CITY COUNCIL AGENDA
FEBRUARY 2, 2015, 7:00 PM
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

Mission Statement

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

Vision Statement

Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CITY MANAGER'S REPORT Pages 1-11

V. PUBLIC COMMENTS

(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

VI. CONSENT CALENDAR

1. Budget Committee Calendar Pages 12-13

VII. NEW BUSINESS

1. Resolution 2015-3177 Initiate a development code amendment regarding Medical Marijuana Dispensary locations Pages 14-17

VIII. COUNCIL BUSINESS

IX. EXECUTIVE SESSION

1. Pursuant to ORS 192.660 (2) (e) relating to a real property transaction for Cal Portland property

X. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder'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 two business days prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. Speakers who wish the Council to consider written material are encouraged to submit written information in writing by 12:00 p.m. (noon) the day of the meeting.

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

CITY MANAGER REPORT

Activities update Between January 13th -26th, 2015 (which is the cut- off date for the packet)

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1. Please note that the reason there are no minutes in your packet from the January 19th council meeting is due to the transition of a new website. Our transcriber was not able to access the digital recording because the audio function has not been transferred to the new site. Therefore, the draft minutes will be in the February 17th packet.

2. There has been inquiries into the storing bins in the front parking lot of Argyle Winery (off of Brutscher). The Planning Commission approved a conditional use permit (CUP) based on a site plan that was submitted, which showed storing the seasonal outdoor storage buildings at the back of the building (east side). The side is under construction as the building has had a major remodel inside and the back of the site was the construction area. It was not possible to store the bins while it was the construction staging area.

   Most of the internal work is complete and Argyle is working on the last part of the project, which is to enlarge the stormwater swale and pave the gravel area at the back of the building. Argyle will not be able to store anything behind the building until this work is complete. The paved area at the back of the building will be the unloading area during the harvest season, and the outdoor storage area for bins. Interim Planning Director, Steve Olson, has asked Argyle for an estimate on when this work will be completed. Once we have received a response, we will determine whether or not enforcement should be involved.

3. I attended the Chehalem Valley Future Focus Committee Administrators meeting. This is the group that created the Chehalem Valley "Beyond a Vision" 2020 Plan. Also, in attendance was Don Clements, Chehalem Park and Recreation District, Kim LeBlanc-Esparza, Newberg School District, Rob Daykin, City of Dundee, and Lynn Montoya-Quinn, Portland Community College (PCC). We set tentative goals for the committee which include:

a. Reviewing and updating the current “Beyond the Vision” plan.

b. Having conversations with Yamhill County Assessor’s office about property tax assessed values and collections (which I have taken the lead on).

c. Identifying when partnerships are feasible – such as large facility maintenance and landscaping (beautification) projects throughout Chehalem Valley.

d. Identify when partnerships are feasible as it relates to matching students with internships/volunteer work.

Traditionally, this group has held an annual event to bring all of the elected board/council members together for a report on the work that has been completed by the Focus Committee and to also gather direction moving forward. We are targeting late June or early July, and are considering the PCC venue or golf tent (depending on the weather). We would like to use the high school’s culinary program if they are available. I will keep you updated so you can get it on your calendar.

4. In discussions with Interim Planning Director Steve Olson regarding current planning, we identified two ways of making sure the Council is aware of projects/developments occurring in Newberg. Both are contingent on making our website fully operational, however I want to provide the information now. The first is that now with our e-permitting system in place, the public can access building permit activity in regards to permits being pulled and building site locations. This information is (or will be soon) assessable on the Building Department’s website.

   The second is in relations to public notices. As you are aware, not all land use decisions rise to the level of Planning Commission or the Council. A Type II application (such as subdivisions) can be approved jointly by the Planning Director and City Engineer. Current practice however is to post a public notice (with full application) on the City’s website so anyone can view/comment on it. Any of these can be appealed to the Planning Commission with standing. IPD Olson will send me the link when these notices are posted to the website and I will forward it to the Council.

5. I attended the City Club presentation on cyber-crime trends and techniques. With all of the hacktivist, espionage, and cyber terrorism, I have resolved to go back to the 'ol pen and paper. It was nice to hear from Amanda Marshal, the United States Attorney for the District of Oregon (she's from Yamhill County) on how the cyber threat has changed over the years and how the FB is responding.

6. I met with CA Stone, PWD Harris, FD Zook and IPD Olson to begin reviewing a request from Jerry Dale, owner of the Sportsman Airpark, for the City to adopt a resolution to take over development rights of the airport. According to Mr. Dale, the FAA has a program that could ensure the survival of Sportsman Airpark and provide funds for the improvements. The FAA would pay the owner of the property for the rights to develop the property into something other than an airport. Those rights would reside with local government, in this case the City of Newberg. A deed restriction is placed on the property stipulating that the property can only be used as an airport in perpetuity.

   The property would still be owned by the seller of the development rights subject to the restriction. There is no cost to the City. <u>The only downside for the City is that they must agree to operate the airport (if abandoned by the owner), subject to a "good of the public" opt out clause.</u>

   This is a very complex, time consuming request that will require research on the risk and/or benefit to the City. At this time I only want to make you aware of the request and assure you that we will do our diligence in gathering information (when time allows), arrange 2-2-2-1 meetings with Council, and conduct a work session before we formulate a recommendation to Council. I can say however that staff needs written confirmation from the FAA that we would not be inheriting an airport to operate by obtaining development rights before we could make a positive recommendation to Council.

7. A consultant for the Historic Downtown Plan (TGM Grant) has been selected however until negotiations on a work plan and contract have been completed; the selection committee is still being held to the confidentiality agreement we signed. IPD Olson and Mike Ragsdale, with the Downtown Coalition, will be assisting ODOT with negotiations. Once a contract has been secured (hopefully by March 1st), we will be allowed to release more information. We are moving forward and are very optimistic on the proposal's deliverables.

8. <u>America's Best Communities (ABC) Contest Application</u> – We began this process in October 2014 and are in the editing phases of our application. Frontier Communications and Dish Network have extended the deadline to mid-March. To date, it appears that there are only sixty-eight cities nationwide

with open applications and, with fifty quarter finalists being announced, our chances of advancing are favorable. There are many entities in Chehalem Valley that have been involved with this process and it would be my recommendation that the Council consider the final application during its visioning session. A great deal of outreach from the community has been done and it could lay the foundation for the Council's process. I will make sure you get a copy of the final application when it is ready for submission.

9. Mayor Andrews, FD Zook and I met with representatives from Heestand Company to discuss the City's retirement plan (NERPS). Mr. Heestand and Ms. Caballero oversee the plan and we had an open discussion in regards to what parts of the plan are legally binding to the City and which ones can be changed. The next steps include getting a proposal on cost of the actuarial study to help the City determine cost and structure of the plan going forward and to research integration, hard and/or soft freeze options.

   Once we have the information, we will reconvene the City's Pension sub-committee (which some of you are on now) to discuss potential policy decisions. Fundamentally, my objective is to explore what we are allowed to do with the least impact on employees (any changes to union employees would have to be bargained), while having a reduction in the fiscal budget.

10. Attended Kiwanis and assisted with the Martin Luther King, Jr. celebrations at the Chehalem Cultural Center. The Mayor presented an inspiring speech during the welcoming and Councilor Bacon was instrumental on the event's planning committee.

11. I have attending three meetings with the Newberg Downtown Wineries to participate in a Branding Essence exercise. There are currently ten wineries in the Association and the purpose is to gather input in helping to develop the brand for Newberg Downtown Wineries. The design consultant is Ashley Lippard and she is doing an incredible job of facilitating a process for building the layers of the brand and providing a solid framework for achieving the Association's goals.

    I can't reveal the logo, brand (essence), or tag line just yet, but I think everyone will really like the results. I have enjoyed being part of the process and believe moving forward having City participation at their meetings will be healthy for their mutual endeavors. Besides, I have learned what "Locavore" means sight specific gourmet foods (like eating cheese where it is made from, drinking the wine where it is made from, etc.) I also probably fit into the "wine curious" category which, for some, is a nice way of saying "wine for dummies," but I prefer it to mean a unique, authentic experience.

12. I volunteered at the first ever Oregon Truffle Festival in Yamhill County. The number of visitors to the Marketplace at the Chehalem Cultural Center was staggering. They had a Friday Night Chef Showcase, and foraging and feasting by truffle hunting and winery luncheons. It is an esteemed group of individuals and I am pretty sure that while very tasty, the Black Truffle Escargot Butter sample I tried from Newberg's own Recipe Restaurant, will remain just that; a recipe on my refrigerator…but truly this event was a very big success.

13. CA Stone, City Engineer Hofmann, IPD Olson and I met with the team from Gramor Development regarding the Crestview Crossing development. There is no new information regarding potential commercial tenants and the meeting was essentially a "meet and greet" with all parties that will be involved. The City will be reviewing a Public Improvement Agreement that was entered into several years ago to assess the validity since the original project did not move forward.

    We also need to research whether or not Yamhill County needs to be involved with the Comp Plan/UGB condition removal relating to ODOT's requirement restriction on not allowing access from Hwy. 99. Since approval in 2007, Gramor has had conversations with ODOT regarding changes to the bypass and verbally they have said they would agree to the condition removal. Of course, this would also be contingent upon certain findings in the updated transportation system plan, which will be the document to calculate SDC credits. We also made them aware that stormwater requirements have changed in the past 7-8 years. Aspects of this development will need to come to the Planning Commission and Council for approval and I will keep you apprised of the progress.

14. The UGB Mediation Strategy Team continues to meet in preparation for mediation. CA Stone has kept you current in his Legal Bulletin so there is no need for me to highlight anything further. Same goes with current concerns being addressed by the Chehalem Valley Youth and Family Services executive board.

15. Associate Planner Jessica Pelz and I are reviewing an Enterprise Zone application from Climax Industries. This one has nuances that require some assistance from the State of Oregon Director on Enterprise Zones, Art Fish. The application is requesting a five year tax exemption based on increased productivity, which is different than meeting the requirement of increased employment. Staff will bring forth a Request for Council Action on requirements for future enterprise zone applications at the February 17th

Council meeting. Discussions to consider approval of a resolution on Climax's application which will come before you in early spring.

16. Staff participated on a conference call with CIS Insurance regarding health care reform and to analyze financial options on whether we "play or pay." Once the employer mandate provision became effective, a larger employer could be subject to a penalty if any of its full-time employees receives a premium tax credit or cost-sharing reduction toward their Exchange Plan. In the first year, the monthly penalty assessed on employers that do not offer coverage will be equal to the number of full-time employees (minus 30) multiplied by $2,000, adjudicated on a monthly basis. In subsequent years, the penalty amount would be indexed by the premium adjustment percentage for the calendar year. (How's that for a formula?)

    Basically, what you need to know is that the City is not at risk for penalties as we offer minimum essential coverage to 100% of the full-time employees; and there are 26 part-time employees who are not eligible for benefits. We will continually monitor this to mitigate assurances that these employees who are not considered full-time will not create penalty liability. In addition, this year I will also be reactivating the City's internal insurance sub-committee to research integrating non-represented employees to a high deductible savings plan. Reports to you on the matter will be ongoing.

17. I attended the Board of Public Safety Standards and Training meeting in Salem. There were fourteen statewide action items to consider, six of which involved revocation of certifications in either police or corrections (not Newberg) and one was to approve an updated Telecommunications Field Training Manual which I am pleased that our Communications Officer, Tracie Fitzpatrick, took part in for the past two years. It was a tedious project and she represented the Newberg-Dundee Police Department commendably.

18. Fire Chief Hallman notified me that Lt. Time Craig accepted a great career advancement opportunity as the Deputy Chief with the Sisters Fire District. He submitted his letter of resignation effective February 21st. Chief Hallman will be putting together a recruitment process and, if needed, will assign an interim into the position.

19. A couple of months ago I briefed Council on the unfortunate burglary that occurred in Sodaville. Public Works Superintendent Russ Thomas was instrumental internally and statewide with gathering donations of equipment to assist getting them back to being operational. Attached as Exhibit "A" is a

copy of a thank you letter from the City Administrator of Sodaville. We still can't figure out why the soda machine wasn't taken…

20. Finally, I end with introducing you to the "re-birth" of the Public Works Monthly Employee Newsletter, Exhibit "B." This is an effort to improve communications internally among the different divisions. PWD Harris applauds their initiative and I especially appreciate the information as it is difficult to visit on-site on a regular basis. I did ask permission before including this in my report, which was granted. It is also my understanding that some of the articles will be incorporated in the City's newsletter, when warranted. Congratulations to the Public Works Department Employees!

Respectfully submitted by,

Jacque M. Betz
City Manager

APPROVED
Jm Betz
Copy to PWD Harris and Russ Thomas

Sodaville
Incorporated 1880

February 2, 2015
Council Manager Report
Attachment A

January 15, 2015

City of Newberg
City Manager Jacque Betz
P.O. Box 970
414 E. First St.
Newberg, OR 97132

Dear Jacque,

The City of Sodaville citizens, City Council, Public Works Director Stan Smith and I would like to thank you, Public Works Superintendant Russ Thomas, and the Public Works Department for your kindness and thoughtfulness.

It was heartwarming that another City would jump to the aid of our small city. The equipment that you donated was very much appreciated and it allowed our Public Works to continue to serve the citizens in our community. Without your help and especially without the efforts of Russ Thomas, the City was hard pressed to function after the theft of all of the equipment the City owned.

With the greatest appreciation from the City of Sodaville, and many thanks,

Judy K. Smith
Judy K. Smith
City Administrator

Sodaville@centurytel.net www.sodaville.org
Phone & Fax: 541-258-8882 City Hall Hours: 10am-2pm Mon-Thurs.

Public Works Monthly Employee Newsletter

January 2015 Volume 1, Number 1

In This Issue

- Engineering Update
- Maintenance Update
- Operations Update
- Good Deeds
- Employee Focus

Rebirth of the Monthly Employee Newsletter.

In an effort to improve communication and help new staff learn about other divisions, an employee suggested that the employee newsletter be restarted. PW Director Jay Harris has enthusiastically approved the suggestion. This is each division's opportunity to share, educate and bridge the gap caused by 3 separate busy work sites.

"Think of this as an "all hands" meeting without the cookies."

The last week of each month your office staff will be collecting news. Items can include an employee focus, recognition of an achievement, personal news such as births, weddings or graduations. Photos of projects, coworkers, public education events are all welcome. You are invited to submit information and pictures to your office staff or supervisor.

From time to time your project news may be used in the ***Citizens Newsletter*** starting in 2015. *This is your opportunity to share, promote and inform.*

Office Relocation: Public Works Director

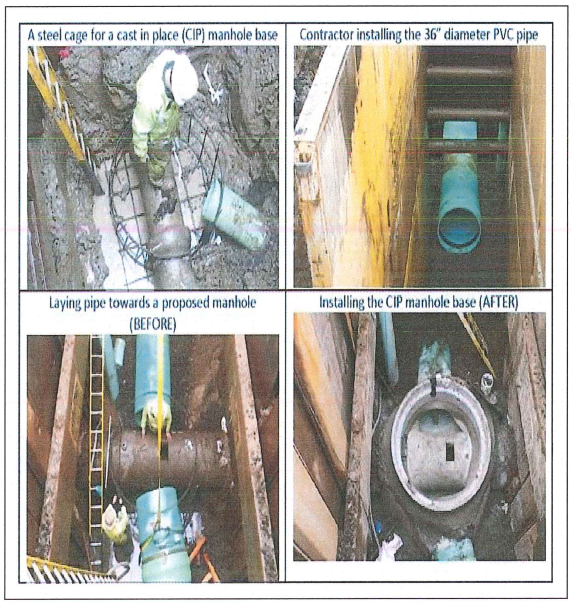
It flooded at City Hall. Rain everywhere on the 2nd floor. Jay Harris, who had just settled into his office a few months ago, has now boxed up and moved temporarily to Operations at 2301 NE Wynooski Rd.

First office off the lobby and considerably dryer.

Jay's cell phone and email are still the same and he makes frequent visits to Maintenance Div. and City Hall.

ENGINEERING UPDATE:

11th/12th Street Sewer Project



K&E Excavating continues to work on the wastewater pipeline relocation and upsizing project. The contractor is reconnecting the sewer laterals to the newly installed 36" diameter PVC on E. 11th Street and the new 12" diameter PVC on S. River Street in January. 2015. The existing 30" diameter concrete sewer pipe on 12th Street between River and Pacific Streets will be abandoned at the end of the project. The relocation of the wastewater conveyance pipe allows Oregon Department of Transportation (ODOT) to construct a fill of approximately 29 feet over the existing wastewater trunk line and also to install shoring for their Newberg-Dundee Bypass bridge foundation. This project is fully reimbursable by ODOT except the additional cost for pipe upsizing.

Contact Paul Chiu, project manager or Brian Kershaw/Alan McCall, project inspectors if you have any questions.

Links and pages to visit:

A Fierce Green Fire

Yamhill Soil and Water Conservation District is holding its conservation movie series again.

View this and other events sponsored by City of Newberg and other local agencies. Information about speakers, classes and events can be found on this page.

Maintenance Division Map

This interactive map shows Public Works Maintenance activities, projects, maintenance & call outs that happen during the month.

Keep It Out Of The Sink

An effort to educate residential customers about grease prevention in kitchen drains was started during the holidays. Utilizing the City Website and the City Facebook pages.

Contacts:

Public Works Director:
Jay Harris x1211
Jay.harris@newbergoregon.gov

Engineering:
Kaarn Hoffman x 1223
Kaarn.hoffman@newbergoregon.gov

Brian Kershaw x1236

Paul Chiu x1751

Jason Wuertz x1631

Brittney Jeffries x7723

Maintenance:
Streets & Sewers

Russ Thomas x1233
Russ.thomas@newbergoregon.gov

Vance Barton x1234
Vance.barton@newbergoregon.gov

Jodie Hoogendam x0206

Fleet Maintenance:
Bryan Jones x 1232
Brian.jones@newbergoregon.gov

Operations:

Water Plant Backflow Springs
Dan Wilson x1239
Dan.wilson@newbergoregon.gov

Wastewater Plant:
Reuse Water & Compost

Craig Pack x0221
Craig.pack@newbergoregon.gov

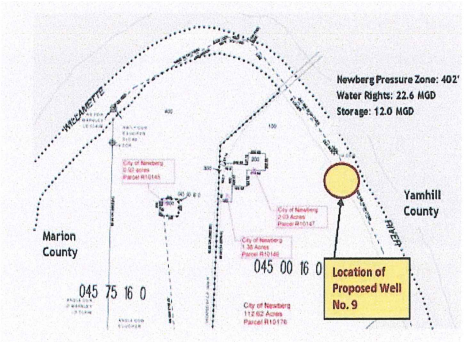
Karen Tarmichael x0257

Industrial Pretreatment Program
April Catan x0224

Environment Programs/Stormwater
Sonja Johnson x1282

FOG Reduction Program
Ron Layne #971-246-6243

Compost Depot:
Recording 537-1252 #1
Weekdays 8-3:30



Well No. 9 Design Project
City Council will be considering the award of a design contract to Murray Smith & Associates, Inc. for the engineering design, bid and construction phase support of the Well No. 9 Project in January, 2015. The additional well will allow the city to provide adequate water at peak season if other existing wells should encounter a significant reduction in output or face a mechanical failure.

MAINTENANCE UPDATE:

It's winter and things are constantly busy at Maintenance. Storm debris clean up, down trees and limbs, street sweeping of leaves, and cold weather issues around the city.

Maintenance crews continue to coordinate with Engineering, ODOT and other contractors on utility relocation and other associated projects for the active Newberg/Dundee bypass.

Testing and training on the new vactor truck attachments.

Crews are replacing one block of existing 8" water main on School street between Franklin and Sherman.

We need to still chlorinate the water main, pass inspection and then work on hooking customers over to new water main.

Making room for debri is a constant job for crews.

Maintenance crews removed a large (75 ft) tree at the Wastewater plant that was in danger of falling onto the Admin building due to rot. This was no small task to do safely with minimal impact on operations.

As always their skills are appreciated.

Holiday Employee Potluck: Thank you Public Works Maintenance for hosting another great event.

Photo Credits: Scott Canfield

OPERATIONS UPDATE:

Construction is finishing on the pump-station and clarifiers. This means a heavy training schedule is in place in January for Operations staff.
All Tuesdays, Wednesdays and Thursdays during January will be training days on meters, ips, vfd, headworks, submersible pumps and sluice gate operations. Staff will not be available and drop-ins should be avoided.

Compost sales will also be affected – please check the webpage and the recorded line x1252 Option#1 for changes.

In the Spring we look forward to hosting an 'Open House' to share the changes and new technology at WWTP with everyone.

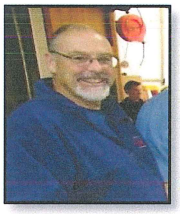
January is annual report time for the Water and Wastewater Plants, the Laboratory, Industrial Pretreatment, Springs, Backflow, Fog and Stormwater programs.

These reports go to EPA, DEQ, Oregon Drinking Water and other agencies. Once they are completed, statistical data is exported to begin the 2 month process of creating the Citizens Water Quality Report required by the EPA before June.

New Positions – Same Expertise:

Craig Pack-Wastewater and **Dan Wilson**-Water Superintendents are settling into their positions.

As expected, their experience with the City has led to a smooth transition into their new roles.



GOOD DEEDS:

For the last 6 years the staff at Operations chooses a charity or family for the holidays providing gifts of clothing, food and toys. This year Operations teamed up with our onsite contractor Mortenson Construction and held an employee food drive for the local FISH food bank. In one week two large boxes filled up and Mortenson delivered to FISH along with their boxes.

New Employee: Welcome to Engineering Division Kaaren Hoffman.
Kaaren has a degree in Civil Engineering from Saint Martin's University in Lacey, Washington. Prior to coming to Newberg, she spent over 18 years at the City of Tualatin.

"My goals for Engineering in 2015 are to encourage more internal coordination between departments, set up some processes (mainly for land use) and have fun getting to know the City of Newberg."

Away from work Kaaren enjoys crafts, reading, travel and volunteers with a girls youth organization.

Stop by Engineering and introduce yourself.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: Month Day, Year				
Order ___ No.	**Ordinance ___ No.**	**Resolution __**	**Motion ___**	**Information XX**
SUBJECT: FY 2015-16 Budget Calendar			**Contact Person (Preparer) for this Motion: Matt Zook, Finance Director** **Dept.:** **File No.:**	

RECOMMENDATION:

Approve FY 2015-16 Budget Calendar.

Budget Committee

Budget Calendar
FY 2015-2016

April:

7th Town Hall Budget Committee Orientation

14th First Budget Committee Meeting
- Budget Message presented
- Budget Overview
- Department Presentations

21st Second Budget Committee Meeting
- Public Hearing on State Revenue Sharing
- Department Presentations

28th Third Budget Committee Meeting
- Department Presentations
- Final Budget Committee Deliberations
- Budget Committee vote to approve Proposed Budget
- Approve the tax rate

May:

5th Budget Committee Meeting (if necessary)

June:

1st Council Meeting – Public Hearing
- Adopt the 2015-16 Budget
- Approve State Revenue Sharing
- Appropriations made and property tax levy declared

All meetings will be from 6:00 – 8:00 p.m. at the Public Safety Building

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: February 2, 2015				
Order ___ No.	Ordinance ___ No.	Resolution XX No. 2015-3177	Motion ___	Information ___
SUBJECT: A resolution initiating an amendment to the Newberg Development Code regarding the zones where medical marijuana dispensaries are allowed, and buffer zones around parks and schools.			**Contact Person (Preparer) for this Resolution: Steve Olson, AICP Dept.: Planning & Building Dept. File No.: DCA-15-001**	

RECOMMENDATION:

Adopt Resolution No. 2015-3177, initiating an amendment to the Newberg Development Code that would add medical marijuana dispensaries as allowed uses in some Commercial zoning districts, not allow them in other zoning districts, and establish buffers around schools and parks where dispensaries would not be allowed.

EXECUTIVE SUMMARY:

State law allows medical marijuana dispensaries (MMD) in commercial, industrial, mixed use, or agricultural zones. MMD are not allowed:

- At the same address as a state-registered medical marijuana grow site
- Within 1000 feet of a public or private elementary, secondary or career school
- Within 1000 feet of another MMD

On March 19, 2014, Senate Bill (SB) 1531 was signed into law. SB 1531 gives local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries, including the ability to impose a moratorium for a period of time up until May 1, 2015. The city adopted a moratorium on April 7, 2014.

Some other cities have chosen to add restrictions to MMD, while others have not. For example, Portland and Eugene do not have additional restrictions, so MMD are allowed to operate wherever state law allows. Some cities, such as Pendleton, are excluding MMD by refusing to issue business licenses if a business does not comply with federal law. Other cities, such as LaGrande, have added a requirement for MMD to be at least 1000 feet from uses such as parks.

Newberg's zoning interpretation:

- A MMD is similar to a pharmacy, because customers are required to have a prescription in order to purchase. Sales are indoors, and there is no on-site use by customers.
- A pharmacy falls within the "retail sales – general" use category, and would be allowed in all of Newberg's commercial zones: C-1 (neighborhood commercial), C-2 (community commercial, along Portland Road), C-3 (downtown commercial), and C-4 (riverfront commercial). A "retail sales-general" use is not allowed in Newberg industrial zones, in order to preserve the land for industrial businesses.
- State law requires a buffer zone around schools, presumably in order to minimize adverse impacts on places where minor children congregate.
- The buffer applies to career schools as well as regular public/private schools. Chehalem Valley

Dance Academy is considered a career school because, according to their website, one of their purposes is to prepare students for a potential career as a professional dancer. Their students are primarily minors.

- Many parks in Newberg have outdoor play areas, and are places where minor children congregate.
- C-1 zoned sites (neighborhood commercial) are small commercial sites surrounded by residential areas, so allowing a MMD in C-1 would essentially allow it in a residential area.

Staff proposes the following code amendments for MMD in Newberg:

- Add MMD as a commercial sales use, allowed in C-2 and C-3 (Newberg's main commercial zones).
- MMD would not be allowed in other commercial zones or industrial zones.
- In addition to the 1000-foot buffer around schools, add the same buffer requirement for parks. MMD would not be allowed within 1000 feet of a park or a public or private elementary, secondary or career school.

Staff requests that the City Council initiate the proposed code amendment so it can be considered through the public hearing process. The Council would not be making a decision on the proposed amendment by initiating it; they would be stating that they wish to consider the potential amendment through a public hearing process. The proposed code amendment would be sent to the Planning Commission for a public hearing and recommendation, and then return to the City Council for a public hearing and decision.

FISCAL IMPACT: The estimated cost of the amendment, noticing, and holding hearings is approximately $3,000.00, largely in staff time.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):
MMD are a legal business under state law, and the city wishes to allow legal businesses the opportunity to operate in the city. Zoning restrictions on MMD may be appropriate to address potential adverse impacts on adjacent uses and areas where minor children congregate.

Attachments:
Resolution No. 2015-3177 with:
Exhibit A: Proposed development code amendment
1. Map of 1000-foot buffer around schools and parks

RESOLUTION NO. 2015-3177

A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG DEVELOPMENT CODE ADDING MEDICAL MARIJUANA DISPENSARIES AS AN ALLOWED USE IN SOME COMMERCIAL ZONING DISTRICTS, NOT ALLOWING THEM IN OTHER ZONING DISTRICTS, AND ESTABLISHING 1000-FOOT BUFFERS AROUND SCHOOLS AND PARKS WHERE DISPENSARIES WOULD NOT BE ALLOWED

RECITALS:

1. On March 19, 2014, Senate Bill 1531 was signed into law. SB 1531 gives local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries, including the ability to impose a moratorium for a period of time up until May 1, 2015. Newberg enacted such a moratorium on April 7, 2014.

2. The City Council would like to consider a development code amendment that would allow medical marijuana dispensaries in some commercial zoning districts, not allow them in other zoning districts, and establish a 1000-foot buffer around schools and parks where dispensaries would not be allowed.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council initiates an amendment, as shown in Exhibit "A", to the Newberg Development Code that could potentially allow medical marijuana dispensaries in some commercial zoning districts, not allow them in other zoning districts, and require 1000-foot buffers around schools and parks where dispensaries would not be allowed. Exhibit "A" is by this reference incorporated.

2. By initiating this amendment, the Council does not commit to take any particular action on the amendment, but will consider potential amendments through a public hearing process. The proposed code amendment would be sent to the Planning Commission for a public hearing and recommendation, and then return to the City Council for a public hearing and decision.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: February 3, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of February, 2015.

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Sue Ryan, City Recorder

ATTEST by the Mayor this 5th day of February, 2015.

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Bob Andrews, Mayor

Note: Existing text is shown in regular font.
Added text is shown in double-underline
Deleted text is shown in ~~strikethrough~~.

Section 1. Newberg Development Code Section 15.05.030 shall be amended as follows:

15.05.030 Definitions

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Medical marijuana dispensary" means a medical marijuana facility registered by the Oregon Health Authority and in compliance with all other provisions of Oregon law.

"School, primary or secondary category" means a category of uses under Chapter 15.303 NMC that includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education primarily to minors.

"School, career" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.

Section 2. Newberg Development Code Section 15.305.020 shall be amended as follows:

15.305.020 Zoning use table

15.305.010 Classification of uses.
The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

P	Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
C	Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
S	Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
(#)	A note indicates specific limits on the use. These notes are listed at the bottom of the table.
X	Prohibited Use. The use is specifically prohibited.

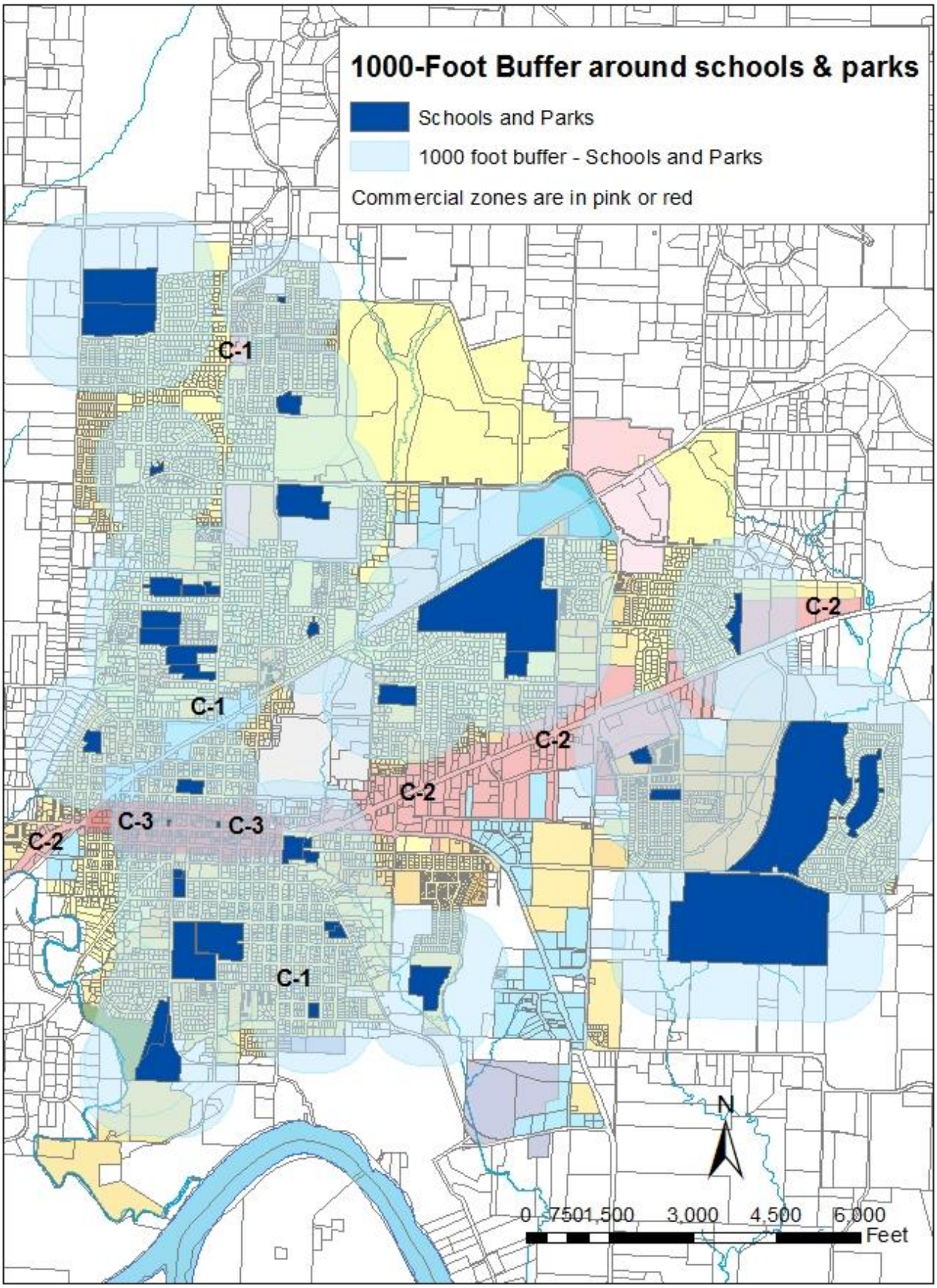
If none of the codes above are indicated, then the use is not permitted within the zone. [Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

15.305.020 Zoning use table.

Newberg Development Code – Zoning Use Table

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
420	**COMMERCIAL SALES AND RENTALS**																			
421	Retail sales – General						P (20)	P	P (15) (21)	P		P (23)								
422	Retail sales – Bulk outdoor							P	C			P								
423	Retail sales – Convenience						P (20)	P	P (21)	P		P (24)			P(25)					
Def.	Temporary merchant							S	S (21)											NMC 5.15.050 et seq.
	Medical marijuana dispensary							P (35)	P (35)											

Notes.

(35) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public or private primary, elementary, secondary or career school, or within 1,000 feet of another medical marijuana dispensary.

Attachment 1. Map of 1000-foot buffers around schools and parks