communication we will return with the application for approval.

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Second Reading – Ordinance No. 1984, Amending Subsection 12.36.100 of the Municipal Code Amending the Height Requirements of Trees Over Public Streets

Mr. Samitore explained that this was the second reading of an ordinance raising the height of tree branches allowed over public right of ways. There was one recommended change at the first reading regarding newly planted trees.

Allen Broderick made a motion to approve Ordinance No. 1984, Amending Subsection 12.36.100 of the Municipal Code Amending the Height Requirements of Trees Over Public Streets Roll call: Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; and Rick Samuelson, yes. Motion approved.

B. First Reading/Public Hearing, An Ordinance Amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4; and Chapter 17.46, C-5 Allowing Medical Marijuana Dispensaries as a Conditional Use

Mr. Humphrey explained that this is the second amendment to the Central Point Municipal Code in order to regulate Medical Marijuana Dispensaries. These proposed code amendments will reinforce the Council's actions in the zoning chapter. The Department of Land Conservation and Development (DLCD) have reviewed the recommendation and did not have any comments on the action. The Planning Commission held a hearing on March 4, 2014 and no one spoke for or against the amendments. The Commission recommended 4 to 2 in favor of the approval. They wanted to go on the record stating that they would rather see the dispensaries banned.

The proposed Ordinance will add Medical Marijuana Dispensaries to the C-2(M), C-4, and C-5 Commercial zones as a conditional use. Any dispensary will be required to go through the provisions of a Conditional Use Permit as outlined in CPMC 17.76. This type of approval will be reviewed annually for both the business license and the conditional use.

The City Council acknowledged the concern of the Planning Commission regarding the Medical Marijuana Dispensaries

Kelly Geiger made a motion to move to second reading An Ordinance Amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4; and Chapter 17.46, C-5 Allowing Medical Marijuana Dispensaries as a Conditional Use. David Douglas seconded. Roll call: Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; and Rick Samuelson, yes. Motion approved.

C. Resolution No. 1392, Declaring the City Council's Interest and Request to be Included in the Jackson County Enterprise Zone Which Includes an Electronic Commerce Zone Overlay

Mr. Humphrey explained that at the direction of the Council, City Staff met with Jackson County staff to obtain more information about the County Enterprise

Zone. The County is the agency who actually orchestrates the creation of and amendments to the rural Jackson County Enterprise Zone.

The City of Central Point could be included in the Jackson County Enterprise Zones if the Council chooses to approve the recommended Resolution and Map of inclusion. There would also be an electronic Commerce Overlay with this enterprise zone.

There was discussion regarding a proposed time line and the next steps. Staff will create a list of all the tax lots to be included in the zone. The County and SOREDI would like to have Gold Hill, Talent and Phoenix involved in the amendment sent to the State. The City of Central Point cannot create an Enterprise Zone of their own because of the limitations by the State.

Kelly Geiger moved to approve Resolution No. 1392, Declaring the City Council's Interest and Request to be Included in the Jackson County Enterprise Zone Which Includes an Electronic Commerce Zone Overlay. Allen Broderick seconded. Roll call: Bruce Dinger, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; and Rick Samuelson, yes. Motion approved.

D. Resolution No. 1393, Updating the Public Works Standards and Specifications

Parks and Public Works Director Matt Samitore introduced Public Works Engineer Tech II and Field Engineer Greg Graves. Mr. Graves is the person in charge of keeping the standards updated and enforced.

Mr. Graves explained the major changes that are updated in the 2014 Standards and Specifications. Some of the items to be updated are cluster mail boxes, the use of municipex instead of copper, and the encouragement of low impact development. Several changes were a result of legislation from the state level that changes the way we do things. Most of those changes had already been incorporated but were not written in the Standards.

David Douglas made a motion to approve Resolution No. 1393, Updating the Public Works Standards and Specifications. Allen Broderick seconded. Roll call: Bruce Dinger, yes; Kelly Geiger, yes; Allen Broderick, yes; David Douglas, yes; and Rick Samuelson, yes. Motion approved.

VIII. BUSINESS

A. Planning Commission Report

Community Development Director Tom Humphrey reported on the Planning Commission meeting from March 4, 2014:

- The Commission considered Municipal Code Amendments for Chapter 17.37; 17.44; and 17.46 in order to include Medical Marijuana Dispensaries as a Conditional Use Permit in specific business zones. The

State has not agreed that cities have the right to permanently ban the dispensaries; this is the second step in designating specific business zones they will be allowed in. The Planning Commission wants it to be on the record that they would like to permanently ban the dispensaries if the State gives Local Government that ability.

- The Commission also heard recommendations to clarify the process of Urban Growth Boundary amendments in Chapter 17. There are internal inconsistencies in the code language that Jackson County has raised questions about. They are currently processing two Urban Growth Boundary applications for the City. Staff hopes to bring this before the City Council in April for a first reading.

IX. MAYOR'S REPORT – No Mayors Report

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- County Administrator Danny Jordan did a good presentation to the County Commissioners on the GMO issues. He will forward the video to the Council in his Friday report. There is a lot more involved in the GMO issues than most people realize.
- The city of Medford has invited the Central Point City Council to a joint Emergency Management Training scheduled for Monday, May 19th. This is a regularly scheduled Study Session night for Central Point.
- City staff is working on the budget for next year. Things should be status quo for another year. We will be reviewing the option of going to a bi-annual budget in the near future.
- Department Directors are working on their goals for the 2014/15 year. These will be presented to the Council at the Study Session.

XI. COUNCIL REPORTS

Council Member David Douglas reported on the School Board meeting. There was some contention at the board meeting over staff evaluations and contracts.

Council Member Allen Broderick reported that the Parks Foundation will be going on a tour of City Parks and Facilities. Council members should attend this tour, it is very interesting.

XII. DEPARTMENT REPORTS

Parks and Public Works Director Matt Samitore stated that staff has been working on the traffic issues at Mae Richardson. There has been a Mae Richardson fix for the lights at Pine for several years. No one realized that it was written inside the box. An ODOT representative reconfigured the signal accordingly and the traffic issue has improved. The City will continue working with the school district for improved drop off areas.

Police Chief Chris Allison reported that:

- The department had increased patrol at Mae Richardson and that has also helped with traffic slowing down allowing children to cross safely.
- She will be working on updates to the public drunkenness code. This is another item that is outdated and has not been changed to keep up with the state laws.
- The department helped cover calls in the north part of Medford during their officer involved shooting last week. Working together assured safety for Central Point citizens and Medford citizens.
- She should be bringing parking ordinance amendments to the Council at the first meeting in April.
- They are half way through the D.A.R.E. curriculum for this year. D.A.R.E. days are set for May 23rd. Council members are invited to attend.

Community Development Director Tom Humphrey reported that:

- Rich Carraro will be here to visit with the Boot Camp Alumni on March 23rd – 25th. If all works as planned we hope to create a poster for Central Point Tourism.
- The Rogue Creamery will be having their annual Cheese Festival on Saturday. This is their 10th annual event and it brings a lot of visitors to Central Point.

XIII. EXECUTIVE SESSION – ORS 192.660(2)(e) Real Property Transactions

Allen Broderick made a motion to adjourn into Executive session under ORS 192.660(2)(e). Kelly Geiger seconded. All said “aye” and the meeting was adjourned into executive session at 8:20 p.m.

The Council returned to Regular Session at 8:53 p.m. No action was taken.

XIV. ADJOURNMENT

Kelly Geiger moved to adjourn, Allen Broderick seconded, all said “aye” and the Council Meeting was adjourned at p.m.

The foregoing minutes of the , 2014, Council meeting were approved by the City Council at its meeting of , 2014.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

City of Central Point, Oregon
140 S 3rd Street, Central Point, OR 97502
541.664.3321 Fax 541.664.6384
www.centralpointoregon.gov



Community Development
Tom Humphrey, AICP
Community Development Director

PLANNING DEPARTMENT MEMORANDUM

DATE: March 27, 2014
TO: Honorable Mayor & City Council
FROM: Tom Humphrey AICP, Community Development Director
SUBJECT: Schmizza Pub & Grill OLCC Permit

Background

The Schmizza Pub & Grill has obtained a new business license and is applying for an OLCC permit to open their business and serve alcohol in Suite D at 1350 Plaza Blvd on April 1, 2014. The owner has been remodeling for the past several weeks and there has been sporadic building permit compliance. At the request of the Building Official (see Attachment A) the City Council pulled liquor license approval from their last consent agenda.

The Community Development Department has followed-up with Mr. McIntire and his contractors to help him meet his proposed opening. An electrical permit was taken and that inspection will be complete by the Council meeting. A fire suppression system modification permit has not been taken at this writing but it is hoped that the permit and work will be done and inspected by next Thursday. An oral update will be given at the Council meeting which will enable the Council to make a decision on the OLCC permit application.

Action

Approve Schmizza Pub & Grill OLCC Liquor License application pending satisfactory completion of the Building Official's fire and life safety issues

Attachments

A. Email Message from Building Official dated March 13, 2014

Tom Humphrey

From: Derek Zwagerman
Sent: Thursday, March 13, 2014 8:14 AM
To: Chris Clayton; Tom Humphrey
Subject: Schmizza Pub & Grill

This is an update on the remodel status of Schmizza Pub & Grill at 1350 Plaza Blvd., Ste. D & E.

Background:

I spoke with the tenant, Ryan McIntire, when I reviewed his business license application and asked about remodeling. He said that he wasn't doing any remodeling. I periodically stopped by the location and noticed that an opening in a wall was being enlarged and light fixtures were in boxes on site. Electrical receptacles have also been added and removed. I again spoke with Mr. McIntire and told him he needed a permit for alterations to the structure. He applied for a permit, the permit fee was \$23.01. Mr. McIntire was also told that he, his employees, laborers, or subcontractors could not do plumbing or electrical work without appropriate licenses. He was also told that a licensed electrical contractor is required to pull a permit for the electrical work being completed. As of today no electrical permit has been pulled for the work.

I also spoke with Greg Armstrong, Construction Contractors Board – licensing enforcement, and Mike Weaver, electrical licensing enforcement. Both of these individuals have stopped by the job. Mr. Armstrong spoke with Mr. McIntire and has had past involvement with him. I visited the site with Mr. Weaver on Monday (3/10/14) and noticed that a cooler had been installed in the kitchen. This installation does not require a permit, but is indicative of the continued construction that is happening without notification from Mr. McIntire. The cooler installation also requires that the fire sprinkler system be modified to extend a sprinkler head into the cooler.

As of Monday, none of the kitchen cooking equipment had been installed.

The following items need to be completed:

1. Obtain electrical permit and inspections.
2. Obtain permit for kitchen hood fire suppression system modifications, and completed inspections.
3. Obtain a permit for fire sprinkler system modification (this has not been mentioned to Mr. McIntire).

I spoke with Mr. McIntire on Monday (3/10/14) and asked him when he was looking at opening. He stated that he would like to open during the first week of April.

I would like to request that the OLCC license approval or recommendation for approval be withheld until Mr. McIntire completes the required building permit inspections prior to allowing the business to operate. The permits and inspections will insure that the building safety and safety of the public are at appropriate levels.

Derek Zwagerman, P.E.

Building Official
City of Central Point
140 South Third Street
Central Point, OR 97502
Desk: 541-664-6325 (x228)
Fax: 541-664-1611
www.centralpointoregon.gov



155 South Second Street • Central Point, OR 97502

Ph: (541) 664-5578 • Fax: (541) 664-2705 • www.centralpointoregon.gov

Kristine Allison

Chief

Date: 02/27/2014

From: Captain Brian Day
To: Honorable Mayor Williams
Subject: Request for OLCC License

RE: Schmizza Pub & Grill / Persons associated therewith

Files of the Central Point Police Department contain no information pertinent to the request.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brian Day", is written over a blue circular stamp or seal.

Captain Brian Day
Central Point Police Department



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

RECEIVED

FEB 07 2014

MEDFORD REGIONAL OFFICE
OREGON LIQUOR CONTROL COMMISSION

Application is being made for:

LICENSE TYPES:

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

CITY AND COUNTY USE ONLY

Date application received: 2/24/14

The City Council or County Commission:

Central Point
(name of city or county)

recommends that this license be:

Granted Denied

By: _____
(signature) (date)

Name: Hank Williams

Title: Mayor

OLCC USE ONLY...

Application Rec'd by: [Signature]

Date: 2/14/14

90-day authority: Yes No

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

- ① McIntire Inc. ② _____
- ③ _____ ④ _____

2. Trade Name (dba): Schmizza Pub&Grub

3. Business Location: 1350 Plaza Blvd ste. D Central Point Jackson OR 97502
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 958 Pumpkin Ridge Eagle Point OR 97524
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-879-3000 541-879-3001
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: n/a Type of License: _____

8. Former Business Name: Relax Sports Bar

9. Will you have a manager? Yes No Name: Sarah Stone
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Central Point
(name of city or county)

11. Contact person for this application: Ryan McIntire 541-941-0795
(name) (phone number(s))
958 Pumpkin Ridge 541-879-3001 pzalvr@aol.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

- ① [Signature] Date 2/14/14 ③ _____ Date _____
- ② _____ Date _____ ④ _____ Date _____



ADMINISTRATION DEPARTMENT

140 South 3rd Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

STAFF REPORT
March 27, 2014

CONSENT AGENDA ITEM:

Cancellation of April 24, 2014 Regular City Council Meeting

STAFF SOURCE:

Chris Clayton, City Manager

BACKGROUND:

Due to two Budget Meetings at the end of April Staff is recommending the cancellation of the April 24, 2014 Council Meeting.

There are no pending items that cannot wait until the May 8th Council meeting.

If there are business items that require immediate action the Mayor has authority to notice a meeting to take care any items that cannot wait till the next scheduled meeting.

FISCAL IMPACTS:

None

RECOMMENDATION:

Staff recommends cancellation of the April 24, 2014 City Council meeting. There will be no Study Sessions in April.



STAFF REPORT

March 21, 2014

AGENDA ITEM:

The City would like to surplus the following items

STAFF SOURCE:

Matt Samitore, Director

SUMMARY:

Current list of surplus from new purchases and consolidations across all departments from January through March 1, 2014.

RECOMMENDATION:

Staff Recommends approving the surplus list.

RECOMMENDATION

Approve the surplus property list.

Item #	Qty	Make/Model	Description	Notes	Disposition
3027	1	Husqvara	Riding Lawnmower	Ser# GTH2548 - Replaced	Auction
	1	Hand Pipe Bender	Includes all dies	Item replaced	Auction
	1	Air-Mate	Air Compressor	Item replaced	Auction
	1	Blue Point	Transmission Jack (Air over Hydraulics)	No longer used	Auction
	1	Norco	Transmission floor Jack	No longer used	Auction
3108	1	Clemco	Sandblaster	No longer used	Auction
3093	1	Chicago	Generator Ser#257847	Old - Has been replaced	Auction
2069	1	Kellogg-American	Air Compressor and hose	Old - no longer used	Auction
	1	Black & Decker	Electric Jack Hammer	Old - no longer used	Auction
3097	1	ADK	Air Compressor Ser#92070070030	Old - no longer used	Auction
	1		Oil Heater	No longer used	Restore or Goodwill
	12		Misc. tires	No longer used	Auction
	1		Dryer	Old - no longer used	Recycle
	4		Bundles of fence slats	Not needed	Auction
2070	1		Billy Goat w/2 bags	No longer used	Auction
2074	1	Husqvara	Push mower	No longer used	Auction
	1	Generac	Pressure Washer w/wand	No longer used	Auction
	1	Eureka	Vacuum	No longer used	Goodwill
	3		Desk chairs (Includes old drafting chair)	No longer used (Replaced)	
	35		Buckets of galvanized fittings	Can't use- contain lead	
	3		Pallets for paint machine	Item replaced	
	1		Weed wacker	Not needed	
	1		Popcorn popper	Item replaced	Auction
	1		3 drawer file cabinet - brown	Not needed	Restore or Goodwill
3202	1	Cushman	Truck	Old - no longer used	Auction
3170	1	International 54000	Dump Truck 10Y	Item replaced	Auction
	1	Snap On	Modis (Modular Diagnostic Information System)	No longer used	Auction
3195	1	Ingersol Rand	Compressor (towable)	Item replaced	Auction
	1		Truck tool box (From PWV# 3019)	Item replaced	Auction
	1		Hot air lance	No longer used	Auction
	41 PR		Leather Gloves- Kinco	No longer used	Auction
	106 PR		Leather gloves- yellow	No longer used	Auction
	1 PR		Rubber boots	No longer used	Restore or Goodwill
	1		Microwave	Item replaced	Recycle
	1		Office desk- brown/grey 2 piece and drawers	No longer used	
	1		Office desk- Grey	No longer used	
	1		Propane heater	No longer used	Auction
	2		Flood lights	No longer used	Auction
	1		Husqvarna Hedge trimmer	No longer used	Auction
	1		Office desk- wood- light brown	No longer used	
	1		Drafting table (Old style)	No longer used	Auction
	3		Hydrant bases	No longer used	
	2		4 drawer file cabinets - tan	No longer used	
	6		PD Lockers	No longer used	Auction or Restore
			PD tables		Auction or Restore
	1		Philips VHS/DVD player		Auction or Goodwill
	2		Windows from BOB booths	Item replaced	Restore
	1		Projector screen and stand	No longer used	Restore
			PD holsters	No longer used	Restore
			PD radios	No longer used (Analog)	Day Wireless - (Wipe & destroy)
2110	1	Cyclone	12' Mower	No longer used	Donate to School District #6
2116	1	LandPride	8' Rake	No longer used	Donate to School District #6
2114	1	Brillion	Seeder	No longer used	Donate to School District #6
3055	1	Shindaiwa	Power broom	No longer used	
3056	1	Shindaiwa	Power broom	No longer used	
	1 Box		Misc. office items (file sorters, backrest, calc.)	No longer used	Goodwill
	1		Lg White board (with grid)	No longer used	Restore
	1		Child's plastic play kitchen	No longer used	Goodwill
	1		Oak desk shell (No drawers)	Replaced	
	1		File cabinet (2 drawer)	No longer used	Goodwill or Restore

Ordinance

Amending Chapter 17 Allowing Dispensaries as Conditional Use



STAFF REPORT

March 27, 2014

AGENDA ITEM: File No. 13020

Second Reading of Municipal Code Amendments to revise Chapter 17.37, **C-2(M)**; Chapter 17.44, **C-4**; and Chapter 17.46, **C-5** to allow Medical Marijuana Dispensaries as Conditional Uses. **Applicant:** City of Central Point.

STAFF SOURCE:

Tom Humphrey, Community Development Director

BACKGROUND:

At its last meeting the City Council conducted a public hearing to consider amendments to Chapter 17 – Zoning which would reinforce changes to Title 5 (Chapter 5.40) which manages Medical Marijuana Dispensaries in Central Point until such time as the Council chooses to prohibit such dispensaries. The zoning amendments were sent to the Department of Land Conservation and Development (DLCD) for their review and comment and the City has received nothing from them to date.

The Planning Commission conducted a public hearing on March 4, 2014 and no one spoke either in support or in opposition to this amendment. The Commission recommended 4 to 2 in favor of approval. The dissenting members preferred that the Council prohibit dispensaries outright.

DISCUSSION:

The City's approach to the new state law has been to add CPMC Chapter 5.40 which defines medical marijuana dispensaries and specifies the conditions under which they would be allowed. The Attached Ordinance is being proposed to amend Chapter 17 in order to reinforce language in Chapter 5.40 allowing dispensaries in three commercial zones (C-2M, C-4 and C-5) as a *conditional use*. The Council believes that prohibiting dispensaries outright would simply invite expensive and unnecessary litigation.

The State Legislature recently adopted HB 1531 which makes clear that reasonable time, place and manner (TPM) restrictions are permitted by jurisdictions which is what Central Point amendments accomplish. A moratorium allowed by HB 1531, if adopted, would be effective only for one year until May 1, 2015. In our case there does not appear to be much benefit to adopting a moratorium. The only reason to adopt a moratorium would be that in the event the law is further clarified in the next year to allow cities to ban dispensaries, Central Point would not run the risk of allowing such a business to open, and then later prohibiting the use, which would create an enforcement issue between the business license and the legal nonconforming use. The Council has appeared to be in favor of the changes staff is advocating until the State makes an outright prohibition more clear.

The following section changes are summarized as follows:

1. **Section 17.37 C-2(M) Commercial-Medical District.** This section has been revised to add Medical Marijuana Dispensaries, as defined in Chapter 5.40 as *Conditional uses* noted in Attachment “A”. Given that the C-2(M) zoning district is surrounded by residential uses and that there is a 500 foot buffer from those uses, there are no properties in the existing C-2(M) zone where a dispensary can be established.
2. **Section 17.44 C-4 Tourist and Office-Professional District.** This section has been revised to add Medical Marijuana Dispensaries, as defined in Chapter 5.40 as *Conditional uses* also noted in Attachment “A”. This is the principle zoning district where the City could see some applications.
3. **Section 17.46 Thoroughfare Commercial District.** This section has been revised to add Medical Marijuana Dispensaries, as defined in Chapter 5.40 as *Conditional uses* also noted in Attachment “A”.

ISSUES:

As discussed, the primary issue has been whether to have an outright prohibition on dispensaries or to allow them under limited circumstances. The current belief is that allowing them under limited circumstances minimizes city liability. After having adopted Chapter 5.40 regulating dispensaries in general, the zoning districts referred to should be consistent with the rest of the CPMC. Adoption of these zoning amendments would reinforce the Council’s earlier action. It should also be noted again that state law allows dispensaries in *both* commercial and industrial zones. However, Central Point does not typically allow *any* retail businesses in industrial zones unless they are incidental to the industrial use. Therefore, the City is not advocating any changes to industrial zoning districts at this time.

ATTACHMENTS:

Attachment “A” – Ordinance No. ____ An Ordinance amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4, Chapter 17.46, C-5 to allow Medical Marijuana Dispensaries as a Conditional Use.

ACTION:

Discuss proposed ordinance amendments and 1) adopt the ordinance as is; 2) adopt the ordinance with changes; or 3) deny the ordinance.

RECOMMENDATION:

Approve Ordinance No. _____, An Ordinance amending CPMC Chapter 17.37, C-2(M); Chapter 17.44, C-4, Chapter 17.46, C-5 to allow Medical Marijuana Dispensaries as a Conditional Use.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CPMC CHAPTER 17.37, C-2(M); CHAPTER 17.44, C-4 AND CHAPTER 17.46, C-5 ALLOWING MEDICAL MARIJUANA DISPENSARIES AS A CONDITIONAL USE

RECITALS:

- A.** Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B.** On March 4, 2014, the Central Point Planning Commission recommended approval of a code amendment to CPMC Chapter 17.37; Chapter 17.44 and Chapter 17.46 (zoning) allowing Medical Marijuana Dispensaries as a conditional use in these zones.
- C.** On March 13, 2014, the City of Central Point City Council held a property advertised public hearing; reviewed the Staff Report and findings; heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Chapter 17.37; Chapter 17.44 and Chapter 17.46 adds language to the zoning code to allow Medical Marijuana Dispensaries as a conditional use in these zones in response to the passage of House Bill 3460 which became effective on March 3, 2014.

**Chapter 17.37
C-2(M), COMMERCIAL-MEDICAL DISTRICT**

17.37.030 Conditional uses.

The following uses are permitted in the C-2(M) district when authorized in accordance with Chapter 17.76:

- A.** Insurance company offices;
- B.** Legal services;
- C.** Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, may be permitted as conditional uses when not included within the primary building or structure; and
- D.** Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size.

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E. Medical Marijuana Dispensaries, as defined in Chapter 5.40

**Chapter 17.44
C-4, TOURIST AND OFFICE-PROFESSIONAL DISTRICT**

17.44.030 Conditional uses.

A. The following uses are permitted in the C-4 district when authorized in accordance with Chapter 17.76, Conditional Use Permits:

1. Campgrounds and recreational vehicle overnight facilities; ...

19. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size.

20. Medical Marijuana Dispensaries, as defined in Chapter 5.40

**Chapter 17.46
C-5, THOROUGHFARE COMMERCIAL DISTRICT**

17.46.030 Conditional uses.

The following uses are permitted in the C-5 district when authorized in accordance with Chapter 17.76:

22. Adult businesses, as defined in Chapter 5.24; ...

28. Regional shopping centers.

29. Medical Marijuana Dispensaries, as defined in Chapter 5.40

PASSED by the Council and signed by me in authentication of its passage this ____ day of March 2014.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance No. _____ (032414)

Resolution

Allocating Pacificorp Electric Franchise Fees



Staff Report

Finance Department
Bev Adams, Finance Director

To: Mayor & Council
From: Bev Adams, Finance Director
Date: March 27, 2014
Subject: Electric franchise distribution

Background:

In December 2011 the Council passed Resolution 1319 approving a new 10 year electric utility franchise agreement with PacifiCorp. In the agreement, the Council also increased the franchise fee from 5% to 6%, and by motion designated the 1% increase to be distributed to the Street Fund to "offset current street light electrical generation costs of \$145,000 annually".

Unfortunately, the 1% allocation is not covering the street light expenses as initially hoped for. The total bill for street lights last fiscal year was \$172,495, and the 1% of revenue from PacifiCorp amounted to \$108,941 - a shortage of \$63,554.

For purposes of freeing up Street Fund money for needed street projects and to fully cover street light expenses, we are requesting Council consideration to revise the December 2011 motion (by resolution) from the current designated 1% allocation to the provision for "allocation of electrical franchise revenues to cover the cost of street lighting expense up to and not to exceed \$175,000 per fiscal year".

Recommended Action:

That Council approve the attached resolution revising PacificCorp electrical franchise revenue distribution amount to the Street Fund.

RESOLUTION NO. _____

**A RESOLUTION ALLOCATING PACIFCORP ELECTRIC FRANCHISE FEES
TO THE STREET FUND FOR STREET LIGHT EXPENSE**

RECITALS:

- A. In December 2011 City Council passed Resolution 1319 approving a 10 year electric utility franchise agreement with PacifCorp and increased the franchise fee from 5% to 6%.
- B. Council by motion designated the additional 1% of electric franchise revenue to the Street Fund to "offset current street light electrical generation costs of \$145,000 annually".
- C. Street Fund expenses for street light utilities are considerably more than the 1% currently allocated.
- D. To fully offset the street light expense and therefore relieve funds needed for street repairs and projects, the allocation of electrical franchise revenues shall be revised as stated in Section 1 below.

THE CITY OF CENTRAL POINT RESOLVES AS FOLLOWS:

Section 1:

The General Fund electric franchise revenue allocation to the Street Fund shall be to cover the cost of street light expense up to and not to exceed \$175,000 per fiscal year.

Section 2.

This new allocation will become effective on July 1, 2014.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____.

Hank Williams, Mayor

ATTEST:

Deanna Casey, City Recorder

Ordinance

Amending Chapter 10.04 Parking Prohibitions

STAFF REPORT

To: The Honorable Mayor and City Council

From: Kris Allison, Chief of Police

SUBJECT: Amendment to 10.04.112 Mobile home, motor home, camper, van, car, truck parking -- Prohibitions

Date: March 27, 2014

Executive Summary:

Over the last 12 months the City of Central Point Police Department has seen an increase of complaints regarding vehicles (motor homes) that are parked on city streets in excess of the 72 hours that is defined in our city ordinance. After investigation it appears that the problem that continues to arise with a select few vehicle owners is their ability to park their vehicle on city streets for 71 hours, moving it several feet back or forward, and resetting the timeline for another 71 hours without consequences.

I believe this a small section on our population that engage in this behavior, but it has caused an increase of complaints from our citizens who have asked a remedy be considered. I asked our city attorney to look into what I would describe as a loop hole in our ordinance and language that would assist the code enforcement officer regarding these ongoing issues. After reviewing the documents provided by our city attorney and conferring with our code ordinance officer I would recommend that this amended ordinance would rectify the ongoing issues of parking in our city.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CPMC CHAPTER 10.04.100 PARKING PROHIBITIONS AND 10.04.112 MOBILE HOME, MOTOR HOME, CAMPER, VAN, CAR OR TRUCK PARKING PROHIBITIONS

RECITALS:

- A. Words ~~lined through~~ are to be deleted and words **in bold** are added.
- B. Amending Central Point Municipal Code 10.04.100 deleting subsection (I) regarding the loading and unloading of passengers or anything within any part of the street or intersection.
- C. Amending Central Point Municipal Code 10.04.112 subsection (A) Motor Vehicle, Motor Home, Trailer and Commercial Vehicle prohibitions. Adding Section (C) as it is not an affirmative defense to subsections (A)(1) or (A)(2) to be moved from one place to another, so long as it is left on a street, alley, or other municipal property for more than a cumulative seventy-two consecutive hours. Adding subsection (D) definitions.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Chapter 10.04.100 and Chapter 10.04.112 are amended as presented below:

Chapter 10.04
TRAFFIC REGULATIONS

Sections:

10.04.100 Parking – Prohibitions

10.04.112 Parking ~~Mobile home, motor home, camper, van, car, trailer or truck~~
Motor Vehicle, Motor Home, Trailer and Commercial Vehicle parking--Prohibitions.

10.04.100 Parking – Prohibitions.

In addition to provisions of the Motor Vehicle Laws of Oregon prohibiting parking, no person shall stop or park a vehicle:

A. Upon a bridge, viaduct or other elevated structure used as a street, unless otherwise indicated by lawfully installed signs;

Ordinance No. _____(032714)

B. In an alley or across an entrance to an alley or private driveway except to load or unload persons or materials and in no event for a longer period of time than necessary for said purpose;

C. Upon a street for the principal purpose of:

1. Displaying the vehicle for sale,
2. Displaying advertising from the vehicle,
3. Selling merchandise from the vehicle except in an established market place or when so authorized or licensed under the ordinances of the city;

D. Within ten feet of any fire hydrant or within thirty feet of any fire station;

E. Between the curb or traveled portion of the street or alleyway where there is no curb and the private property line, except where such parking is within a driveway and does not obstruct a sidewalk or other established use of the city's right-of-way or clear vision areas for vehicular or pedestrian traffic.

F. For a period of time in excess of any duly posted parking time limit;

G. On the roadway side of a vehicle already parked;

H. With the front or rear of such vehicle, as the case may be, within less than twenty-five feet from the intersection of the property lines at an intersection;

~~I. For the purpose of loading or unloading passengers or anything within any part of the streets, intersection, crosswalk or pedestrian lane;~~

~~J. I.~~ Upon a street where the portion of the street is so designated by a no parking sign, or yellow-painted curb, or both. Presence of a no parking sign or a yellow-painted curb shall be prima facie evidence that the sign or paint has been lawfully placed pursuant to Section 10.04.020 of this chapter.

10.04.112 ~~Mobile home, motor home, camper, van, car, trailer or truck~~ **Motor Vehicle, Motor Home, Trailer and Commercial Vehicle** parking--Prohibitions.

A. No person shall park any **Motor Vehicle, Motor Home, Trailer and Commercial Vehicle:** ~~mobile home, motor home, van, car, camper, trailer, boat or other recreational vehicle~~

Ordinance No. _____(032714)

1. In one location on any portion of any public street or alley for any period longer than seventy-two consecutive hours, except that short-term out of town visitors may park such recreational vehicles for a period not to exceed two weeks in any one calendar year; or
2. In one location on any portion of any public street or alley or in the front setback area of any residential property, when parking in such setback area impairs clear vision for traffic safety.

B. No person shall reside in any **Motor Vehicle, Motor Home, Trailer or Commercial Vehicle** **except that persons may temporarily reside in a ~~motor home, van, camper, tent trailer,~~ Motor Home, including specifically a camper, tent trailer, ~~car, truck,~~ tent, or any other type of nondwelling living structure, in any front, side or rear yard area of any residential property for a period not to exceed ~~more than~~ two weeks in any one calendar year.**

C. **It is no defense to subsections (A)(1) or (A)(2) that the Motor Vehicle, Motor Home, Trailer or Commercial Vehicle described therein has been moved from one place to another, so long as it is left on a street, alley or other municipal property for more than a cumulative seventy-two consecutive hours. This act is defined as intentionally moving a Motor Vehicle, Motor Home or Trailer or Commercial Vehicle a limited distance and re-parking the subject vehicle or trailer to appear as though it is being used in violation of this section.**

D. Definitions:

1. **Motor Vehicle means any self-propelled vehicle and any such vehicle in combination with any trailing units, used or physically capable of being used upon any public highway in this state in the transportation of persons or property, except vehicles operating wholly on fixed rails or tracks and electric trolley buses, including but not limited to motor homes, vans, cars, campers, trailers, boats, recreational vehicles and commercial vehicles. "Motor vehicle" includes over-dimension vehicles or vehicles permitted excessive weights pursuant to a special authorization issued by a city, county or the Department of Transportation.**
2. **Motor Home means a vehicle that has been designed, reconstructed, or permanently altered to provide facilities for human habitation, i.e., permanent sleeping and cooking facilities. This includes permanently mounted campers on pickup trucks or other truck frames.**
3. **Trailer shall include: boat trailer, camping trailer including what is commonly known as a "fifth wheeler," horse trailer, utility trailer or any other**

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vehicle or conveyance designed to be connected to and drawn by a motor vehicle or recreational vehicle.

4 Commercial Vehicle means a vehicle that will be operating at a gross vehicle weight rating or combination weight over 26,000 pounds and includes vehicles designed to transport 16 or more persons and vehicles designed to transport hazardous materials regardless of weight.

PASSED by the Council and signed by me in authentication of its passage this _____ day of March 2014.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance No. _____(032714)

Business

Senate Bill 1531

Discussion



Administration Department

Chris Clayton, City Manager
Deanna Casey, City Recorder

Barb Robson, Human Resources Director

INTEROFFICE MEMO

TO: City Council
FROM: Chris Clayton
SUBJECT: Senate Bill 1531 Discussion Item
DATE: 3-27-2014

Council Members:

The 77th Oregon Legislative session recently concluded with the adoption of Senate Bill 1531. Several provisions included in Senate Bill 1531 clarify Oregon Cities & Counties legal authority/options on regulating medical marijuana dispensaries (House Bill 3460).

City staff and legal counsel would like a council discussion regarding future direction on this issue.

Attached:

1. Senate Bill 1531

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

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

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

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Kate Brown, Secretary of State