



CITY OF LYONS

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449 5TH STREET
LYONS, OREGON 97358

CITY COUNCIL SPECIAL MEETING MINUTES – PUBLIC HEARING November 5, 2015

Present: Mayor Troy Donohue, Pro Tem Jessica Ritchie, Councilors: Lloyd Valentine, Mike Wagner, Librarian Brenda Harris, City Recorder Micki Valentine, Attorney Steve Tabor

Public Present: Gaye Gibby, Ryan Underwood, Heather Underwood, Larry & Pam Brown, Arlene Branch, Larry & Wendee Williams, , Dick Voltin, Pam Philippi

Open @ 6:30pm by Mayor Troy Donohue

Conflict of Interest/Ex-parte/Bias – none

Business Licenses/Marijuana Facilities

Staff Report was read, explaining three options

- 1) Institute a business license which would allow local regulation
 - Must meet all local, state & federal laws, including zoning & building codes
 - Not eligible to receive state revenue sharing
 - Option to impose 3% City tax
 - Ordinance required
 - Business license fees would need to be established by resolution
- 2) Banning marijuana facilities which would require an election
 - Operations would be contingent on the result of the election
 - Election cost to the City would be shared among other entities with measures on the ballot
 - We would not receive state revenue sharing if the voters approved the ban
 - An ordinance would be required
- 3) Doing nothing which would allow marijuana facilities to operate within the city limits.
 - The state would regulate the facilities, not the city
 - The city would receive state revenue sharing funds
 - A 3% city tax could be assessed with voter approval

The result of the Measure 91 election was 53% No for Linn County and 56% No for the City of Lyons.

The cost of an election cannot be pre-determined by the county. It depends how many entities place measures on the ballot and the cost of the election. A special election would cost the city more than the general election.

Chapter 18 of our zoning code addresses land use requirements, which does not allow or disallow marijuana facilities.

The question concerning an RV in a Limited Industrial Use zone was addressed. Our code mentions manufactured/mobile homes as a conditional use permitted however it does not address a Recreational Vehicle. Our code only addresses an RV in a residential setting.

For Conditional Uses to be approved a permit needs to be submitted with the appropriate fee then it would go before the planning commission for a hearing. The planning commission may impose conditions.

An ordinance for a business license was presented to the mayor, council and planning commissioners present, as modified by Attorney Steve Tabor, for enforcement language.

Attorney Tabor also presents an Ordinance to ban marijuana facilities. He explains the options.

Question about whether agriculture businesses are permitted in industrial areas – per planning commissioner it is not an outright permitted use and not listed as a conditional use. Marijuana grow operations are not considered an agricultural use according to Mr. Underwood.

Enforcement concerns – Attorney Tabor responds that if a business does not comply with the business license requirement, there would be a \$500 per day fine assessed and would go through the courts if needed.

Public Comments

Wendee Williams comments that she is opposed of any type of marijuana operations within the city.

Pamela Brown asks about security issues. Mr. Underwood explains his security measures including the use of security cameras and onsite security personnel in RV. Firearms are not allowed at marijuana facilities.

Pam Philippi is concerned that the current business did not go through a site plan review process after the change of use.

With no councilors objecting, Mayor Troy Donohue reads the ordinance to ban marijuana facilities, by title. He then reads Ordinance B8-14 to require business licenses within the city limits of Lyons, read by title.

Dick Voltin is concerned about the city regulating business license, he feels businesses are regulated enough. It was explained that this is how the City will know what businesses are in town.

Mike Wagner motions to table Resolution 512 to Establish Fees to the next regular council meeting – Lloyd Valentine seconds – motion carried with all in favor.

Discussion about options by using zoning and the site plan review processes to address marijuana facilities.

Adjourned 7:30 pm
Transcribed by Micki Valentine, City Recorder

