



AGENDA

STAYTON CITY COUNCIL MEETING

Monday, October 5, 2015

Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

CALL TO ORDER

7:00 PM

Mayor Porter

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

ANNOUNCEMENTS – PLEASE READ CAREFULLY

Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

PRESENTATIONS / COMMENTS FROM THE PUBLIC

Request for Recognition: If you wish to address the Council, please fill out a green "Request for Recognition" form. Forms are on the table at the back of the room. *Recommended time for presentation is 10 minutes. Recommended time for comments from the public is 3 minutes.*

CONSENT AGENDA

- a. September 21, 2015 City Council Minutes

Purpose of the Consent Agenda:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Deputy City Recorder Alissa Angelo at (503) 769-3425.

PUBLIC HEARING

Vacation of Alleyways

- a. Staff Report – Dan Fleishman
- b. Questions from Council
- c. Proponents’ Testimony
- d. Opponents’ Testimony
- e. General Testimony
- f. Questions from Public
- g. Questions from Council
- h. Staff Summary
- i. Close of Hearing
- j. Council Deliberation
- k. Council Decision (see staff report for options and motions)

UNFINISHED BUSINESS – None

NEW BUSINESS

Ordinance No. 988, Amending SMC Title 5.12 Relating to the Location of Marijuana Facilities and Declaring an Emergency **Action**

- a. Staff Report – Chief Rich Sebens
- b. Council Deliberation
- c. Council Decision

Ordinance No. 989, Amending SMC Title 9.40 Relating to Drug Paraphernalia and Declaring an Emergency **Action**

- a. Staff Report – Chief Rich Sebens
- b. Council Deliberation
- c. Council Decision

Sidewalk Maintenance Program **Informational**

- a. Presentation – Lance Ludwick

STAFF/COMMISSION REPORTS – None

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – October 19, 2015

- a. Community Grants
- b. SCTC Franchise Agreement Extension

ADJOURN

CALENDAR OF EVENTS

OCTOBER 2015

Monday	October 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 6	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	October 9	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	October 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	October 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	October 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 26	Planning Commission	7:00 p.m.	Community Center (north end)

NOVEMBER 2015

Monday	November 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 3	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	November 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Tuesday	November 10	Police Advisory Board	6:00 p.m.	City Hall Conference Room
Wednesday	November 11	CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY		
Friday	November 13	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Monday	November 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	November 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Thursday	November 26	CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING		
Friday	November 27			
Monday	November 30	Planning Commission	7:00 p.m.	Community Center (north end)

DECEMBER 2015

Tuesday	December 1	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Monday	December 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	December 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	December 11	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Wednesday	December 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	December 21	City Council	7:00 p.m.	Community Center (north end)
Friday	December 25	CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS DAY		
Monday	December 28	Planning Commission	7:00 p.m.	Community Center (north end)

JANUARY 2015

Monday	January 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	January 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	January 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	January 18	CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING DAY		
Tuesday	January 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	January 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	January 25	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton
City Council Meeting Minutes
September 21, 2015**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 7:00 P.M.

Time End: 8:25 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter	Alissa Angelo, Deputy City Recorder
Councilor Priscilla Glidewell	Keith Campbell, City Administrator
Councilor Ralph Lewis	Katinka Bryk, Library Director
Councilor Jennifer Niegel	Dan Fleishman, Director of Planning & Development
Councilor Brian Quigley	Lance Ludwick, Public Works Director
Councilor Joe Usselman	Rich Sebens, Police Chief
	Christine Shaffer, Finance Director
	David Rhoten, City Attorney

AGENDA	ACTIONS
REGULAR MEETING	
Announcements	
a. Additions to the Agenda	Judge Jonathan Clark is unable to attend this evening.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None
Presentations / Comments from the Public	
a. Cari Sessums	Ms. Sessums expressed thanks from the Sign Code Committee for recent sign code revisions.
b. Rese Bourdeau	Ms. Bourdeau provided information on a chalk art mural that will be placed on the wall of the Covered Bridge Café.
c. Gerry Flowers	Mr. Flowers spoke in opposition of a potential recreational marijuana facility being located on Martin Drive, and in the vicinity of Santiam Park and a daycare center.
d. Stayton Police Department Round-Up Presentation	Lieutenant Button, Sergeant Meeks and Sergeant Wetzel gave updates on the Fishing Derby, National Night Out, and the "Coffee with a Cop" events.
CITY COUNCIL EXECUTIVE SESSION	
At 7:24 p.m., the City Council went into executive session. The purpose of the session is regarding labor negotiations pursuant to Oregon Revised Statutes 192.660.1(2)(d). The Council meeting came back to order at 7:42 p.m.	

<p>Consent Agenda</p> <ul style="list-style-type: none"> a. August 17, 2015 City Council Minutes b. Stayton Police Officers Associations (SPOA) Union Contract 	<p>Motion from Councilor Quigley, seconded by Councilor Lewis, to approve the Consent Agenda. Motion passed 5:0.</p>
<p>Public Hearing</p>	<p>None</p>
<p>Unfinished Business</p>	<p>None</p>
<p>New Business</p> <p>Resolution No. 935, Grant Application to the Department of Land Conservation and Development</p> <ul style="list-style-type: none"> a. Staff Report – Dan Fleishman b. Council Deliberation c. Council Decision <p>Ordinance No. 987, “Marijuana Facilities”</p> <ul style="list-style-type: none"> a. Staff Report – Chief Rich Sebens b. Council Deliberation c. Council Decision 	<p>Mr. Fleishman briefly reviewed his staff report.</p> <p>Discussion of how the grant, if awarded, will help future development.</p> <p>Motion from Councilor Lewis, seconded by Councilor Niegel, to adopt Resolution No. 935 as presented. Motion passed 5:0.</p> <p>Chief Sebens reviewed his staff report and provided background on drafting this ordinance.</p> <p>Council discussion regarding requirements for separation from daycares and schools; there are currently only distance requirements for schools. In addition, licensing and location requirements were discussed.</p> <p>Motion from Councilor Quigley, seconded by Councilor Lewis, to adopt Ordinance No. 987 as presented. Motion passed 5:0.</p>
<p>Staff / Commission Reports</p> <p>Finance Director’s Report – Christine Shaffer</p> <ul style="list-style-type: none"> a. August 2015 Monthly Finance Department Report <p>Police Chief’s Report – Chief Rich Sebens</p> <ul style="list-style-type: none"> a. August 2015 Statistical Report <p>Public Works Director’s Report – Lance Ludwick</p> <ul style="list-style-type: none"> a. August 2015 Operating Report Public Works Standards Update <p>Planning & Development Director’s Report – Dan Fleishman</p> <ul style="list-style-type: none"> a. August 2015 Activities Report <p>Library Director’s Report – Katinka Bryk</p> <ul style="list-style-type: none"> a. August 2015 Activities 	<p>No further discussion.</p> <p>Chief Sebens briefly reviewed the statistical report.</p> <p>Mr. Ludwick reviewed the monthly operating report and provided the Council with information on updates made to the Public Works Standards.</p> <p>Brief discussion of the recent public hearing on vacation of alleys.</p> <p>Ms. Bryk gave a brief update on the fundraising support for a new electronic message sign.</p>

Presentations / Comments from the Public	None.
Business from the City Administrator	Mr. Campbell provided a brief follow-up on the Main Street Town Hall last week.
Business from the Mayor	Mayor Porter briefly spoke about the Main Street Town Hall meeting.
Business from the Council	Councilor Glidewell thanked Mr. Campbell for organizing the recent Main Street Town Hall meeting.
Future Agenda Items – October 5, 2015	
a. Public Hearing – Vacation of Alleys	

APPROVED BY THE STAYTON CITY COUNCIL THIS 5TH DAY OF OCTOBER 2015, BY A _____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____
Henry A. Porter, Mayor

Date: _____

Attest: _____
Keith D. Campbell, City Administrator

Date: _____

Transcribed by: _____
Alissa Angelo, Deputy City Recorder

DRAFT



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry A. Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: October 5, 2015
SUBJECT: Vacation of Alleyways

ISSUE

The issue before the City Council is a public hearing on the City-initiated vacation of sixteen of the 55 alleyways within the City. The City Council last discussed this issue on July 6, 2015, when it adopted Resolution 934 initiating the vacation process. Following the public hearing, the City Council will be asked to provide direction to staff on the preparation of an ordinance to finalize the vacation process.

BACKGROUND INFORMATION

Past staff reports have presented information to the City Council regarding the status of City alleys. In summary:

There are 55 alleys in the City. All but 2 are 16 feet wide; one is 18 feet wide; one is 20 feet wide.

The surface of the alleys range from pavement to grass. Only one-quarter of the alleys are paved their entire length. The number of alleys is displayed below in order of the predominance of the surface material.

Grass:	26
Paved:	13
Mix grass/paved:	7
Gravel:	5
Mix grass/gravel:	4

Alleys traditionally have a variety of uses. In the downtown area, the alleys are used a part of the street system. They are used to access parking areas and provide an alternative to street travel. Several downtown businesses have rear pedestrian access from the alley. Garbage dumpsters and delivery truck use the alleys to service the adjacent properties. However, in residential areas, a number of alleys cannot be driven on, either because of encroachments or because of curbing along the street. There are twelve alleys that are not driveable.

There are 35 alleys that provide vehicular access to neighboring properties. There are parcels in the City that do not have a driveway onto a street and either use an alley for rear access to the property or utilize the alley as a driveway. There are 13 alleys that provide the sole

vehicular access to properties. There are 6 alleys that appear to be used exclusively as driveway access to only one property.

Alleys are also used as an alternative location than the streets for the location of utilities. The City has one or more of its utilities in 20 different alleys. The four private franchise utilities (Pacific Power, Northwest Natural Gas, Stayton Cooperative Telephone Co, and WAVE Broadband) have facilities located in 38 alleys. There are 15 alleys with no utility facilities located within them.

Following discussion at several meetings, the City Council adopted Resolution 934 in July initiating the process of vacating the 15 alleys with no city or franchise utility facilities located within them. These 15 alleys are:

- Alley between N First and N Second, running from Pine to Fir
- Alley between N First and N Second, running from Fir to Cedar
- Alley between N Second and N Third, running from Fir to Cedar
- Alley between N Third and N Fourth, running from Burnett to Virginia
- Alley between N Third and N Fourth, running north from Robidoux
- Alley between N Fourth and N Fifth, running south from Marion
- Alley between N Fourth and N Fifth, running from Robidoux to Hollister
- Alley between N Fourth and N Fifth, running from Jefferson to Santiam
- Alley between N Fifth and N Sixth, running from Burnett to Virginia
- Alley between N Sixth and N Seventh, running from Burnett to Virginia
- Alley between N Sixth and N Seventh, running from Virginia to Washington
- Alley between N Sixth and N Seventh, running from Washington to Jefferson
- Alley between N First and N Alder, running north from High
- Alley between N Alder and N Cherry, running north from High
- Alley between N Douglas and N Evergreen, running south from Water

Enclosed with the staff report is a map showing the location of these alleys.

Following the adoption of Resolution 934, a public hearing by the Planning Commission was scheduled. Notice of the public hearing was published in the Stayton Mail on two occasions, was mailed to the owners of property affected by the vacations, and was posted at the City Hall, Community Center and Library. In addition, 20 signs were posted at each end of an alley proposed for vacation. An email was sent to the franchise utilities as well as the Santiam Water Control District to make sure they were aware of the City's proceedings.

The Planning Commission's public hearing was held on August 31. Based on comments from the public received before the public hearing, comments from Pacific Power, and further analysis by city staff, the staff report to the Planning Commission recommended that three of the alleys not be vacated. There were roughly 35 individuals in attendance. Testimony at the public hearing was both in favor of and opposed to vacating particular alleys. Those testifying in opposition to vacating an alley indicated that the alley provided the only vehicular access to their home or lot, frequently with a garage in the rear yard. There was also testimony provided requesting that an additional alley be added to the list of alleys to be vacated – the alley between N Alder and N Birch, running from W Ida to W High. The minutes of the Planning Commission's August 31 meeting are enclosed.

Following the close of the public hearing, the Planning Commission reviewed each alley proposed for vacation and made a determination of whether to recommend its vacation. The Planning Commission's adopted Order of Recommendation is enclosed with the staff report. The Planning Commission has recommended that 7 of the 15 alleys that the City Council be completely vacated. Further, the Planning Commission has recommended that three alleys be partially vacated. Finally, the Planning Commission has recommended that one alley not on the City Council's list be vacated, but that the City retain a public utility easement.

Prior to the City Council's public hearing, the public notice was repeated, with a notice published in the Stayton Mail, a letter mailed to all property owners, sign posted again at each alley.

ANALYSIS

For each of the alleys under consideration, Staff has provided a summary of the characteristics of the alley, any testimony received from a franchise utility or the public, and the Planning Commission's recommendation.

- Alley between N First and N Second, running from Pine to Fir

This alley has four homes on the east side and two business properties on the west side. The alley is gravel surfaced and is driveable. The alley is used to access the rear of property at 1485 N Second and 1455 N Second. Based on testimony at their public hearing the Planning Commission has recommended this alley not be vacated.

- Alley between N First and N Second, running from Fir to Cedar

This alley has two homes and a business on the east side and two business properties on the west side. The alley is partially paved and is driveable. The alley is used to access the rear of property at 1535 N Second. Based on testimony at their public hearing the Planning Commission has recommended this alley not be vacated.

- Alley between N Second and N Third, running from Fir to Cedar

This alley has two homes on the east side and three homes on the west side. The alley is grass and is driveable. There was no testimony at the Planning Commission's public hearing regarding this alley. The Planning Commission has recommended this alley be vacated.

- Alley between N Third and N Fourth, running north from Robidoux

The north half of this alley was previously vacated by the City. This alley has two homes on the east side and two homes on the west side. A portion of the alley is gravel surfaced and is driveable. The alley has been encroached on by a building, a fence, and by landscaping. The building in this alley and the fence block access to the northern portion of the alley. This alley is used as access to the garage at 1218 N Third. Based on testimony at their public hearing the Planning Commission has recommended this alley not be vacated.

- Alley between N Third and N Fourth, running from Burnett to Virginia

This alley has two homes on the east side and two homes on the west side. The alley is grass and encroached upon by buildings, vegetation and a fence. There was no testimony

at the Planning Commission's public hearing regarding this alley. The Planning Commission has recommended this alley be vacated.

- Alley between N Fourth and N Fifth, running south from Marion

This alley has two homes on the east side and six homes on the west side. The alley is grass and is driveable. Testimony at the Planning Commission's public hearing supported vacating this alley. The Planning Commission has recommended this alley be vacated.

- Alley between N Fourth and N Fifth, running from Robidoux to Hollister

This alley has two homes on the east side and two homes on the west side. The alley is grass and encroached upon by vegetation and a fence. There was no testimony at the Planning Commission's public hearing regarding this alley. The Planning Commission has recommended this alley be vacated.

- Alley between N Fourth and N Fifth, running from Jefferson to Santiam

This alley has two homes on the east side and two homes on the west side. The alley is grass and is driveable. There was no testimony at the Planning Commission's public hearing regarding this alley. The Planning Commission has recommended this alley be vacated.

- Alley between N Fifth and N Sixth, running from Burnett to Virginia

This alley has three homes on the east side and three homes on the west side. The alley is partially gravel-surfaced and partially grass and is driveable. The alley provides rear access to the garage at 653 N Sixth. There was testimony at the Planning Commission's public hearing both in support of and opposed to vacating this alley. The Planning Commission has recommended this alley be partially vacated.

- Alley between N Sixth and N Seventh, running from Burnett to Virginia

This alley has two homes on the east side and two homes on the west side. The alley is partially gravel-surfaced and partially grass and is driveable. There is water service line and meter in the alley. There was no testimony at the Planning Commission's public hearing regarding this alley. The Planning Commission has recommended this alley not be vacated. Following the Planning Commission's public hearing a letter was received from adjacent property owners. The letter is enclosed with the staff report.

- Alley between N Sixth and N Seventh, running from Virginia to Washington

This alley has three homes on the east side and two homes on the west side. The alley is grass and encroached upon by a fence. Pacific Power has informed the City that they have a secondary power line in this alley. The Planning Commission has recommended this alley not be vacated.

- Alley between N Sixth and N Seventh, running from Washington to Jefferson

This alley has three homes on the east side and two homes on the west side. The alley is mostly grass and partially paved. The alley is used for access to the rear garage at 879 N Seventh and to the driveways at 816 N Sixth and 675 E Washington. There was testimony

at the Planning Commission's public hearing opposed to vacating this alley. The Planning Commission has recommended this alley be partially vacated.

- Alley between N First and N Alder, running north from High

This alley has the Brown House on the east side and garage for the Brown House on the west side. The alley is grass and driveable. There was no testimony at the Planning Commission's public hearing regarding this alley. The Planning Commission has recommended this alley be vacated.

- Alley between N Alder and N Cherry, running north from High

This alley has one home on the east side and one home on the west side. The alley is grass and encroached upon by a building. There was no testimony at the Planning Commission's public hearing regarding this alley. The Planning Commission has recommended this alley be vacated.

- Alley between N Alder and N Birch, running from Ida to High

This alley has two homes on the east side and two homes on the west side. The alley is grass and encroached upon by a building, vegetation and a fence. There is a water main and telecommunications line in this alley. Vacation of this alley was not initiated by the City Council. It is included in this hearing as the result of a request at the Planning Commission's public hearing. Enclosed with the staff report is correspondence from two of the property owners adjacent to this alley. Oral testimony from the owners of the other two parcels adjacent to this alley supported vacation and requested the Planning Commission include it. The Planning Commission has recommended this alley be vacated and that a public utility easement be retained.

- Alley between N Douglas and N Evergreen, running south from Water

This alley has two homes on the east side and two homes on the west side. The alley is gravel and encroached upon by a building and a fence. The alley is used as access for the garage at 454 W Water. There was testimony at the Planning Commission's public hearing regarding this alley both supporting and opposed to the vacation of this alley. The Planning Commission has recommended this alley not be vacated. Following the Planning Commission's public hearing a letter was received from three of the four owners adjacent to the alley supporting vacation of the alley, including the owner who testified against its vacation. The letter is enclosed with the staff report.

The Public Works Department has raised the issue of the potential for future utility use. This concern can be addressed by maintaining a public utility easement on the vacated alleys. This way the potential future liabilities issues outlined in previous staff reports is addressed and the City preserves future opportunities to use the alleys for utility purposes.

RECOMMENDATION

Based on the testimony provided at the Planning Commission's public hearing and subsequently submitted to the City Council, staff recommends the following alleys be vacated and that the City retain a public utility easement over the alley. Where the Planning Commission recommended an alley be only partially vacated, staff has not recommended that alley be included for vacation, unless

the affected property owners can come to the City with a plan they all support to partially vacate the alley.

- Alley between N Second and N Third, running from Fir to Cedar
- Alley between N Third and N Fourth, running from Burnett to Virginia
- Alley between N Fourth and N Fifth, running south from Marion
- Alley between N Fourth and N Fifth, running from Robidoux to Hollister
- Alley between N Fourth and N Fifth, running from Jefferson to Santiam
- Alley between N First and N Alder, running north from High
- Alley between N Alder and N Birch, running from Ida to High
- Alley between N Alder and N Cherry, running north from High
- Alley between N Douglas and N Evergreen, running south from Water

If the Council agrees that these alleys should be vacated, staff will return with an ordinance presented to the City Council for adoption that includes all of the formalities and legal descriptions necessary to finalize the process.

OPTIONS AND MOTIONS

The City Council has the following options. The City Council could:

1. Request staff return with an ordinance finalizing the vacation of the recommended alleys

Move the City Council request staff return to the October 19 meeting with an ordinance finalizing the vacation process for the nine alleys recommended by staff.

2. Request staff return with an ordinance finalizing the vacation of a modified list of alleys.

Move the City Council request staff return to the October 19 meeting with an ordinance finalizing the vacation process for modifying the list of alleys to be vacated as follows...

3. Take no action to vacate alleys within the City.

No motion necessary

STAYTON PLANNING COMMISSION
MEETING MINUTES
August 31st, 2015

COMMISSIONERS: Jim Nokes
Ellen Nunez
Janai Hill
Rese Bourdeau

STAFF MEMBERS: Dan Fleishman – Planning & Development Director
Kelli Stevens – Public Works Administrative Assistant

OTHERS PRESENT: Thirty five members of the public

1. **CALL TO ORDER:** Chairman Nunez opened the meeting at 7:00 pm.
2. **APPROVAL OF MINUTES:** Hill noted that she was not present at the July meeting. Bourdeau moved and Nokes second to approve the minutes from July 27, 2015 as corrected. Passed 4:0.
3. **LAND USE FILE #9-08/15 PUBLIC HEARING on City Initiated Vacation of 15 Alleyways within the City.**
 - a. **Commencement of Public Hearing:** Nunez read the opening statement in regards to Land Use File #9-08/15.
 - b. **Staff Report:** Fleishman gave the staff report along with a presentation to the Public in attendance and the Planning Commission Members. Fleishman explained in detail how the public and property owners were notified of this public hearing.
 - c. **Questions from the Commission:** Nunez stated she resides near one of the suggested alleyways being vacated but should not affect her ability to run the public hearing. Bourdeau stated she resides near one of the suggested alleyways being vacated but should not affect her ability to participate in the public hearing.
 - d. **Proponents' Testimony:** Douglas Cameron, 440 N Fourth Ave, stated the alleyway located behind his house is an eyesore and he is in favor of the alleyway behind his home being vacated. Cameron had a few questions which were then answered by Fleishman.

Patrick Arden, 476 E Marion St, stated he is in favor of the alleyway being vacated which is located near his property.

Tadd Humphreys, 1460 Highland Dr, owns 318 N Birch Ave and 217 E Ida St and suggested to the Planning Commission that the alley between N Alder and N Birch, running between Ida St and High St be added to the list for vacating. Humphreys submitted letters from Jack Fisk and Jerry and Viola Herline, supporting the vacation this alley.

Alan Kingsley, 193 N Douglas Ave stated he was in favor of the list of alleyways being vacated.

Art Belanger, 560 E Virginia St, stated he is in favor of the alleyway located near his property be vacated.

Phillip Manifold, 207 E Fir St, stated he was in favor of the alleyways suggested be vacated.

Haydee Martinez, 158 N Evergreen St, stated she was in favor of the alleyways suggested be vacated.

- e. Opponents' Testimony:** Catalina Reyes, 454 W Water St, stated her family uses the alleyway to gain access to the backside of their home. Reyes stated she was against the alleyway being vacated that is directly behind her home.

Sandy Gottfried, 653 N Sixth Ave, stated she is against the alleyways suggested being vacated.

Christy Kraemer, 1535 N Second Ave, stated she had previously wrote a letter to the City of Stayton Planning Department and she is against the vacating of the alleyway behind her home as it is the only access she has to her garage.

Dale Pader, 1218 N Third Ave, stated he was against the vacating of the alleyway behind his home as it is the only access he has to his garage.

Quonna Bender stated she was the property manager for Armando Perez who owns 879 N Seventh Ave. Bender stated that Mr. Perez is against the vacating of the alleyway as this is the only access to the garage located on his property.

- f. Governmental Agencies:** NONE
- g. General Testimony:** NONE
- h. Questions from the Public:** NONE
- i. Questions from the Commission:** Mrs. Nunez asked for clarification of the final number of alleyways being suggested for vacating. Mr. Fleishman and the Planning Commission members clarified the alleyways suggested for vacating.
- j. Staff Summary:** NONE
- k. Close of Hearing:** CLOSED
- l. Commission Deliberation:** The commission deliberated Land Use File #9-08/15, discussing which alleys should be vacated and whether any alleys could be partially vacated.
- m. Commission Decision:** Hill moved and Nokes second to modify the draft order prepared by staff and forward a recommendation to the City Council that the following alleys be vacated:
- Alley between N Second and N Third, running from Fir to Cedar
 - Alley between N Third and N Fourth, running from Burnett to Virginia
 - Alley between N Fourth and N Fifth, running south from Marion
 - Alley between N Fourth and N Fifth, running from Robidoux to Hollister
 - Alley between N Fourth and N Fifth, running from Jefferson to Santiam

- Alley between N First and N Alder, running north from High
- Alley between N Alder and N Birch, running from Ida to High
- Alley between N Alder and N Cherry, running north from High

And that the following alleys be partially vacated:

- Alley between N Fifth and N Sixth, running from Burnett to Virginia
- Alley between N Sixth and N Seventh, running from Washington to Jefferson
- Alley between N Douglas and N Evergreen, running south from Water

Passed 4:0.

n. ADJOURN: Meeting was adjourned at 8:35 pm.

DRAFT

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of

) City-Initiated Vacation
) of Various Alleys
) Land Use File 9-08/15

RECOMMENDATION OF APPROVAL

I. NATURE OF PROCEEDINGS

The proceedings are for are for the City-initiated vacation of fifteen alleyways throughout the City.

II. PUBLIC HEARING

A public hearing was held on the proposal before the Stayton Planning Commission on August 31, 2015. At that hearing the Planning Commission reviewed Land Use File #9-08/15 to vacate fifteen alleyways. The Planning Commission has considered the testimony at the public hearing.

III. FINDINGS OF FACT

1. The City's inventory of alleys within the City of Stayton has revealed a number of alleys that are not used for vehicular traffic, City-owned utility facilities or privately owned utility facilities.
2. It is within the City of Stayton's authority under ORS 271.130 to initiate the vacation of streets and alleys.
3. On July 20, 2015 the Stayton City Council adopted Resolution 934, initiating vacation procedures for fifteen alleyways within the City.
4. Notice of the August 31, 2015 public hearing was published in the Stayton Mail on August 19 and August 26 and was provided to the owners of property affected by the potential vacations, as required by ORS 271.110.
5. The four franchise utilities operating within the City were notified of the possible pending vacations.

IV. PUBLIC COMMENTS

The Planning Department received written comments from the owner 653 N Sixth Ave requesting that the alley between N Fifth and N Sixth running from E Burnett to E Virginia not be vacated because it is used to access a garage. The Planning Department received a phone call from Pacific Power indicating the presence of a secondary service line in the alley between N Sixth and N Seventh running from E Virginia to E Washington. Pacific Power indicated that vacating the alley but maintaining a public utility easement would be acceptable to them. The Stayton Public Works Departments has reported that there is a water service line and water meter located in the alley between N Sixth and N Seventh running from E Burnett to E Virginia.

There was testimony at the public hearing from nine individuals in favor of vacating the alley adjacent to their property. There was testimony at the public hearing from 6 individuals opposed to vacating the alley adjacent to their property. There was testimony at the public hearing requesting that the alley between N Alder Ave and N Birch Ave, running from Ida St to High St also be vacated. A list of those testifying at the public hearing is attached to this Order.

V. ORDER

Based on the findings of fact, the Planning Commission voted on August 31, 2015 to recommend to the City Council that the following alleys be vacated:

- Alley between N Second and N Third, running from Fir to Cedar
- Alley between N Third and N Fourth, running from Burnett to Virginia
- Alley between N Fourth and N Fifth, running south from Marion
- Alley between N Fourth and N Fifth, running from Robidoux to Hollister
- Alley between N Fourth and N Fifth, running from Jefferson to Santiam
- Alley between N First and N Alder, running north from High
- Alley between N Alder and N Cherry, running north from High
- Alley between N Alder and N Birch, running from Ida to High, retaining a public utility easement

The Planning Commission further recommends that the following alleys be partially vacated:

- Alley between N Fifth and N Sixth running from E Burnett to E Virginia
- Alley between N Sixth and N Seventh, running from Washington to Jefferson
- Alley between N Douglas and N Evergreen, running south from Water

Ellen Nunez, Chairperson

Date

Dan Fleishman, City Planner

Date

Stayton Planning Department
Dan Fleishman

September 4, 2015

Dear Dan,

Our properties about the alley running between Burnett and Virginia in the block between 6th and 7th Avenues. We believe there are several compelling reasons this alley should not be considered for the vacation process initiated by the City of Stayton:

1. The fiber optics cable servicing at least one home is buried in this alley.
2. A feeder water line servicing a home on the Burnett end of this alley runs from Virginia street and terminates in a water meter located about 75 feet up the alley from Burnett.
3. The alley provides the only means by which a vehicle can reach the back yards of three of the four properties on the alley.
4. The alley provides the only vehicle access and serves as a drive way for one residence. The car port for this home is only reached by means of the alley.
5. That residence will lose its only off street parking for that residence.

More abstract is the contribution alleys make to neighborhood cohesion. We regularly walk down or across the alley for conversations with neighbors. These important exchanges are less likely to occur if the alley is blocked. This is one of several reasons that progressive planners are incorporating alleys in modern developments.

Gary and Susan Harms

John and Susan Brandt

John Brandt
Susan Harms
Gary Harms

Susan M Brandt

Tadd D Humphreys

From: <jherline007@gmail.com>
To: <taddh@wvi.com>
Sent: Monday, August 31, 2015 8:47 AM
Subject: vacation of the alleyway

August 31, 2015

Planning Commission,

We own the property at 218 W High Street and would like to request that the alley adjacent to our property that runs between W Ida St. and W High St. be added to the list of proposed alleys to be vacated. We are out of area and will not be able to attend the hearing on August 31, 2015.

Thank You

Jerry and Viola (Jeanie) Herline

Sent from Windows Mail

Stayton Mayor
Stayton Council
Stayton OR

Monday 31, 2015

Re: Alley Vacating

It seems the city is planning on vacating some allies that are not being used by the city. Prudent move I think.

There is an alley running between Alder and Birch and between Ida and High. Even though there is a water main running on the most Easterly side of the alley, it would seem vacating this ally would be prudent.

Reasons in favor:

1. Property owners seem by the very nature of things are taking care of the up-keep of the alley.
2. Pacific Power has a power pole in the right of way at High St. along with an underground box for the phone company.
3. Fruit trees at least forty years old are in the middle of the alley.
4. Not accessible to the city by the obstruction of fences, trees, and blockage by material. This is not to say the city could not make the alley usable at a cost.

Reasons in opposition:

1. Water line running the length of the alley on the most easterly side of the alley. Serves only two to three houses.

The owner of the parcels of land facing Ida Street has indicated he would give the city an easement for the water line which would satisfy the cities need to fix the water line if needed. The owner of the house on the corner of High and Alder would need to do the same.

I would hope the council would vacate this alley while doing the same for the alley across High Street at the same location.

Thank you for your time.

Jack Fiske
272 W. High St.
Stayton OR 97383
503-767-6000

September 1, 2015

The City of Stayton
Attn: City Council
362 N Third Ave
Stayton, OR 97383

RE: The alley between S Douglas and S Evergreen traveling from W Water to the Stayton Ditch
City Council,

Please include the entire alley between S Douglas and S Evergreen traveling from W Water to the Stayton Ditch to be vacated. Since the Planning Commission meeting all parties are now in agreement to have the alley vacated.

Sincerely,

Mr. Luciano Reyes
454 W Water St
Stayton, OR 97383



Darryl Whitehead
430 W Water St
Stayton, OR 97383



Kenda Schafer
430 W Water St
Stayton, OR 97383



Alan R. Kingsley
P.O. Box 173
454 W Water St
Stayton, OR 97383





CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry A. Porter and the Stayton City Council

FROM: Rich Sebens, Chief of Police,
Dan Fleishman, Director of Planning and Development

DATE: October 5, 2015

SUBJECT: Ordinance No. 988, Amending Stayton Municipal Code Title 5.12 Relating to the Location of Marijuana Facilities

ISSUE

At the September 21, 2015 Stayton City Council meeting, Ordinance No. 987, "Marijuana Facilities" was approved. At the time of approval, staff recognized there would be future changes to Title 5 as this is very new legislation for the State.

In reviewing changes made by Ordinance No. 987, an additional change was identified in relation to the 200 foot distance from a marijuana facility requirement. Ordinance No. 987 established the requirement that a marijuana facility be 200 feet from a residence, as measured from the property lines of both properties. The initial intent was to measure between the buildings, not between property lines. An analysis of properties where retail sales are permitted by zoning, resulted in only two possible locations within the City that are more than 1,000 feet from a school and 200 feet from a residence. One of these locations is a vacant parcel. There is concern the restrictions in Ordinance No. 987 are not reasonable.

Therefore, Ordinance No. 988 is drafted to measure the separation distance between a facility and a residence from that portion of the building occupied by the facility and the residence itself, not between property lines. Also, Ordinance No. 988 would allow a facility within 200 feet of a residence if occupancy of the residence is age restricted to only persons older than 55.

These changes would increase the options available to a potential marijuana facility to 11 buildings. The 1,000-foot separation distance between facilities remains unchanged, assuring there will be no more than 4 facilities within the City.

Staff also felt there was a need to clarify who the facilities could sell to, to include anyone with a medical marijuana card versus just those over the age of 21.

OPTION AND MOTIONS

1. Approve Ordinance No. 988 as presented.

Move to approve Ordinance No. 988 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 988 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 988 will be brought before the Council for a second consideration at the October 19, 2015 meeting, without the emergency clause.

2. Approve Ordinance No. 988 with modifications.

Move to approve Ordinance No. 988 with the following changes ... and direct staff to incorporate these changes into the Ordinance

Ordinance No. 988 will be brought before the Council for a second consideration at the October 19, 2015 meeting.

3. Retain the Code unchanged.

No motion is necessary.

ORDINANCE NO. 988

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 5, CHAPTER 5.12 RELATING TO THE LOCATION OF MARIJUANA FACILITIES AND DECLARING AN EMERGENCY.

WHEREAS, on September 21, the Stayton City Council enacted Ordinance No. 987 establishing a licensing system for and restricting the permissible locations of marijuana facilities;

WHEREAS, the City Council has determined that the location restrictions on marijuana facilities enacted in Ordinance No. 987 are not reasonable, in that they would permit facilities at only two locations within the City, neither of which are likely to be available to a facility;

WHEREAS, there are two proposed medical marijuana dispensaries in the City of Stayton that have received permits from the Oregon Health Authority;

WHEREAS, the City of Stayton desires to have reasonable time, place and manner restrictions on facilities that protect the public health, safety and welfare of the citizens of Stayton and limits access to marijuana products by children but allows for the location of facilities within the City;

WHEREAS; Ordinance No. 987 becomes effective on October 21, 2015; and,

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect upon the effective date of Ordinance No. 987.

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. Stayton Municipal Code Section 5.12.040 is amended to read as follows:
(additions are underlined; deletions are ~~crossed-out~~):

5.12.040 LOCATION AND HOURS OF OPERATION

- A. No marijuana facility may be located within 1,000 feet of another marijuana facility. Distances between facilities will be calculated from the closest point with respect to property lot lines.
- B. No marijuana facility may be located within ~~and~~ 200 feet from any residence. Distances from the facility to a residence will be measured from that portion of the building occupied by the facility and the residence. However, if the residence is an apartment within a Commercial, Industrial or Downtown zone, as described in Chapter 17.16, and is part of an existing mixed-use structure such as a second story apartment above a business, or is part of a residential development occupancy of which is restricted to persons 55 or older, the facility is not required to be more than 200 feet from the residence.
- C. Marijuana facilities may not be located within 1,000 feet of a public or private school. A school is one described by ORS, OLCC, and OHA. Distances from the facility to a school will be calculated from the closest point with respect to property lot lines. However, if a school moves to within a 1,000 feet of a pre-existing marijuana facility, the facility is not required to move unless the facility changes ownership.

D. ~~Distances from the facility will be calculated from the closest point with respect to property lot lines.~~

E. The hours of operation for a Medical Marijuana Dispensary or Retail Marijuana Facility may not be outside of 9am to 7pm.

SECTION 2. Stayton Municipal Code Section 5.12.060.D is amended to read as follows:
(additions are underlined; deletions are ~~crossed-out~~):

D. No marijuana products may be sold or given to an individual knowing the product will be sold or given to a person who does not have a Oregon Medical Marijuana Program card or is under the age of 21 or used in violation of State law.

SECTION 3. Upon enactment by the Stayton City Council and the Mayor's signature, this Ordinance shall become effective on October 21, 2015.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 5TH DAY OF OCTOBER, 2015.

CITY OF STAYTON

Signed: _____

By: _____
Henry A. Porter, Mayor

ATTEST

Signed: _____

By: _____
Keith Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry A. Porter and the Stayton City Council
FROM: Rich Sebens, Chief of Police,
DATE: October 5, 2015
SUBJECT: Ordinance No. 989, "Drug Paraphernalia"

ISSUE

When the State legalized the use of recreational marijuana, they also legalized the sale and possession of marijuana paraphernalia. Marijuana paraphernalia includes, but is not limited to, items used for smoking, inhaling, ingesting, processing, and manufacturing marijuana.

The Stayton Municipal Code (SMC) includes language that prohibits the sale and possession of these items in the community. Therefore the language in the SMC must be changed to reflect this legalization.

Ordinance No. 989 amends SMC Chapter 9.40 to allow individuals over the age of 21, as well as continuing to allow those with a valid Medical Marijuana Card, to possess these items.

Recently, SMC 5.12 was amended to limit the sales of these items within Stayton to those locations that hold a license from the State of Oregon as a "Marijuana Facility." Ordinance No. 989 amends SMC Chapter 9.40 to coincide with SMC Chapter 5.12 by only allowing it to be sold in a licensed Marijuana Facility.

OPTION AND MOTIONS

1. Approve Ordinance No. 989 as presented declaring an emergency.

Move to approve Ordinance No. 989 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 989 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 989 will be brought before the Council for a second consideration at the October 19, 2015 meeting.

2. Approve Ordinance No. 989 with modifications.

Move to approve Ordinance No. 989 with the following changes ... and direct staff to incorporate these changes into the Ordinance

Ordinance No. 989 will be brought before the Council for a second consideration at the October 19, 2015 meeting.

3. Retain the Code unchanged.

No motion is necessary.

ORDINANCE NO. 989

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 9, CHAPTER 9.40 RELATING TO DRUG PARAPHERNALIA AND DECLARING AN EMERGENCY

WHEREAS, the City of Stayton’s Municipal Code (SMC) Chapter 9.40 presently must be amended to comply with Oregon State laws affecting drug paraphernalia to allow for use by those who may legally possess and sell marijuana;

WHEREAS, drug paraphernalia may be displayed and available for sale in “kid-friendly” shapes and colors, and promoted near items that appeal to youth such as candy, toys, and soda. Displaying and selling drug paraphernalia at sites where youth commonly have access sends the message that drug use is acceptable;

WHEREAS, the City of Stayton chooses to amend SMC Chapter 9.40 to allow marijuana paraphernalia to be sold only in licensed facilities to those who may legally possess it; and

WHEREAS, the City of Stayton realizes current language in SMC Chapter 9.40 contradicts State law and therefore declares an emergency.

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. SMC CHAPTER 9.40 AMENDED. Stayton Municipal Code Chapter 9.40 relating to Drug Paraphernalia is amended to read as set forth in Exhibit A, attached hereto as incorporated herein, replacing and superseding the current text of SMC Chapter 9.40.

SECTION 2. EMERGENCY ORDINANCE. Upon enactment by the Stayton City Council and the Mayor’s signature, this Ordinance shall become effective immediately.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 5th DAY OF OCTOBER, 2015.

CITY OF STAYTON

Signed: _____, 2015

By: _____
Henry A. Porter, Mayor

Signed: _____, 2015

ATTEST: _____
Keith Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

EXHIBIT A
SMC TITLE 9 PUBLIC PEACE, MORALS AND WELFARE
CHAPTER 9.40 DRUG PARAPHERNALIA

Additions are underlined; Deletions are ~~crossed-out~~

SECTIONS

9.40.010	Purpose
9.40.020	Definitions
9.40.030	Factors to be Considered
9.40.040	Offenses
9.40.050	Nuisance
9.40.060	Defenses
9.40.070	Severability

9.40.010 PURPOSE

1. The purpose of this chapter is to limit the display, sale and availability of drug paraphernalia and deter the negative affects in the City of Stayton. Some of the negative affects of drug paraphernalia include:
 - a. Youth who believe drug use is acceptable and common are more likely to use drugs.
 - b. Availability of drug paraphernalia increases the chance of relapse among citizens overcoming drug addiction.
 - c. Drug paraphernalia often is designed to appeal to youth with kid friendly colors and shapes and are often promoted near commodities youth tend to purchase (candy, toys etc.)
 - d. The prevalence of drugs in a neighborhood increases the likelihood of violence and crime
2. Limiting the display and availability for sale of paraphernalia will not eliminate drug abuse, but endeavoring to make access to paraphernalia less convenient, is intended to discourage the individual drug use.

9.40.020 DEFINITIONS

- ~~1. "Controlled substance" means a drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 U.S.C., sections 811 to 812, as modified under ORS 475.035.~~
- ~~2. "Deliver" or "delivery" means the actual, constructive, or attempted transfer, other than by administering or dispensing from one person to another of a controlled substance or drug paraphernalia, whether or not there is an agency relationship and regardless of consideration.~~

For the purpose of this Chapter, any word or phrase defined by Oregon Revised Statutes or administrative rule and not defined below shall have the same meaning as defined by statute or rule; otherwise, the following words or phrases mean:

1. "Drug paraphernalia" means all equipment, products, and materials of any kind which are used, marketed for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the [laws of the State of Oregon](#). ~~ORS 475.840 to 475.980~~. Drug paraphernalia includes, but is not limited to:
 - a. Kits used, marketed for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - b. Kits used, marketed for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
 - c. Isomerization devices used, marketed for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
 - d. Testing equipment used, marketed for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
 - e. Scales and balances used, marketed for use, or designed for use in weighing or measuring controlled substances;
 - ~~a. — Lighting equipment specifically designed for the growing of controlled substances;~~
 - f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, marketed for use, or designed for use in cutting controlled substances;
 - g. Separation gins and sifters used, marketed for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
 - h. Containers and other objects used, marketed for use, or designed for use in storing or concealing controlled substances;
 - ~~b. — Hypodermic syringes, needles and other objects used, marketed for use or intended to be used for injecting illegal controlled substances into the human body;~~
 - i. Objects used, marketed for use, or designed specifically for use of an inhalant as defined in Oregon law;
 - j. Objects used, marketed for use, or designed specifically for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - i. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - ii. Water pipes;
 - iii. Carburetion tubes and devices;
 - iv. Smoking and carburetion masks;
 - v. Roach clips: meaning objects used to hold burning material, that has become too small or too short to be held in the hand, such as a marijuana cigarette;
 - vi. Miniature cocaine spoons, and cocaine vials;

- vii. Chamber pipes;
- viii. Carburetor pipes;
- ix. Electric pipes;
- x. Air-driven pipes;
- xi. Chillums;
- xii. Bongs;
- ~~xiii.~~ Ice pipes or chillers;
- ~~xiii.~~ xiv. Lighting equipment specifically designed for the growing of controlled substances.

Drug paraphernalia does not include hypodermic syringes or needles.

2. “Drug test” means a lawfully administered test designed to detect the presence of a controlled substance.

3. “Marijuana paraphernalia” means all equipment, products, and materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing in the human body marijuana .
~~“Marijuana” means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination, industrial hemp as defined in ORS 571.300, or industrial hemp commodities or products.~~

2.4. “Marijuana facility” has the same meaning as in SMC 5.12.020.

9.40.030 FACTORS TO BE CONSIDERED

1. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logical, relevant factors, the following:
 - a. Statements by an owner or by anyone in control of the object concerning its use;
 - b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any Municipal, State, or Federal law relating to any controlled substance;
 - c. The proximity of the object in time and space, to a direct violation of this chapter or ORS 475.840 to 475.980;
 - d. The proximity of the object to controlled substances;
 - e. The existence of any residue of controlled substances to the object;
 - f. Instructions, oral or written, provided with the object concerning its use;
 - g. Descriptive materials accompanying the object which explain or depict its use;
 - h. The manner in which the object is displayed for sale;
 - i. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 - j. The existence and scope of legitimate uses for the object in the community;

- k. All objects present, when viewed collectively, can have significant clues to their intended use as drug paraphernalia

9.40.040 OFFENSES

1. Possession of Drug Paraphernalia. It is unlawful for any person to use or to possess drug paraphernalia to unlawfully plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.
2. Delivery of Drug Paraphernalia. It is unlawful for any person to sell, deliver, possess with intent to sell or deliver, or manufacture with intent to sell or deliver drug paraphernalia as defined in this chapter.
3. Possession or Delivery of Drug Test Equipment. It is unlawful for any person to use, possess, deliver, or manufacture with intent to deliver any substance or device designed to enable a person to falsify a drug test as defined in this chapter.

9.40.050 NUISANCE

1. Drug paraphernalia are public nuisances. Any peace officer shall summarily seize any such drug paraphernalia. Seized drug paraphernalia shall be held subject to the order of the court.
2. Whenever it appears, to the court that a seized item constitutes drug paraphernalia in violation of this ordinance, the court shall, upon motion of the district attorney, order the forfeiture and destruction of the drug paraphernalia.

9.40.060 ~~EXCEPTIONS~~ DEFENSES

1. It is an exception to affirmative defense to prosecution under SMC Section 9.40.040 (1) Possession of Drug Paraphernalia, if the person holds a valid registry identification card for medical use, is the person responsible for a registered grow site, or is a designated primary caregiver under the Oregon Medical Marijuana Act ~~has been issued a Oregon Medical Marijuana Program card or is 21 years of age or older, and possesses marijuana paraphernalia in accordance with applicable recreational and medical marijuana laws of the State.~~
2. ~~Holding a valid registry identification card for medical use, being the person responsible for a registered grow site, or a designated primary caregiver under the Oregon Medical Marijuana Act is not a defense to Delivery of Drug Paraphernalia SMC 9.40.040 (2).~~ It is an exception to Section 9.40.040 (2) to sell, or to possess with the intent to sell, marijuana paraphernalia at a marijuana facility licensed by the State and the City.

9.40.070 SEVERABILITY

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.



CITY OF STAYTON REQUEST FOR RECOGNITION

The purpose of this form is to ensure that anyone wishing to address the Stayton City Council will have the opportunity to do so. This form is to be completed prior to the opening of the meeting, and should be submitted to staff. Please wait for recognition from the Mayor prior to addressing the Council.

Name (please print): Rese Bordeaux

Address: _____
Street City State Zip

Topic: Stayton Chalkboard Mural

Speaking in...
Support of _____ Opposition to _____ General Testimony _____

Comments: update

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning & Development Department at (503) 769-2998, or their office is located at 311 N. 3rd Avenue, Stayton, 97383.



CITY OF STAYTON REQUEST FOR RECOGNITION

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Name (please print): Jenny Flowers

Address: Meadowbrook Stayton OR 97383
Street Homeowners Assn. City State Zip

Topic: ~~1234~~ stop location for rec

Speaking in...
Support of _____ Opposition to medical General Testimony _____

Comments: please stop rec

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning & Development Department at (503) 769-2998, or their office is located at 311 N. 3rd Avenue, Stayton, 97383.



CITY OF STAYTON REQUEST FOR RECOGNITION

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Name (please print): Spencer Gould

Address: Stayton
Street City State Zip

Topic: Dispensary near the liquor store

Speaking in...
Support of _____ Opposition to General Testimony _____

Comments: What revenue is expected from Marijuana Dispensary?
Rule ORS 475.005(23) states: "institution containing any combination of grades kindergarten through 8th or age equivalent"

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning & Development Department at (503) 769-2998, or their office is located at 311 N. 3rd Avenue, Stayton, 97383.

There is a registered school of drug care across from Stayton Pharmacy



CITY OF STAYTON REQUEST FOR RECOGNITION

The purpose of this form is to ensure that anyone wishing to address the Stayton City Council will have the opportunity to do so. This form is to be completed prior to the opening of the meeting, and should be submitted to staff. Please wait for recognition from the Mayor prior to addressing the Council.

Name (please print): PAUL J. HAMES ^{officer} Former Law Enforcement

Address: 670 meadowbrook la Stayton OR 97383
Street City State Zip

Topic: Marijuana Dispensary on meadowbrook

Speaking in...

Support of _____

Opposition to _____

General Testimony

Comments: _____

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning & Development Department at (503) 769-2998, or their office is located at 311 N. 3rd Avenue, Stayton, 97383.



CITY OF STAYTON REQUEST FOR RECOGNITION

The purpose of this form is to ensure that anyone wishing to address the Stayton City Council will have the opportunity to do so. This form is to be completed prior to the opening of the meeting, and should be submitted to staff. Please wait for recognition from the Mayor prior to addressing the Council.

Name (please print): Shellie Cloney - Rung Daycare center
on 3rd Ave near D/O + Stayton
Address: 0350 Martin DR Stayton OR 97383 Pharm
Street City State Zip

Topic: Marijuana

Speaking in...

Support of

Opposition to ✓

General Testimony

Comments: Discrepancy / POT

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning & Development Department at (503) 769-2998, or their office is located at 311 N. 3rd Avenue, Stayton, 97383.



CITY OF STAYTON REQUEST FOR RECOGNITION

The purpose of this form is to ensure that anyone wishing to address the Stayton City Council will have the opportunity to do so. This form is to be completed prior to the opening of the meeting, and should be submitted to staff. Please wait for recognition from the Mayor prior to addressing the Council.

Name (please print): Todd Humphrey

Address: 217 Ida 317 Birch
Street City State Zip

Topic: Alley Vacation

Speaking in...
Support of Opposition to General Testimony

Comments: _____

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning & Development Department at (503) 769-2998, or their office is located at 311 N. 3rd Avenue, Stayton, 97383.



CITY OF STAYTON REQUEST FOR RECOGNITION

The purpose of this form is to ensure that anyone wishing to address the Stayton City Council will have the opportunity to do so. This form is to be completed prior to the opening of the meeting, and should be submitted to staff. Please wait for recognition from the Mayor prior to addressing the Council.

Name (please print): Kathy Kaczynski

Address: 127 N 7th Ave Stayton

Street

City

State

Zip

Topic: Alleyway vacation

Speaking in...

Support of

Opposition to

General Testimony

Comments: _____

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Name (please print): Denise Orr

Address: 21535 Ferry Rd Stayton OR 97383
Street City State Zip

Topic: vacation of alley not on schedule

Speaking in...
Support of _____ Opposition to _____ General Testimony _____

Comments: Ida St PLEASE

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SCRIPT TO BE READ AT COMMENCEMENT OF PUBLIC HEARING

Good evening, my name is Hank Porter and as Mayor I will be presiding over this hearing. This is the time and place set for the public hearing in the matter of Land Use File #9-08/15, concerning the City-initiated vacation of 15 alleys throughout the City.

This hearing is now open.

At the back counter is the agenda for this evening's meeting, which lays out the order in which people will be called on to speak during the public hearing, a map showing the alleys proposed to be vacated, the City Council's Rules of Procedure for Land Use Public Hearings, and a brochure written to facilitate your participation in the public hearing. You are encouraged to obtain and review these documents.

At this time I would ask the audience if there are any objections to the notices provided for this hearing. I hear none (if there are none). To the jurisdiction of this body to hear and consider this issue? I hear none (if there are none). Are there any declarations of conflict of interest; ex parte contact or bias by any members of this body? I hear none (if there are none).

We are now ready for the staff report.