



CITY COUNCIL WORK SESSION AGENDA

May 15, 2024 at 5:30 PM

Amity City Hall – 109 Maddox Avenue Amity, Oregon

Zoom Meeting:

Meeting ID: 872 3486 4153

Passcode: 052165

us02web.zoom.us/j/87234864153?pwd=RGJPdXZZYlJOdk1RN3NheUdlcVUrUT09

1. CALL TO ORDER
2. FLAG SALUTE
3. COUNCIL ROLL CALL: Melissa Bojorquez, April Dyche, Sandy McArthur, Caleb Shields, Alice Thompson and Mayor Rachel King
4. FORMAT OF THE WORK SESSION:

Work Sessions are “informal” opportunities for Council to meet and discuss City operations and business directly with City Staff in a non-decisional forum (one that does not require votes of/by Council). The Mayor and Council may direct, guide, and advise City Staff on City projects and programs. The Public is welcomed to attend but may not be afforded the opportunity to speak or engage (this is at the discretion of the Mayor). However, the Mayor and Council may address specific issues posed by community members, ask individuals to attend to present their issues to Council, and may direct City Staff to resolve those issues.

5. CITIZEN COMMENTS/QUESTIONS

*An opportunity to present items not on the regular agenda. Please state your name and address and limit your comments to **three (3) minutes**.*

6. CITY ADMINISTRATOR COMMENTS

7. TOPICS OF DISCUSSION

a. Sidewalk Program

b. Psilocybin

8. OPEN FORUM & DISCUSSION FROM THE MAYOR AND CITY COUNCILORS

- a.** Mayor Comments - Rachel King
- b.** Comments for the Good of the Order/Public Safety and Finance – Council President Dyche
- c.** Comments for the Good of the Order/Community Engagement – Councilor Bojorquez
- d.** Comments for the Good of the Order/Infrastructure – Councilor McArthur
- e.** Comments for the Good of the Order/City Services – Councilor Shields
- f.** Comments for the Good of the Order/Parks – Councilor Thompson

9. ADJOURNMENT

Accommodation of physical impairments: In order to accommodate persons with physical impairments, please notify the City Administrator's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Natasha Johnson, City Recorder, at 503-835-3711



CITY OF AMITY

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AGENDA ITEM

Subject: Sidewalk Program – Fee-in-lieu and Repair
Date: May 15, 2024
Origin: Nathan Frarck, City Administrator
Action Requested: Review the proposed sidewalk program and talk through the approach, questions, and any further ideas or comments.

Background:

The City of Amity has had many recent discussions regarding sidewalks throughout the city. Sidewalk infrastructure was also identified as a priority in several council goals including “Explore a sidewalk cost share program”, “Inventory existing sidewalk facilities”, and priority repairs in several locations. Given the stated Council goals, I believe the development of a strong sidewalk policy and program are essential in defining the City’s approach to sidewalks going forward.

Additionally, the City has recently had issues with the sidewalk requirements as they’re imposed on people who are rebuilding their homes. This isn’t really an issue with brand new development, but we have several property owners who are just in really old homes, manufactured or stick-built, who seem to want to update their home. Most of these property owners don’t have sidewalks in front of their home. The Amity Development Code and Municipal code requires sidewalk improvements with the development of new homes. Generally speaking, our city streets are not as wide as we’d like and the primary stormwater conveyance is drainage ditches (usually right where the sidewalk would need to be installed). The lack of ROW or proper street alignment poses a challenge when determining where property owners should install sidewalks in front of their home.

With these issues in mind, I’ve been thinking about trying to push forward a couple of changes to Amity’s sidewalk program. The first piece is a fee in lieu program that would allow property owners to pay a fee instead of installing sidewalks. The second piece is a repair/replacement grant program that would be used to incentivize repair of the sidewalks already in place in Amity, and preferably get our main walking paths to have usable sidewalks. I’ve outlined the programs in the attached word document and have included our current sidewalk ordinance for reference.

Exhibits:

- Exhibit A – Sidewalk program outline
 - Exhibit B – Ordinance 622 that established Section 92.04 of the Amity Municipal Code on sidewalks.
-

Recommendation:

Review the proposed sidewalk program and discuss.

Sidewalk Program for the City of Amity

Refers to Ordinance 622 and/or Section 92.04 in the City’s municipal code and would likely require a change in the development code as well.

Two pieces:

1) Fee-in-Lieu for new development that would face sidewalk requirements under the City’s current development code requirements (new construction – this includes tearing down a house and rebuilding). The applicant/property owner/developer would pay the “Sidewalk Fee” instead of being required to build sidewalks in their location. This would give the City extra funds (could be designated to sidewalks) to repair or build sidewalks in more essential locations in the City. It would also work well as a local match to acquire state/federal grant funding.

- a. What triggers it?
 - i. Same requirements that would trigger frontage improvements in the development code. Primarily new structures or buildings over a certain size, or a new home, etc.
- b. When is it allowed? (Options to talk through)
 - i. If the engineer or public works determine that the location of the required sidewalk is infeasible,
 - ii. If there are no other sidewalks on properties adjacent to the developing property
 - iii. If it’s not on the priority areas for the City (set by a sidewalk plan?)
 - iv. Or, if the property owner prefers to pay a fee? (If you allow it open, I would set the price to be pretty expensive and account for project management, design, administrative time, etc. Something like \$20+/Square foot?)
- c. What is the cost?
 - i. Is it a price per square foot, established yearly by the City’s engineers? Or is it otherwise set to increase with inflation/over time? Maybe yearly updated with the construction index, almost like an SDC?
 - 1. Do we require the applicant to put together a sidewalk design? Or just accept an estimate of frontage length x sidewalk width of 5ft?
 - 2. Are we pricing in curb and gutter as well? Or just the walk? When we require a new home to install sidewalk, it’s generally just the walk because the streets aren’t fully widened. What triggers full/half street improvements?

- ii. Do we require the developer to get a quote and pay the City 90+% of the quoted price? (Issues here are that a bid may be way low if the contractor knows that they'll never have to actually do the project. May also leave off areas. It's also more time and work when the property owner/developer is just going to be paying a fee anyway so what's the point?)
 - iii. How do we account for corner curb ramps, storm drainage, or other costs that would normally be incurred by sidewalk installation in front of a home, or do we not worry about it?
 - d. Are payment plans allowed? Do we allow developers/property owners to spread it out over time? Interest? Or just require the upfront cost? Is the point to make it easier on people, or to try to transfer that development to a different location?
- 2) Repair/Replacement Program. The City of Amity would like to encourage/incentivize sidewalk repairs/replacements by abutting land owners so that requirements can be enforced with some offer of help as well. There are lots of example programs out there in Oregon for this type of thing.
- a. Which sidewalk repairs are eligible?
 - i. Is it all maintenance or repair? Is it replacement due to old age, or just unexpected damage from causes like tree roots?
 - ii. Are we limiting locations? Are sidewalks outside of priority areas eligible?
 - iii. Limited to repair or replacement, not new development? Or do we want to encourage people to build sidewalks if they don't have them?
 - b. How is payment determined?
 - i. Is it a price per square foot if they're eligible? Or 50% of the lowest bid or 50% of actual invoiced amount, whichever is less, regardless of who does the work. Are a certain number of quotes required? 3 bids?
 - ii. Reimbursement program? We probably don't want to pay people ahead of time, or pay for the construction costs ourselves in this case. Have the property owner pay up front and then we reimburse up to a given amount? Is there a cap per property/application? I've seen a cap of \$1500, \$2500, etc.
 - iii. Yearly cap subject to availability of funds in the approved City budget. Could allow more or less in a given year. (Disclaimer statement that

this does not excuse the homeowner from their responsibility or assume liability.

c. Great Examples from neighboring cities.

i. Monmouth:

<https://www.ci.monmouth.or.us/pview.aspx?id=41333&catid=0>

ii. Wilsonville: <https://www.ci.wilsonville.or.us/residents/page/sidewalk-repair-reimbursement-program>

iii. Newberg:

https://www.newbergoregon.gov/sites/default/files/fileattachments/engineering/page/26521/english_-_sidewalk_grant_and_loan_program_application_packet.pdf

ORDINANCE NO. 622

AN ORDINANCE REGULATING STREETS, SIDEWALKS AND EXCAVATIONS; PERSCRIBING PENALTIES; AND REPEALING CERTAIN ORDINANCES.

THE CITY OF AMITY ORDAINS AS FOLLOWS:

SECTION 1 – DEFINITIONS

For purposes of this ordinance, the following mean:

- (1) “Alley” means a narrow street through the middle of the block.
- (2) “Bicycle” means a device propelled by human power upon which a person may ride, having two or more tandem wheels, either of which is six inches or more in diameter.
- (3) “Bus stand” or “Bus stop” means a space adjacent to the curb designated by sign to be occupied exclusively by buses loading or unloading passengers.
- (4) “City Administrator” means the City Administrator for the City of Amity.
- (5) “Curb” means the extreme edge of the roadway.
- (6) “Design District” means an area subject to separate design standards adopted by resolution of the city council.
- (7) “Developer” means any individual or entity constructing, demolishing or repairing a public capital improvement within the City.
- (8) “Development” means a building, property use or mining operation making a physical change in the use or appearance of a structure or land, dividing land into two or more parcels (including partitions and subdivisions), and creation or termination of a right of access.
- (9) “Driveway” means a structure used for vehicular access from the public right-of-way to abutting private property located normally between the curbing or lateral lines of the roadway surface and the adjacent property line
- (10) “Encroachment” means any private structure installed within the Right-of-Way.
- (11) “Engineer” means the City Engineer or Public Works Director or his authorized representative.

- (12) “Frontage Zone” means the area of the sidewalk corridor between the Through Pedestrian Zone and the property line as defined by resolution of the city council.
- (13) “Furnishing Zone” means the area of the sidewalk corridor between the curb and the Through Pedestrian Zone as defined by resolution of the city council.
- (14) “Land area” means the area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.
- (15) “Loading Zone” means a space adjacent to the curb designated by sign reserved for the exclusive use of vehicles during the loading or unloading of passengers, material or freight.
- (16) “Motor Vehicle” means every vehicle that is self propelled, including tractors, fork lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, not withstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.
- (17) “Owner” means a natural person, firm, corporation, or other legal entity holding the deed, record title or the purchaser under a recorded sales agreement and other persons having an interest of record in the described real property.
- (18) “Parcel of land” means a lot, parcel, block, or other tract of land that is occupied or may be occupied by a structure, or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, and other development ordinance.
- (19) “Park” or “Parking” means a motor vehicle that is stopped while occupied by its operator with the engine turned off or a motor vehicle that is stopped while unoccupied by its operator whether or not the engine is turned off.
- (20) “Parkway” means that portion of a street not used as a roadway or a sidewalk.
- (21) “Passenger loading zone” means a loading zone reserved only for the loading or unloading of passengers and their luggage.
- (22) “Pedestrian” means a natural person afoot.
- (23) “Person” means a natural person, firm, partnership, association or corporation, whether or not they are acting for themselves or as a clerk, servant, employee or agent of another.

- (24) “Person in charge of property” means an agent, occupant, lessee, contract purchaser or person, other than the owner, having possession or control of the property.
- (25) “Roller skates” or “Roller Blades” means a shoe or boot with a set of wheels attached for skating over a flat surface. These terms also include a metal frame with wheels attached that can be fitted to the sole of a shoe or boot.
- (26) “Sidewalk” means that part of a street right-of-way between the curb line or the lateral line of the paved portion of the roadway and the adjacent property line that is intended for the use of pedestrians.
- (27) “Sidewalk corner obstruction free area” means the area between the curb and the lines created by extending the adjacent property lines to the curb face.
- (28) “Skateboard” means a board or similar platform made from any substance mounted on wheels.
- (29) “Scooter” means a foot operated vehicle, consisting of a narrow board mounted between two wheels tandem with an upright steering handle attached to the front wheel.
- (30) “Stand” or “Standing” means the stopping of a motor vehicle while occupied by its operator with the engine running, except stopping in obedience to the instructions of a traffic officer or traffic control device or for other traffic.
- (31) “Stop” means the complete cessation of movement.
- (32) “Street” means alleys, sidewalks, parking areas and accessways owned or maintained by the city and includes the terms “highway”, “road” and “street”. In addition it includes property, whether publicly or privately owned and whether publicly or privately maintained, upon which the public operates vehicles, either by express or implied invitation and includes but is not limited to parking lots, service station lots, shopping center and supermarket parking lots and other accessways and parking lots open to general vehicular traffic, whether or not periodically closed to public use.
- (33) “Street tree” means any tree or part of a tree, existing or new planting, including the canopy and root system, that lies on or has grown onto or over public property, or in public right-of-way owned by the city.
- (34) “Taxi stand” means a space adjacent to the curb designated by sign reserved for taxicabs to stand or wait for passengers.

- (35) “Through pedestrian Zone” means the area of sidewalk between the Furnishing Zone and the Frontage Zone in which no obstructions, openings or other impediments would prevent or discourage movement by pedestrians, including but not limited to utility poles, signs, benches, merchandise, trash receptacles, plants, etc.
- (36) “Traffic control device” means a device used to direct vehicular, bicycle or pedestrian traffic or parking, including but not limited to a sign, signaling mechanism, barricade, button, street marking or curb marking installed by the city or other authority.
- (37) “Traffic Lane” means that portion of the roadway used for the movement of a single lane of vehicles.
- (38) “Vehicle” means any type of vehicle, including bicycles.

SECTION 2 – APPLICABILITY TO PROPERTY OPEN TO PUBLIC TRAVEL

- (1) The provisions of this ordinance shall apply upon property open to public travel. Any conduct or status that would constitute a violation of the statutes if it occurred on a public street will, if it occurs on other property open to public travel constitute a municipal traffic infraction under the provision of the ordinances of the City of Amity.

SECTION 3 – EXISTING CONTROL DEVICES

- (1) All official traffic signs and markings existing at the time of the adoption of this ordinance such as stop signs, caution signs, slow signs, no-reverse-turn signs, signs designating time limits for parking or prohibited parking, lines painted or marked on street or curb designated parking areas or spaces, markers designating loading zones and all other official traffic signs erected, installed or painted for the purpose of directing, controlling and regulating traffic are approved.
- (2) All resolutions and parts of resolutions of previous date regulating parking controls and regulations inconsistent with this ordinance are hereby repealed and annulled.

SECTION 4 – TRAFFIC CONTROL DEVICES

- (1) Manual adopted. The Manual on Uniform Traffic Control Devices for Streets and Highways, including supplements and/or amendments, as adopted by the State of Oregon Highway Department for uniformity of traffic control

devices, is adopted and shall constitute the official standards for the design and use of traffic control devices in the city.

- (2) Designation by council. After approval by the Oregon State Highway commission, where such approval is required by the motor vehicle laws of Oregon, the city council may designate traffic controls described in this Ordinance, which controls shall become effective upon installation of appropriate traffic signs, signals, markings or other devices.
- (3) Duties of the engineer. The engineer shall implement the ordinances, resolutions and motions of the council by installing traffic control devices and establish, maintain, remove or alter traffic control devices for crosswalks, sidewalks, traffic lanes, intersection channelization and areas where drivers of vehicles shall not make right, left, or no-reverse-turns and the time prohibition applies, parking areas including the form of permissible parking (i.e. parallel or diagonal).
- (4) Parking sign restriction. No person shall letter, mark or paint in any manner any letters, marks or signs on a sidewalk, curb, street or alley, or post on a parking strip anything designed or intended to prohibit or restrict parking in front of a sidewalk, dwelling, business or alley, except in compliance with this ordinance.
- (5) Yellow paint on curb.
 - a. Yellow paint on a curb without a sign shall indicate a zone of no parking at any time.
 - b. Yellow paint on a curb shall accompany any other parking restriction, except fire lane, with a sign designating the applicable restriction.
 - c. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle in an area that has been painted yellow for no parking or so signed or marked.

SECTION 5 – STREETS AND SIDEWALKS

- (1) Permits required.
 - a. No person shall remove, alter or construct any curb, driveway, sidewalk or gutter on or in any street, alley, right-of-way or other property owned by or dedicated to or used by the city and over which it has jurisdiction to regulate the matters covered hereby without first obtaining a permit from the city.
 - b. An application for a permit shall be filed with the city on a form prescribed by the city and shall contain such information and data as required by it.
 - c. Before any permit is issued, the applicant shall pay to the city a permit fee as set by resolution of the city council.
 - d. All work done under a permit issued in compliance with this section shall be done under the direction of the engineer. The engineer may revoke a permit

- issued under the provisions of this section at any time he is satisfied that the work is not being performed according to the provision thereof.
- e. The acceptance of a permit constitutes an agreement by the applicant to save the city, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under the permit.
- (2) Driveway restrictions. No person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.
- (3) Sidewalk or parkway restrictions.
- a. The driver of a vehicle shall not drive upon or within a sidewalk or parkway area except to cross at a permanent or temporary driveway.
 - b. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle upon any parkway or sidewalk except where specifically authorized, nor park in any location that necessitates the mounting, crossing or straddling of any curb in excess of two and one-half inches in height.
 - c. Unless otherwise provided, this subsection shall be enforced pursuant to the provisions of ordinances relating to controlling vehicular and pedestrian traffic.
- (4) Other Structures in the Public Right-of-way.
- a. No person shall, except as permitted by ordinance, to place any post, sign or obstruction in any public street or public sidewalk area.
 - b. Proposal for other, less typical private structures in the public right-of-way will be considered on a case-by-case basis. All approved encroachments shall be located:
 - i. Outside of the Through Pedestrian Zone
 - ii. Outside of the sidewalk corner obstruction free area.
 - iii. Outside of any Bus Stop area
 - iv. Minimum of 2 feet from the curb face
 - v. Minimum of 3 feet from a fire hydrant
 - vi. Minimum of 5 feet from any driveway
 - c. Approved encroachments shall not compromise safety (sight distance, visibility, object hazard) or interfere with city maintenance functions.
- (5) Merchandise sale or display.
- a. No person, except as otherwise permitted by ordinance, shall use any street or public sidewalk for selling, storing or displaying merchandise or equipment unless permission is granted to such person or group of persons by the city council during specified hours of specified days for a specified duration.
 - b. The provisions of this subsection shall not apply to the delivery of merchandise or equipment; provided, that the owner or person in charge of

the merchandise or equipment or the property abutting on the street or public sidewalk upon which the merchandise or equipment is located removes the merchandise or equipment within a reasonable time and that the merchandise or equipment is outside of the Through Pedestrian Zone.

- (6) Trees.
- a. No owner or person in charge of property that abuts upon any street or public sidewalk shall permit trees or bushes on the person's property to interfere with street or sidewalk traffic. It is the duty of an owner or person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on the person's premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the street surface or fourteen feet above the street surface on property adjacent to designated truck routes.
 - b. No person or person in charge of property shall allow to stand any dead or decaying tree that is a hazard to the public or to persons or property on or near the property.
 - c. All street trees that were required to be installed under a street tree plan or similar requirement shall be maintained in a healthy condition by the adjoining property owner, or replaced with a tree consistent with the approved street tree plan for that location.
 - d. No person shall remove any tree greater than 1.5 inches in diameter from the public right of way without first obtaining a permit from the city to do so, except as noted below.
 - e. Because mature, healthy trees contribute significantly to the beauty and character of the community, city staff will generally not issue a permit to remove a street tree greater than six inches in diameter unless the tree is diseased, rotten, dead or dying, significantly misshapen, an obstruction, or other hazard. A certified arborist may be required to verify the tree's condition before removal is permitted.
 - f. No person shall top or severely prune a tree greater than two inches in diameter in the right-of-way without first obtaining a permit from the city to do so, except where such pruning is required by city ordinances or requested by the city, such as to maintain clearances from sidewalks, street signs, streets, or alleys. Severe pruning is defined as severing the trunk, or cutting back to the trunk, or cutting a limb larger than four inches in diameter to a stub. A permit may be issued to prune a tree to remove a tree, limbs or roots which are dead, to remove trees, limbs or roots which have been severely damaged by storms or other causes or which otherwise pose a danger to the public health and overall attractive shape of the tree. The permit may require that pruning be done under the supervision of a certified arborist.
 - g. The city may require that a tree removed be replaced with a tree in accordance with an approved street tree plan or from the city's approved street tree list.
 - h. The above requirements do not apply to tree pruning or removal by city staff or agents. They also do not apply to public utility agencies or their agents

pruning or removing trees as necessary to comply with applicable utility clearance standards. They do not apply in emergency circumstances.

- (7) Curbs, sidewalks and driveways.
 - a. All sidewalks and driveways installed within the city right-of-way shall be designed, constructed, reconstructed, altered or repaired in accordance with specifications prepared and kept on file by the engineer.
 - b. It is the duty of an owner of land adjacent to a public right-of-way in the city to construct, reconstruct, repair, and keep clear of leaves, ice, snow and all other obstructions or hazards to the public which are reasonably removable on all sidewalks and driveways adjacent to said land. The engineer shall notify the property owner of the need to repair sidewalks and driveways after determining that the existing sidewalk is in such a state of disrepair that the condition or defect is such that it would create a danger to pedestrians. Such notice to the property owner shall be in writing.
 - c. No person in charge of any building or structure shall suffer or permit rainwater, ice or snow to fall from such building or structure onto a street or public sidewalk or to flow across such sidewalk.
 - d. The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about such will not be carried across or upon any sidewalk.
 - e. The owner responsible for maintenance of the adjacent sidewalk and driveway shall be liable to any third person who sustains any injury or damage as a result of inadequate maintenance, repair, construction, or failure to adequately remove snow, ice, leaves or any other hazard or obstruction from that portion of sidewalk or driveway abutting his property. Additionally, any person who fails to perform or comply with the duties imposed by this subsection shall be liable to any third person for injuries or damages suffered as a result of such failure.
 - f. No owner or person in charge of property shall permit cellar door or grate located in or upon a sidewalk or public pathway to remain open except when such entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.
 - g. No person, except as otherwise permitted by ordinance, shall obstruct, cause to be obstructed or assist in obstructing vehicular or pedestrian traffic on any street or public sidewalk.
 - h. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition or alteration to a dwelling or business structure, the value of which is \$5,000 or more.
 - i. The owner, builder or contractor to whom the building permit is issued shall meet the following requirements:
 - 1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within

- the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.
2. Dedicate right-of-way in accordance with an approved city plan.
- ii. The engineer may issue a permit and certificate allowing noncompliance with the provisions of this subsection to the owner, builder or contractor when, in his opinion, the construction of a sidewalk is impractical for one or more of the following reasons:
 1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.
 2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.
 3. Topography or contours make the construction of a sidewalk impractical.
 4. The noncompliance provided in article (1) and (2) shall be temporary and shall cease to exist when grades are established for sidewalks by the Public Works Department or when public utilities or street paving have been constructed.
 - iii. If the owner, builder or contractor considers any of the requirements impractical for any reason, they may appeal the decision to the Planning Commission.
 - iv. If sidewalk is not constructed within the time required by this subsection, then the city may construct it for the full street frontage in front of the property and proceed with the construction, assessment and collections of costs as provided for in this subsection (f) of this section.
- i. It is the duty of every property owner whose vacant or undeveloped property abuts upon any street, which has been improved with a hard-surface pavement, to construct a concrete curb and sidewalk conforming to city ordinances when 50% of the lineal distance of the sidewalk of said block has already been installed. Said construction shall be completed within two (2) years after notice by the engineer.
 - j. It is the duty of every property owner of developed property whose property abuts upon a street, which has been improved with a hard-surface pavement, to construct a concrete curb, sidewalk and driveway conforming to city ordinances when 50% of the lineal distance of the sidewalk of said block has already been installed. Said construction shall be completed within one (1) year after notice by the engineer.
 - k. It is the duty of every property owner whose property abut upon a street designated as a "high pedestrian use street" to construct a concrete curb and sidewalk conforming to city ordinances within one (1) year after notice by the engineer. The engineer shall identify "high pedestrian use streets" by determining whether a certain street is a primary walking route to schools, community buildings, or commercial areas and whether the absence of sidewalks along those walking routes is a potential danger to pedestrians. The engineer may also apply other factors such as pedestrian counts,

projects under construction, or sites designed for development when identifying “high pedestrian use streets”.

1. The city council may, when it deems it reasonable, necessary and expedient, order the construction, reconstruction, or repair of a sidewalk or driveway by the owner or owners of land adjoining any public right-of-way in the city.
 - i. The order shall be by written resolution and shall contain.
 1. A description of the land adjacent to the ordered work and the same may be by street address only.
 2. The names or names of the owners of the affected property.
 3. The time within which the work is to be completed.
 4. The order of the council requiring the work to be accomplished.
 5. An order directing the engineer to notify the owners of the city council action.
 - ii. The engineer shall be responsible to assure that the following requirements are fulfilled when the powers of city council are to be used to accomplish the construction, reconstruction, or repair of sidewalks or driveways.
 1. Notices shall be sent out ten days in advance of any council action to the affected owners, or their agents, that consideration will be given to the construction, reconstruction or repair of the sidewalks or driveways adjacent to their property.
 2. It shall be deemed sufficient that the notice is served by one or more of the following methods:
 - a. Registered mail
 - b. Posted on the property
 - c. Served personally
 - d. Publication in a local paper
 3. A mistake in the name of the owner shall not render void such notice.
 - iii. In the event the order of the council for the construction, reconstruction or repair of a sidewalk or driveway is not complied with within the time designated or is not complied with according to the engineer’s specifications or directions, the engineer shall cause the order to be performed either by contract or force account and shall keep an accurate cost record of the expense as it applies to each parcel of land.
 - iv. Upon receipt of the record of costs specified in the above, the council shall by ordinance assess the cost of all work against the adjacent property. The assessment shall be a lien against the property and may be collected in the same manner as is provided by law for the collection of unbonded liens for local improvements.
 - v. The provisions of the “Bancroft Bonding Act” of the State of Oregon shall not be applicable to assessments made under this chapter unless the council directs otherwise in the resolution ordering alternative

forms of financing by or under the direction of the city upon such terms and provisions as the council may deem appropriate.

- m. Any person who may desire to construct or is required to construct, reconstruct or repair any sidewalk, curb or driveway shall obtain a permit before commencing work; and such application shall specify the property along which such walk, curb or driveway is to be laid, the name of the person for whom same is to be performed and the time within which same is to be completed. It is hereby the duty of the engineer to issue permits and upon the request of any person to whom a permit has been issued as herein provided and within a reasonable time thereafter, to set the grade and line stakes for the construction of any sidewalk, curb or driveway in the city. No person shall construct or cause to be constructed any sidewalk, curb or driveway in the city until such grade and line stakes have been set.
 - n. The engineer may authorize the installation of a meandering sidewalk for esthetic purposes provide that said walk does not substantially inconvenience the general public nor create an apparent traffic or pedestrian hazard.
- (8) Parking controls and regulations.
- a. The city council may designate the parking and standing of vehicles by:
 - i. Prohibitions and hours restrictions. Classifying portions of streets and alleys upon which either parking or standing or both, shall be prohibited or prohibited during certain hours.
 - ii. Time Limits. Establishing the time limit for legal parking in limited parking areas.
 - iii. Common Carrier Stands. Establishing bus stops, bus stands, taxicab stands and stands for other passenger common carrier vehicles.
 - iv. Passenger Loading Zones. Designating the location of passenger loading zones for use in front of the entrance to any hotel, auditorium, theater, church, school or public building.
 - v. Public Parking. Designating city-owned or city leased lots or property on which public parking will be permitted or restricted.
 - b. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle in an alley except to load or unload persons or materials for not to exceed thirty consecutive minutes. In addition, no person shall park so as to block access to private driveways or any portion of a public sidewalk.
 - c. No person shall park a vehicle in a public parking lot in violation of the posted restrictions. No person shall park in a public parking lot except in a designated parking space.
 - d. In additions to provisions of motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle in an area that has been designated for compact cars only which is greater in overall length of sixteen feet and or is greater in overall height than five feet.
 - e. Unless otherwise provided, this subsection shall be enforced pursuant to the provisions of ordinances relating to controlling vehicular and pedestrian traffic.

- (9) Fire department connections.
- a. It shall be unlawful for the owner of property adjacent to a street upon which as located a fire hydrant to place or maintain within three feet of such hydrant any brush, shrub or tree, or other obstruction.
 - b. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle within ten feet of either side of a fire department connection device, said zone constituting an area twenty feet in length centered on the fire department connection.
 - c. The area designated in article (b) of this subsection shall be identified pursuant to law or in such a manner provided by this ordinance or the Uniform Fire Code for a no parking zone.
- (10) Scheduled construction and emergency repair of city facilities.
- a. No parking shall be allowed in areas of scheduled construction or repair of city facilities, along detours caused by such construction or repairs and areas where such construction, repairs or detours cause traffic control difficulties as deemed necessary by the engineer. Temporary "NO PARKING" signs shall be placed at least twelve hours in advance of enforcing this no parking regulation in areas of scheduled construction or repair of city facilities, detours and traffic control difficulties, caused by such construction, repairs or detours.
 - b. For emergency repair of city facilities, all legally parked vehicles and any other lawfully placed obstructions, located within the street right-of-way for which removal has been deemed necessary to perform the repair, may be towed or removed and stored, and the city shall pay all costs associated with such towing and removal. The city shall also pay all the cost of said storage for twenty-four hours after the owner has received notification of such action.
 - c. Unless otherwise provided, this subsection shall be enforced pursuant to the provisions of ordinances relating to controlling vehicular and pedestrian traffic.
- (11) Bicycles, roller skates, rollerblades, skateboards and scooters.
- a. The operator of a bicycle, roller skater, skateboard or scooter entering or emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley or driveway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.
 - b. A person riding a bicycle, roller skates, skateboard or scooter upon a sidewalk shall yield the right-of-way to pedestrians.
 - c. No person shall park a bicycle upon a street or sidewalk except in a rack. If no rack is provided, the bicycle shall be parked in such a manner as to afford the least obstruction to pedestrian and vehicular traffic and located outside the through pedestrian zone.

- d. No persons, other than a police officer or police reserve officer in the furtherance of his or her duty, shall ride or operate a bicycle, scooter, skateboard, roller skates or rollerblades upon a sidewalk in a designated design district.
- e. Unless otherwise provided, this subsection shall be enforced pursuant to the provisions of ordinances relating to controlling vehicular and pedestrian traffic.

SECTION 6 – EXCAVATIONS

- (1) Permit required.
 - a. No person or persons shall make an excavation in or dig up any street, alley, highway, sidewalk or other public place within the city limits of the city for any purpose without having obtained a permit in writing for such purpose from the engineer.
 - b. An application for a permit shall be filed with the city on a form prescribed by the city and shall contain such information and data as required by it.
 - c. Before any permit is issued, the applicant shall pay to the city a permit fee as set by resolution of the city council.
 - d. All work done under a permit issued in compliance with this section shall be done under the direction of the engineer. The engineer may revoke a permit issued under the provisions of this section at any time he is satisfied that the work is not being performed according to the provision thereof.
 - e. The acceptance of a permit constitutes an agreement by the applicant to save the city, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under the permit.
- (2) Notification requirements. Permit holders shall notify the city at least twelve hours, but not more than seventy-two hours prior to the commencement of any excavation or fill work other than emergencies. The city may inspect at any time throughout the project.
- (3) Safeguards. Whenever any person under the authority of this section places any obstruction in the public right-of-way, or makes any excavation or alteration thereto for any purpose, it shall be the duty of such person or persons to keep the obstruction, excavation or alteration properly safeguarded by substantial signs, barricades and flagmen necessary and to make use of lighting, lighted lanterns, flashing lanterns or other lights or flares from dusk to daylight, in conformity with such regulations as may be specified by the engineer. Whenever, in the opinion of the engineer, the public safety is so endangered by such obstructions, excavations or alterations as to require constant supervision to insure that warning and traffic control devices are functional and that traffic is safely and properly routed around such barricades, the person or persons to whom a permit has been issued shall be

responsible for furnishing a night watchman for that purpose. Twenty-four hour notice shall be give before partial or complete closure of any travel lane in any street or alley. Should an emergency situation arise where a twenty-four hour notice is not feasible, every reasonable effort shall be made to notify the engineer in advance of occupation of the right-of-way.

- (4) Inherent responsibilities.
- a. All drainage ways and structures shall be left open for the free flow of water during operations and after completion. No drainage system shall be altered without prior approval of the engineer.
 - b. No mud, gravel or debris shall be allowed to remain on the traveled portion of the improved right-of-way. Provisions must be made to prevent the migration of such material into the city storm drainage system.
 - c. At the close of each work day, all waste material shall be removed fro the site. Traveled portions of the right-of-way shall be restored to a condition acceptable to the engineer. On hard-surfaced right-of-ways, this restoration shall include permanent resurfacing, the placement of temporary asphalt concrete, or an alternative approved by the engineer.
 - d. Any damage cause to existing utility lines shall be reported to the applicable utility or the city, if city facilities are involved.
 - e. Upon completion of the authorized activity, all surplus earth, rock, paving material and other rubbish shall be removed immediately and become the property of he permit holder. Any and all areas disturbed as a result of the activity within the right-of-way shall be repaired to the satisfaction of the engineer.
 - f. It is the position of the city that it should not, at any time, assume responsibility and costs involved in maintenance of failing street patches and other such repairs made by any person or persons in connection with utility, storm drain, water and sanitary sewer installation and maintenance. Such person or persons, therefore, shall be held responsible for the maintenance of such repairs, in a condition acceptable to the engineer. And for all present and future cost incurred as a result of the permitted work and resultant repairs.
- (5) Refilling Trenches. Any person or persons making or causing to be made an excavation in any street, alley, highways, sidewalk or public place within the city limits of Amity shall in every case refill any and all trenches or holes made by the person or persons making the excavations; and it shall be required that the surface of the street, alley, highway, sidewalk or public place where such holes or excavations have been made and refilled shall be left at the same grade and restored to a condition meeting the current city standard for the area as it existed before such excavations were made. Every effort shall be made to effect permanent repairs immediately following project completion. "Time settling" of trenches and holes is not an approved method and any time spent by city staff locating and alerting responsible persons to failing trench patches will be charged to those persons.

- (6) Notice of completion. Within forty-eight hours of the completion of work authorized by permit issued in accordance with this section, the person or persons to whom the permit was issued shall report to the engineer that such work has been completed and shall give such other information as he may require. The engineer shall thereupon examine the work and if he finds it to be fully and properly restored he shall endorse his approval on the permit and arrange the timely release of any related bond or deposit.
- (7) Moratorium against cuts on newly improved streets.
- a. It shall be unlawful for any person to cut or open the surface of a public street, sidewalk or driveway that has been newly constructed, reconstructed, slurry sealed, overlaid, or improved within the previous 60 months, commencing from the date of acceptance of the improvements.
 - b. No Permits shall be issued to excavate or cut in the street, sidewalk or driveway that has been improved within the last 60 months except in the case of emergencies, or when the engineer grants an exemption. An emergency shall be deemed to exist if the work is necessary for the presentation of life or property; or an urgency affecting the health and welfare of the city's residents or businesses occurs; or in the case of failed pipelines or utility services that affect public security or public safety.
 - c. The engineer may grant exemptions to the moratorium for emergency repairs as provide above, or for the installation of needed critical infrastructure or facilities where no other alternatives to cutting a street, sidewalk or driveway subject to the moratorium exist. When granting exemptions the engineer may impose reasonable conditions to insure the rapid and complete restoration of the street, sidewalk or driveway surface.
 - d. If a street, sidewalk or driveway subject to a moratorium is cut for any reason, the engineer shall determine the extent of the required repairs for the damages caused by such a cut. If the engineer determines that restoration of the street, sidewalk, or driveway is not appropriate at a particular time for reasons relating to weather or other short-term complications, the engineer may order a delay and/or the posting of bonds to insure completion of the work when proper conditions allow for the restoration work.
 - e. Permits Required.
 - i. No person or persons shall make an excavation in or dig up any street, alley, highway, sidewalk or driveway subject to a moratorium without having obtained a permit in writing for such purpose from the engineer.
 - ii. An application for a permit shall be filed with the city on a form prescribed by the city and shall contain such information and data as required by it.
 - iii. Before any permit is issued, the applicant shall pay to the city a permit fee as set by resolution of the city council.
 - iv. All work done under a permit issued in compliance with this section shall be done under the direction of the engineer. The engineer may

revoke a permit issued under the provisions of this section at any time he is satisfied that the work is not being performed according to the provision thereof.

- v. The acceptance of a permit constitutes an agreement by the applicant to save the city, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under the permit.
- f. Restoration Guidelines.
 - i. Street restoration for streets subject to a moratorium may include repaving, surface grinding, base and sub-base repairs, or other related work as needed, and may include p to full-width surface restoration of the street.
 - ii. The engineer may require direct boring instead of street cuts to minimize the restoration requirements and/or impacts to the street, sidewalk, or driveway.
 - iii. The following guidelines are established for restoration work of streets, sidewalks and driveways.
 - 1. Recently improved, paved, or overlaid streets. Final resurfacing shall include the grinding of existing surrounding pavement and repaving at a minimum depth of 2-inches. For trenches perpendicular to traffic lanes, the permittee shall grind ten feet on either side of the trench line for the full width of any traffic lanes that have been cut. For trenches parallel to the traffic lanes, the permittee shall grind the entire width of the traffic lane for the full length of the trench with a minimum of ten feet on each end or as directed by the engineer. For trenches other than those perpendicular or parallel to traffic lanes, the engineer shall establish appropriate limits of paving. At the discretion of the engineer, a full-width slurry seal for the entire block may be substituted for the required overlays in residential areas. Transverse paving joints shall be perpendicular to the traffic lanes and longitudinal paving joints shall not be allowed shall not be permitted in vehicle wheel paths. The placement of the surface course of the repaving shall be by self-propelled, automatic leveling, multiple-width paving machine. Work shall meet all applicable construction standards. The engineer may modify the scope of work stated above, including increasing the restoration requirements as he/she shall deem reasonable to restore the street to a condition acceptable for the volume of traffic served by the street cut.
 - 2. Recently slurry-sealed streets. Slurry seal shall be applied to the patched area no sooner than 30 days and no later than 90 days after completion of the pavement repair. The area of slurry seal shall be as described above for recently improved, paved or overlaid streets.

- (8) Violation. Violation of any provision of this section shall be punishable by a fine not to exceed five hundred dollars. Each day of violation shall constitute a separate offense.

SECTION 7 – STANDARDS

- (1) Except as otherwise provided by written contracts with the city or by supplemental specifications and plans authorized and maintained by the engineer, all public improvements, all private improvements located or affecting city-owned utilities shall be constructed, reconstructed, repaired, and maintained in accordance with the most current version of the “Oregon Standard Specifications for Construction” manual published jointly by the APWA Oregon Chapter and the Oregon Department of Transportation.
- (2) For the purpose of administration of the provisions of the manual, the term “owner” shall refer to the city and the term “contractor” shall refer to the person responsible for the construction, reconstruction and repair of the improvements.
- (3) Exceptions and additions to the plans and specifications contained in the manual may be authorized or required by the engineer. With regard to a particular project or class of project, the engineer may disapprove any specification or material otherwise permitted if, in the engineer’s opinion, the use of the specification material would not be suitable or would not conform with the highest standards of safety, engineering and construction practices.
- (4) All official elevations established in the city shall be with reference to their elevation as compared with the official base, NGS NAD 83, in feet and decimal parts of a foot. No grade or official elevation shall be established other than by ordinance and in the manner approved by the engineer. The official city base or plane or reference for coordinates and elevations is Yamhill County GPS station 53, located at the centerline intersection of 3rd Avenue and Getchell Avenue.

SECTION 8 - ENFORCEMENT

- (1) Failure to comply. Failure to comply with any provision of this ordinance, with the standards and specifications set forth by the engineer, or with sound and accepted safety, health or engineering practices shall be just cause for the engineer to direct city forces or an independent contractor to make any temporary or permanent repairs deemed necessary to bring the subject work into compliance with the above standards and practices. Cost of this work shall be charged to the permit holder at a rate of one and one-half times the cost to the city plus fifteen percent overhead and administration. The engineer

may revoke the prequalification of any party with delinquent. Payments and may take other steps necessary to collect such costs including, but not limited to, the filing of a lien on the property for which the work was performed.

- (2) City liability. Nothing contained in this ordinance shall be implied to require the city, or its officials, agents or employees, to monitor or inspect any project to determine whether the provisions of this chapter have been, or are being complied with.
- (3) Severability. If any portion of this ordinance, for any reason, is held to be invalid, such decision shall not affect validity of the remaining portions of this ordinance.
- (4) Violation.
 - a. Violation of a provision identical to a state statute is punishable by a fine and/or imprisonment not to exceed the penalty prescribed by the state statute.
 - b. Violation of any provision of this ordinance, not otherwise provided for, shall be punishable by a fine not to exceed five hundred dollars. Each day of violation shall constitute a separate offense.
 - c. Any act or condition prohibited by this ordinance may be declared to be a public nuisance and may be abated by the procedures, including summary abatement procedures, set forth in other ordinances relating to nuisances.
 - d. The abatement of a nuisance is not a penalty for violating this ordinance but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.
- (5) Repeal. Sections 88, 89 and 91 of Ordinance 367, passed February 5, 1973; Subsection (1) and (2) of Section 5 of Ordinance 372, passed June 4, 1973; Sections 5 and 9 of Ordinance 340, passed April 3, 1967; Ordinance 98, passed December 4, 1911; Ordinance 383, passed December 3, 1973; and Ordinance 513, passed September 9, 1991, are repealed.
- (6) Saving Clause. The repeal of any ordinance by subsection 5 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

SECTION 9 – FEES

The Amity City Council may establish fees by resolution for permits issued pursuant to this ordinance.

SECTION 10 – EFFECTIVE DATE

This ordinance will take effect 30 days from its passage.

FIRST READING: October 6, 2010
SECOND READING: November 3, 2010

SUMBITTED AND APPROVED THIS ____ DAY OF _____, 2010.

Ayes: Ball, Dahl, Homen, King, van Soolen

Nays:

Signed:

Mayor Michael Cape

ATTEST:

City Recorder Jennifer Elkins



CITY OF AMITY

109 Maddox Avenue
P.O. Box 159
Amity, OR 97101

Ph: (503) 835-3711
Fax: (503) 835-3780

AGENDA ITEM

Subject: Discussion on the Prohibition of Psilocybin in Amity
Date: May 15, 2024
Origin: Nathan Frarck, City Administrator
Action Requested: Determine next steps regarding psilocybin

Background:

In 2022, the City of Amity passed ordinance 678 (Exhibit A) which passed a temporary (2-year) prohibition on psilocybin services within the City and referred the question to the voters. The measure was put onto the November 2022 ballot and passed with the support of 67% of the voters.

The City may establish a prohibition upon psilocybin, but to do so it must put the question to the voters. The question now becomes whether to allow psilocybin in the City of Amity or prepare a temporary or permanent prohibition for the voters for the November 2024 election. The ballot measure would need to be noticed and an ordinance passed before mid-August, when it could then be submitted to the County.

Exhibits:

- Exhibit A – Ordinance 678
- Exhibit B – Amity’s Ballot Measure from 2022
- Exhibit C – LOC guide

Recommendation:

Review the Psilocybin prohibition and discuss next steps.

**CITY OF AMITY
ORDINANCE NO. 678**

AN ORDINANCE DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state’s psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of July 31, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state’s psilocybin regulatory program, and the City of Amity is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the Amity City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the city’s jurisdictional boundaries to enable the adoption of the state’s psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of Amity; and

WHEREAS, the City Council seeks to refer to the voters of Amity the question of whether to establish a two-year temporary ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city’s jurisdictional boundaries.

NOW, THEREFORE, THE CITY OF AMITY ORDAINS AS FOLLOWS:

SECTION 1. Prohibition. The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Amity.

SECTION 2. Referral. This ordinance is referred to the electors of the city of Amity for approval at the next statewide general election on November 8, 2022.

SECTION 3. Effective Date. This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

SECTION 4. Sunset. This ordinance is repealed on December 31, 2024. The City must refer to the voters during the 2024 statewide general election a full prohibition to further ban psilocybin within City Limits.

SECTION 5. Approval. This ordinance may be approved by Council in one meeting in accordance with §16. Ordinance Adoption, of the Amity City Charter.

Initial, 1st, and 2nd Reading: Conducted and approved by the City Council the 3rd day of August 2022, by the following vote:

AYES: 5


NAYS: 0

ABSTENSIONS: 0

APPROVED BY THE MAYOR this 3rd day of August 2022.


Rachel King, Mayor

Attest:


Natasha Johnson, City Recorder/Treasurer

Notice of Measure Election

City

rev 01/18 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Notice

Date of Notice Aug 25, 2022	Name of City or Cities City of Amity, Oregon	Date of Election Nov 8, 2022
---------------------------------------	--	--

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure.

Prohibits psilocybin-related businesses within Amity for 2-years.

Question 20 words which plainly phrases the chief purpose of the measure.

Shall Amity prohibit psilocybin-related businesses and manufacturing within City Limits for a period of 2-years?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

State law allows the operation, manufacture, distribution, and possession of psilocybin and psilocin. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of psilocybin manufacturers and/or psilocybin service center operators within Amity City Limits for a period of 2-years.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:
 → any measure referred by the city governing body; or
 → any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached? Yes No

Authorized City Official Not required to be notarized.

Name Michael D. Thomas	Title City Administrator
Mailing Address PO Box 159 Amity OR 97101	Contact Phone 503-835-3711

By signing this document:
 → I hereby state that I am authorized by the city to submit this Notice of Measure Election; and
 → I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.


 Signature

Aug 25, 2022

Date Signed

Measure Explanatory Statement for County Voters' Pamphlet Instructions

Filing Explanatory Statement – per OAR 165-022-0040

1. The governing body for any local government which has referred a measure to the voters shall submit an impartial, simple and understandable statement explaining the measure and its effect.
2. For an initiative or referendum by petition, an impartial, simple and understandable statement explaining the measure and its effect shall be submitted by the governing body of the local government only if the local government has an ordinance requiring the submission of such a statement.
3. 'Measure Explanatory Statement' shall be limited to 500 words/numbers maximum.
4. The County Clerk shall reject any 'Referred Measure' submitted without an 'Explanatory Statement'.

General Instructions

1. An original, faxed, e-mail attachment or copy of a typewritten and signed 'Measure Explanatory Statement for County Voters' Pamphlet' must be filed with the County Elections office no later than 5 pm on the 'Notice of Measure' filing deadline. Postmarks do not count. **Any filings received or are unsigned after 5 pm on the deadline will be rejected.**
2. Submit the 'Measure Explanatory Statement' complete on a standard 8 ½" x 11" white paper containing the 'Measure Explanatory Statement' and attach to the signed form. 'Measure Explanatory Statement' is to be submitted typewritten.
3. **The word count must not exceed 500 words/numbers. If the explanation exceeds 500 words/numbers it will be edited by the County Elections office.**
4. The 'Measure Explanatory Statement' shall include the name and signature of the person responsible for the content of the statement and the name of the governing body that person is authorized to represent.
5. Pursuant to ORS 251.415 the County Clerk shall reject any statement which:
 - a. Contains any obscene, profane or defamatory language;
 - b. Incites or advocates hatred, abuse or violence toward any person or group; or
 - c. Contains any language which may not legally be circulated through the mail.
6. The County Clerk will not correct spelling, grammar or punctuation errors. 'Measure Explanatory Statement' will not be returned for proofreading after it has been filed.
7. **In addition to filing the 'Measure Explanatory Statement for County Voters' Pamphlet', it is recommended that the responsible party for the 'Measure Explanatory Statement' e-mail the electronic text (Word) to the County Elections office. The electronic text must mirror the submitted print version exactly.**

Contact Information

- **Clackamas County Elections**, 1710 Red Soils Ct, Ste 100, Oregon City OR 97045-4300
phone 503-655-8510 fax 503-655-8461 e-mail elections@co.clackamas.or.us
- **Multnomah County Elections**, 1040 SE Morrison St, Portland OR 97214-2417
phone 503-988-3720 fax 503-988-3719 e-mail elections@multco.us
- **Washington County Elections**, 3700 SW Murray Blvd, Ste 101, Beaverton OR 97005-2365
phone 503-846-5800 fax 503-846-5810 e-mail elections@co.washington.or.us
- **Yamhill County Elections**, 414 NE Evans St, McMinnville, OR 97218-4607
phone 503-434-7518 fax 503-434-7520 e-mail elections@co.yamhill.or.us

Measure Explanatory Statement for County Voters' Pamphlet

Important! Please read all instructions before completing this form. This form is to be used when filing a 'Measure Explanatory Statement for County Voters' Pamphlet' with your County Elections office. If a local government is located in more than one county, the county clerk of the county in which the city hall of the city or the administrative office of the local government is located shall be the filing officer for the 'Measure Explanatory Statement for County Voters' Pamphlet'.

Filing Information

Election: Primary 20____ General 2022 Special _____ Measure # ____ - ____

Ballot Title Caption

Prohibits psilocybin-related businesses within Amity for 2-years.

Name of Person responsible for content of 'Explanatory Statement' (as it should appear in the Voters' Pamphlet):

Mayor Rachel King & City Administrator Michael Thomas

Name of Jurisdiction/Organization Person is authorized to represent (as it should appear in the Voters' Pamphlet):


City of Amity, Oregon

CONTACT INFORMATION

Phone: Cell: N/A Work: 503-835-3711 Home: _____

E-Mail: mthomas@ci.amity.or.us

SIGNATURE



 Signature of person responsible for content of 'Explanatory Statement'

8/25/22

 Date

MEASURE EXPLANATORY STATEMENT

See attached for 'Measure Explanatory Statement' (500 word/number MAX).

For Office Use only:

County: _____

Word Count (500 max): _____

Signed? Yes No

Digital copy? Yes No

'Measure Explanatory Statement' attached?

Review Staff Initials: _____

Yes No

Intake Staff Initials: _____

**EXPLANATORY STATEMENT RE: PSILOCYBIN MORATORIUM UNDER ORDINANCE No. 678
REFERRAL No. _____**

EXPLANATORY STATEMENT:

Approval of this measure would enact a two-year moratorium on the establishment and operation of psilocybin related businesses within the City of Amity.

A city council may adopt an ordinance that restricts the establishment and operation of psilocybin related businesses within city limits for up to two years. Yet, the council must refer such ordinance to the voters at a general election. The Amity City Council has adopted this moratorium ordinance and, as a result, is now referring the matter to the voters of the City of Amity.

If approved, this measure would enact the ordinance and prevent the establishment and operation of psilocybin related businesses until December 31, 2024. Specifically, this moratorium restricts businesses that manufacture and/or service psilocybin. This allows the City of Amity time to prepare for such businesses by adopting ordinances and codes to best integrate psilocybin businesses into the city.

Approval of the moratorium does not prohibit an individual’s right to use psilocybin under Oregon law.

If this measure is not approved, such businesses may be established and initiate operations within the City of Amity as of January 2023.

3qw 0.
0.

00 "EXHIBIT A"

PUBLIC NOTICE

The City of Amity is seeking to place a ballot measure to our voters for psilocybin. According to the County, we need to publish the Ballot measure title prior to August 19th.

I'd like to submit the following for publication in the News Register, please, for the August 12th edition. (I'm assuming it is too late for this Tuesday.)

*PUBLIC NOTICE. The City of Amity seeks to place a 2-year moratorium on the November 8, 2022, general election ballot. In accordance with State requirements, the City of Amity is publishing the ballot title, question, and summary for a challenge by any voter. Challenges may be filed in Circuit Court.

BALLOT TITLE

Prohibits psilocybin-related businesses within Amity for 2-years.

QUESTION

Shall Amity prohibit psilocybin-related businesses and manufacturing within City Limits for a period of 2-years?

SUMMARY

State law allows the operation, manufacture, distribution, and possession of psilocybin and psilocin. State law provides that a city council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities. Approval of this measure would prohibit the establishment of psilocybin manufacturers and/or psilocybin service center operators within Amity City Limits for a period of 2-years."

NR Published August 9, 2022

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AFFIDAVIT OF PUBLICATION

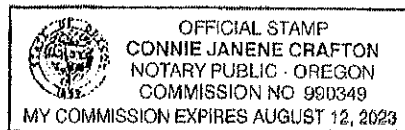
STATE OF OREGON } ss.
County of Yamhill

I, Terri Hartt
being first duly sworn, depose and say that I am the Legal Clerk, of the NEWS-REGISTER, a newspaper of general circulation as defined by O.R.S. 193.010 and O.R.S. 193.020 published two times each week at McMinnville, County of Yamhill, State of Oregon, and that **City of Amity - Public Notice Shall The City of Amity Prohibit Psilocybin Related Businesses and manufacturing within City Limits for a period of 2 yrs-- August 9, 2022**
Subscribed and sworn before me this 8/23/2022 .

Terri Hartt

Connie Janene Crafton

Notary Public for Oregon
My Commission Expires 08/12/2023



Amity’s ballot initiative explained.

On November 8th, Amity seeks your vote on a measure regarding psilocybin. Psilocybin is also known as ‘shrooms, magic mushrooms, and mushrooms. At a simple level the State of Oregon has legalized psilocybin allowing for the manufacture (growing), laboratory (testing/research), servicing (locations to provide), and facilitation (providers) of psilocybin under license, regulation, and oversight.

However, the State also recognized that Oregon’s cities and counties may not be prepared to accept the immediate establishment and operation of psilocybin manufacturing and servicing businesses beginning January 1, 2023. Therefore, the state is giving cities and counties an opportunity to either delay the establishment of such businesses for 2 years (moratorium) or outright prohibit the establishment of these businesses (prohibition). The caveat is that each county and city must put their choice to a vote of the people.

The Amity City Council seeks from you, our voters, a 2-year moratorium upon the establishment of psilocybin businesses within Amity, allowing the City time to enact appropriate regulatory ordinances upon the manufacture and servicing of psilocybin within Amity City Limits.

Regardless of how you vote, please note: [The personal possession and use of psilocybin as approved by Oregon state law is legal and allowed.](#)

Therefore, when you fill out your ballot, here’s what your vote means:

A **YES** vote = I agree to give the City of Amity two (2) years to enact appropriate regulation before the first psilocybin business is established in Amity. **This approves the moratorium** upon **only** the manufacture and servicing of psilocybin within city limits. Unless the City of Amity seeks voter approval, in 2024, for an extension of two more years, this moratorium will expire (“sunset”) on December 31, 2024. Upon the sunset of this moratorium, psilocybin businesses will be allowed, per the new regulatory guidance enacted by the city.

A **NO** vote = I do not want to give the City of Amity two (2) years to enact appropriate regulation before the first psilocybin business is established in Amity. **This rejects the moratorium** and on January 1, 2023, anyone is allowed to obtain business permits and licenses to establish psilocybin manufacturing and servicing within Amity City Limits, per the currently enacted Municipal and Developmental Codes.



Model Psilocybin Ordinance & Ballot Measure

JUNE 2022

Cities and counties that desire to prohibit the establishment of psilocybin-related businesses may do so by referral at a statewide general election, meaning an election in November of an even-numbered year. Cities and counties should consult the secretary of state’s referral manual and work with the city recorder, elections official, or similar official to determine the procedures necessary to refer an ordinance to the voters.

Once the governing body of a city or county adopts an ordinance, its city or county must submit the ordinance to the Oregon Health Authority (OHA). The OHA will then stop registering and licensing the prohibited businesses until the next statewide general election, when the voters will decide whether to approve or reject the ordinance. In other words, the governing body’s adoption of an ordinance acts as a moratorium on new psilocybin-related businesses until the election.

In addition, it is important to note that once election officials file the referral with the county election office, the ballot measure is certified to the ballot. At that point, the restrictions on public employees engaging in political activity will apply. Consequently, cities should consult the secretary of state’s manual *Restrictions on Political Campaigning by Public Employees* and their city attorney to ensure that public employees are complying with state elections law in their communications about the pending measure. The model ordinances and ballot measures below contain two versions. The first is a permanent ban of psilocybin-related businesses until the ordinance is repealed and the second acts as a two-year moratorium.



This document is not a substitute for legal advice. City and county councils considering prohibiting psilocybin-related activities should not rely solely on this sample. Any city or county council considering any form of regulation of psilocybin should consult with its city or county attorney regarding the advantages, disadvantages, risks and limitations of any given approach.

Legal counsel can also assist a city or county in preparing an ordinance that is consistent with local procedures, existing ordinances and charter, and advise on what process is needed to adopt the ordinance. The sample provided is intended to be a starting point, not an end point, for any jurisdiction considering prohibiting psilocybin-related activities.



PERMANENT BAN



ORDINANCE NO. _____

AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state’s psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of June {date}, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state’s psilocybin regulatory program, and the City of {city} is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the {city} City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the city’s jurisdictional boundaries to enable the adoption of the state’s psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of {city}; and

WHEREAS, the City Council seeks to refer to the voters of {city} the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city’s jurisdictional boundaries.

Now, therefore,

THE CITY OF {CITY} ORDAINS AS FOLLOWS:

Section 1. Prohibition.

The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of {city}.

Section 2. Referral.

This ordinance is referred to the electors of the city of {city} for approval at the next statewide general election on November 8, 2022.

Section 3. Effective Date.

This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

First reading this ____ day of _____, 2022.

Second reading and passage by this Council this ____ day of _____, 2022.

Signed by the Mayor this ____ day of _____, 2022.

ATTEST:

SIGNED:

{NAME}, City Recorder

{NAME}, Mayor

BALLOT TITLE

A caption which reasonably identifies the subject of the measure.
10-word limit under ORS 250.035(1)(a)

Prohibits psilocybin-related businesses within {city}. [Prohibition sunsets after two years.]

QUESTION

A question which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure.
20-word limit under ORS 250.035(1)(b)

Shall {city or county} prohibit {psilocybin-related businesses} in {city or county}?

SUMMARY

A concise and impartial statement summarizing the measure and its major effect.
175-word limit under ORS 250.035(1)(c)

State law allows operation manufacturer, distribution and possession of psilocybin and psilocin. State law provides that a {city or county} council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of {psilocybin project manufacturers} and/or {psilocybin service center operators} within the area {subject to the jurisdiction of the city} or {in the unincorporated area subject to the jurisdiction of the county.}

EXPLANATORY STATEMENT

An impartial, simple and understandable statement explaining the measure and its effect for use in the county voters' pamphlet.

500-word limit under ORS 251.345 and OAR 165-022-0040(3)

Approval of this measure would prohibit the establishment {and operation} of psilocybin-related businesses within the {city or county}.

A {city or county} council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the {city or county}, but the council must refer the ordinance to the voters at a statewide general election. The {CITY or COUNTY} OF {NAME} {city or county} council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the {city or county} and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the {city or county}.

TWO-YEAR MORATORIUM



ORDINANCE NO. _____

AN ORDINANCE DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state’s psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of June {date}, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state’s psilocybin regulatory program, and the City of {city} is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the {city} City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the city’s jurisdictional boundaries to enable the adoption of the state’s psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of {city}; and

WHEREAS, the City Council seeks to refer to the voters of {city} the question of whether to establish a two-year temporary ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city’s jurisdictional boundaries.

Now, therefore,

THE CITY OF {CITY} ORDAINS AS FOLLOWS:

Section 1. Prohibition.

The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the city of {city}.

Section 2. Referral.

This ordinance is referred to the electors of the city of {city} for approval at the next statewide general election on November 8, 2022.

Section 3. Effective Date.

This ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

Section 4. Sunset.

This ordinance is repealed on December 31, 2024.

First reading this ____ day of _____, 2022.

Second reading and passage by this Council this ____ day of _____, 2022.

Signed by the Mayor this ____ day of _____, 2022.

ATTEST:

SIGNED:

{NAME}, City Recorder

{NAME}, Mayor

BALLOT TITLE

A caption which reasonably identifies the subject of the measure.
10-word limit under ORS 250.035(1)(a)

Prohibits psilocybin-related businesses within {city}. [Prohibition sunsets after two years.]

QUESTION

A question which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure.
20-word limit under ORS 250.035(1)(b)

Shall {city or county} prohibit {psilocybin-related businesses} in {city or county}?

SUMMARY

A concise and impartial statement summarizing the measure and its major effect.
175-word limit under ORS 250.035(1)(c)

State law allows operation manufacturer, distribution and possession of psilocybin and psilocin. State law provides that a {city or county} council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of {psilocybin project manufacturers} and/or {psilocybin service center operators} within the area {subject to the jurisdiction of the city} or {in the unincorporated area subject to the jurisdiction of the county.}

EXPLANATORY STATEMENT

An impartial, simple and understandable statement explaining the measure and its effect for use in the county voters' pamphlet.

500-word limit under ORS 251.345 and OAR 165-022-0040(3)

Approval of this measure would prohibit the establishment {and operation} of psilocybin-related businesses within the {city or county}.

A {city or county} council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the {city or county}, but the council must refer the ordinance to the voters at a statewide general election. The {CITY or COUNTY} OF {NAME} {city or county} council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the {city or county} and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the {city or county} until December 31, 2024.