



**CITY COUNCIL AGENDA
JUNE 6, 2016, 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. PRESENTATIONS

1. Swearing in ceremony for new City Manager Joe Hannan
2. Recognition of student Planning Commissioner Luis Saavedra

V. CITY MANAGER'S REPORT

VI. 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)

VII. CONSENT CALENDAR

1. Minutes from May 2, 2016 Pages 1-7
2. Resolution 2016-3294, A Resolution approving the annual evaluation of the City Attorney, approving a salary increase for the City Attorney and authorizing changes to the City Attorney's employment contract Pages 8-11
3. Recommendation for Approval of an OLCC Off-Premises Sales/ Change of Ownership dba: Mini Market El Tala Page 12
4. Recommendation for Approval of an OLCC Winery dba: Audbumla Beverage Company Page 13
5. Resolution 2016-3309, A Resolution supporting an application to the Transportation and Growth Management program for a grant to update the Newberg Riverfront Master Plan Pages 14-16
6. Chehalem Valley Chamber of Commerce quarterly report Pages 17-21

Agenda continued on next page

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.

VIII. PUBLIC HEARING: ADMINISTRATIVE

1. Resolution 2016-3295, A Resolution Declaring the City of Newberg's Election to Receive Revenues Through the State Revenue Sharing Program; And Resolution 2016-3296, A Resolution Certifying the Provision of Municipal Services by the City of Newberg for the Purposes of Participation in the State Revenue Sharing Program Pages 22-25
2. Resolution 2016-3297, A Resolution adopting the City of Newberg, Oregon budget for the 2016-17 Fiscal Year, making appropriations, imposing the tax, and categorizing the tax Pages 26-32

IX. CONTINUED BUSINESS

1. Ordinance 2016-2801, An Ordinance amending the Newberg development code regarding recreational marijuana wholesalers, laboratories, research certificates producers and retailers; and declaring an emergency. Pages 33-141

X. NEW BUSINESS

1. Resolution 2016-3302, A Resolution authorizing use of the Emergency Medical Services Fund to pay for costs related to the City's contract with Tualatin Valley Fire & Rescue Pages 142-144

XI. COUNCIL BUSINESS

1. March 2016 Financial Statements – for information only Pages 145-153

XII. EXECUTIVE SESSION pursuant to ORS 192.660 (2) (i) Performance Evaluations of Public Officers

1. Municipal Judge Evaluation

XIII. 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.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 6, 2016

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Minutes

**Contact Person (Preparer) for this
Motion: Sue Ryan, City Recorder
Dept.: Administration
File No.:**

RECOMMENDATION:

Approve City Council minutes from May 2, 2016.

**NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
May 2, 2016, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Lesley Woodruff, Denise Bacon, Mike Corey, Patrick Johnson and Stephen McKinney. Also present were City Manager Pro Tem Stephen Rhodes, City Attorney Truman Stone, City Recorder Sue Ryan, Finance Director Matt Zook, Public Works Director Jay Harris, Community Development Director Doug Rux, Library Director Leah Griffith, Police Chief Brian Casey, Fire Chief Les Hallman, and Information Technology Director Dave Brooks.

Councilor Bacon discussed amendments to the April 4 minutes on Page 6. She clarified her neighbor's house was on fire and she saw on Facebook that animal control was coming from Yamhill County to take their dog. She went outside and a police officer had the dog and allowed her to take the dog to her garage. She did not get the dog from the animal shelter.

Department Head Presentations:

PC Casey reported on the Jacob Hill case at the Newberg High School, the response to the CYFS facilities, issues with dispatch going to Washington County, the upgrade with radios that may be costly, the hire of two new police officers at the police academy in Salem, and asked for any questions. Mayor Andrews asked about the fees for burglar alarms. PC Casey said there was a fee after the third false alarm starting at \$50.

FD Zook said staff had been working on the budget since January and were in the midst of Budget Committee meetings. The budget was prepared to provide quality services and meeting the goals of the Council. The budget layout had been improved and there was a budget tour of City facilities. He was also working on the five-year financial plan and establishing financial policies. He reported on the Citizens Rate Review Committee and the culmination of their work for Council approval. He shared the article about the Municipal Services Statement in the City Newsletter and discussed the Court Amnesty Program which had collected \$65,000 so far.

PWSD Harris said Well #9 had been completed and would start use in about six weeks. Water use was up from last year. The Water System Master Plan Update Ad Hoc committee met to discuss the progress of the plan update. An update would come to Council in July. The seismic and hydraulic upgrades of North Valley #2 were completed and both reservoirs would soon be painted. North Valley #1 would be taken down in the fall for hydraulic improvements and other upgrades. Otis Springs was brought online a few weeks ago. The recycled water system would soon be online. The roof replacement over the Otis Springs reservoir would be done in the summer. The non-potable water system would be a work session item in July. Other items he discussed were back flow testing currently being done, the Hawthorn Loop water line where 500 feet of pipe was being replaced, water line flushing, planting of 3,000 fir trees by the Corral Creek reservoir, the disinfection system at the Wastewater Treatment Plant was being replaced, the chlorine gas tanks were being removed, I & I projects update, videoing and cleaning pipes on a five-year schedule, Villa Road culverts would be going in soon, street paving projects and crack sealing, keeping dust down on gravel roads, pot hole repair, pavement system maintenance and funding plan, and facilities and grounds improvements. Councilor Essin asked about the Newberg Dundee Bypass. PWSD Harris said work had already been started on Springbrook Road and staff was working with ODOT on utility conflicts. Once the water line had been installed in Springbrook, the work would ramp up.

IT Director Brooks said the five-year plan had been completed to accomplish Council goals, which resulted in 60 projects. Security upgrades were being done for the internal network, there would be replacement of the physical access control system and video surveillance system, server upgrades, and transfer of data to TVF&R.

Library Director Griffith said projects at the library included the Library Strategic Plan, digitizing the *Newberg Graphic* from 1888 to 1922, Summer Reading Program, roof repairs which were almost done, registering the Carnegie Library as a National Historic site, and installing radio frequency ID in all library materials. There was an opening on the Library Board.

FC Hallman reported on the pancake feed event. He said there were 5,263 service calls last year, which was an 8% increase from 2014 and this year the department was 15% above where they were this same time last year. The TVF&R transition was going well. There was a lot of training in town and at TVF&R's training center.

Community Development Director Rux said staff was cleaning up all of the building records. The department was averaging 25-30 building inspections per day. There were weekly reports on the activity of single family building permits. The Historic Commission was doing survey work downtown and working on a walking tour app. The Affordable Housing Commission had a presentation on workforce housing, were applying for a Community Development Block Grant for rehabilitation on manufactured housing, and were creating a microloan program for manufactured homes. The Economic Development Strategy had been completed. He discussed business retention visits and recruitment activities, Innovation Accelerator, Enterprise Zone application, the annexations, subdivisions, partitions, and design reviews brought to the Planning Commission, UGB work, marijuana discussions, land division regulation changes, TSP work, Street Seats construction, Tourism Strategy, SDC waivers, Regional Solutions Grant for Crestview Drive, Urban Forestry Management Plan, Water System Master Plan and Villa Road, street maintenance program, Bypass IGA, Sportsmans Airpark purchase of development rights, stream corridor applications, and a grant to redo the Riverfront Master Plan. Councilor Johnson asked about Crestview Drive. CDD Rux explained the Providence Drive/99W intersection would become a four way intersection. Crestview Drive would be built and connect to the north to Springbrook. This project would be designed in 2017/2018 and constructed in 2018/2019.

The work session was adjourned at 6:41 p.m.

CALL MEETING TO ORDER

The Mayor called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Lesley Woodruff	Denise Bacon	Mike Corey
	Patrick Johnson		

Staff Present:	Stephen Rhodes, City Manager Pro Tem	Sue Ryan, City Recorder
	Truman Stone, City Attorney	Leah Griffith, Library Director
	Doug Rux, Community Development Director	Matt Zook, Finance Director
	Dan Wilson, Water Plant Superintendent	Jay Harris, Public Works Director
	Jason Wuertz, Senior Engineer	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PRESENTATIONS:

Mayor Andrews introduced the "If I Were Mayor" poster contest finalists. He thanked the panel who selected the finalists. The third place winner was Cameron Kelly from Mabel Rush Elementary. She had been in Tae Kwon Do for many years and thought the qualities she had learned should be part of being the Mayor. She read her poster that included ways to aid the community. The second place winner was Athena Born from Chehalem Online Learning Academy. Her poster discussed ways to give a hand up rather than a hand out to those in need in the community. She would reach out as Mayor to churches and organizations to help. She read her poster. The first place winner was Alyssa Renendez from Mabel Rush Elementary. She would make sure the water was clean and to build houses everyone could afford. She would make sure there was a community garden and would support benefits for new stores in the community to help bring new employees. Mayor Andrews presented each winner with gift certificates and said the first place winner would go on to the state level competition.

Katie Anderson, Oregon State Library Youth Services Consultant, presented the Newberg Library with the 2015 Outstanding Ready to Read Grant Project Award. The grant was the only money that public libraries received from the State General Fund. Grant funds could only be spent on early literacy services and Summer Reading activities. She listed the projects the Library did to reduce the student achievement gap in the community. She presented the award to City staff.

PROCLAMATIONS:

Mayor Andrews proclaimed May 2, 2016, as Newberg High School Varsity Cheerleaders Day because of the recent state championships they had won. The cheerleaders gave a cheer.

Mayor Andrews proclaimed May 2016 as National Historic Preservation month. CDD Rux accepted the resolution.

CITY MANAGER PRO TEM'S REPORT: CMPT Rhodes reminded everyone that May 3 was the second Budget Committee meeting for the year.

PUBLIC COMMENTS: Dave Adams, KLYC Radio, spoke about bringing the Veteran's Wall of Honor for those who died in Iraq and Afghanistan to Newberg. He said the Wall started in Albany as a school project. This Wall had pictures with the names and a short bio. They were looking for venues that would not charge admission. It would come to McMinnville first, and then Newberg sometime in the summer.

CONSENT CALENDAR:

MOTION: Bacon/Corey moved to approve minutes from April 4 as amended and April 6, 2016; approved Resolution 2016-3290, A Resolution authorizing the City Manager Pro Tem to appoint recommended candidate to a position in Public Works Operations, Resolution 2016-3285, A Resolution approving the purchase of Genetec software from CVE Technologies, Resolution 2016-3277, A Resolution authorizing the City Manager Pro Tem to enter into a contract with Emery and Sons Construction, for the Villa Road culvert replacement project, Resolution 2016-3261, A Resolution authorizing the City Manager Pro tem to negotiate and execute the contracts for the acquisition of certain real property for the Villa Road Improvement project, and Resolution 2016-3289, A Resolution authorizing the City Manager Pro Tem approving the purchase of a replacement oxidation ditch rotor from Evoqua Water Technologies for \$76,145.50. Motion carried (7 Yes/ 0 No).

PUBLIC HEARING – LEGISLATIVE: Ordinance 2016-2802

Mayor Andrews opened the hearing and called for any abstentions or conflicts of interest on the part of the Council. There were none.

CDD Rux gave the staff report. He said this ordinance would repeal Newberg Municipal Code 9.10.025, ban of early marijuana sales. This ban was put in place due to the unknowns of recreational marijuana legislation. Since that time OLCC had created administrative rules for recreational sales. He explained SB 460 which allowed recreational sales in medical marijuana dispensaries. This would sunset in December 2016. In April, a citizen requested Council repeal the ban and Council directed staff to bring back an ordinance to do so. It was unknown what the financial impact would be. The City imposed a 10% tax on recreational marijuana and the State had a 25% tax on recreational marijuana. Staff recommended adoption of the ordinance.

There was no public testimony.

Mayor Andrews closed the hearing.

MOTION: Bacon/Essin moved to waive the second reading to be read by title only. Motion carried (7 Yes/0 No).

Deliberations:

Councilor McKinney said there was more clarity in the State rules imposed on marijuana and the City had worked on ways to regulate it to the best of their ability. He would be reluctantly voting in favor.

Councilor Corey said the marijuana subcommittee discussed this issue and OLCC had regulations in place. He thought this would make recreational marijuana safe and off the black market. There would be tax revenue as well. He was in support of the ordinance.

Councilor Bacon supported the ordinance because the citizens who wanted marijuana were going somewhere else to buy it. She wanted those dollars spent in Newberg's local businesses.

Councilor Essin discussed living in Texas where there were counties that were dry and wet for alcohol. There was more loss of life because of that policy as people were traveling intoxicated to other counties to get the alcohol. He did not want to see the same thing happen in Newberg. He thought it was a safety issue.

Councilor Johnson was not comfortable with recreational marijuana, but it was passed by the voters. He did not have a problem with medical marijuana. Allowing recreational would bring in revenue, and people in Newberg were driving to other cities to get it.

Councilor Woodruff said one of the reasons she had supported the ban was because the State had not worked out the regulations. Those regulations were now in place and she thought prohibition was the wrong approach.

Mayor Andrews had also been in favor of the ban because of the unknowns. Subsequently rule changes and legislation had been made and with those changes it was apparent that this was the right way to go to manage marijuana on behalf of the citizens of Newberg.

MOTION: Bacon/Johnson moved to approve Ordinance 2016-2802, An Ordinance repealing Newberg Municipal Code 9.10.025 ban of early marijuana sales. Motion carried (7 Yes/0 No).

PUBLIC HEARING - ADMINISTRATIVE: Wastewater Rates Resolutions

Mayor Andrews opened the hearing and called for any abstentions or conflicts of interest on the part of the Council. There were none.

FD Zook presented the staff report. In March the Council held a public hearing on rates as recommended by the Citizen Rate Review Committee, and the Council referred the wastewater rates back to the CRRC for the purpose of increasing the rate to include more Infiltration and Inflow projects. The CRRC met again in March and held a public hearing in April and voted 3-1 to not refer the higher rate back to Council. However, the higher rate was published and presented to Council per the Council's request.

Deb Gallardi, consultant, discussed the revised rate that would include the additional I & I projects even though it was not the recommendation of the CRRC. When the CRRC began their review of the rates, they considered revenue increases for wastewater that ranged from 3.25% to 5.95% per year. They settled at 4% as they thought it balanced the various objectives and funded the most needed capital improvements. Some of the projects that were deferred were I & I projects. Staff reworked the numbers to include those costs. Some of the projects could be funded through SDCs and use of reserves to mitigate the rate increase, and staff came back with a 4.2% rate increase instead of a 4% increase. There was increasing debt service for wastewater due to improvements at the Wastewater Treatment Plant. Those needs along with inflationary increases and maintenance costs needed to be met. These rates would be in effect for a two-year cycle. The average monthly bill increase would be \$2.65 in 2016-2017 and \$2.74 in 2017-2018. Combined with the other rates, stormwater at 9%, wastewater at 4.2%, and water at 3.5%, a typical residential customer bill would go up 4% to 4.3% per year, or \$4 to \$5 per month. For industrial and commercial customers it would go up higher, but they would stay in the range of a 4% to 5.5% increase.

Councilor Johnson asked for an explanation of Inflow and Infiltration. PWSD Harris said inflow was when water entered the wastewater system from catch basins, sump pumps, and downspouts. Infiltration was leaking pipe joints and manholes, typically groundwater. The water ended up at the Wastewater Treatment Plant and was processed. During a large storm event in December there was 2.5 inches of rain in four hours and the Wastewater Treatment Plant was peaking due to stormwater. He said these issues needed to be addressed because of higher costs for pumping and chemicals, potential overflows that could lead to DEQ violations, and sink holes. They needed to invest in their underground piping to make the piping system more competent and save overall operation and maintenance costs. There were a lot of pipes reaching the end of their lives and these I & I projects helped make the pipes structurally stable.

Rick Rogers, CRRC Chair, said the Committee did not vote for this increase. The rationale was originally the Committee was presented with a 5.95% increase, and the Committee thought that was too high. Staff came back with a shorter list of projects the Committee thought was too low, and settled in the middle at 4%. He thought I & I projects were important but the Committee deferred to staff and the projects they came back with at the 4%.

FD Zook said there were four options as presented in the packet. The Council could adopt one of the two resolutions, either the CRRC recommendation of 4% or the one with the 4.2%, lower the rates, or refer the rates back to the CRRC.

Councilor Essin asked if the resolution with the higher rate would take care of the problem. PWSD Harris said there was no guarantee on I & I projects. They would be making the pipes and system more competent, but there were varying results in different communities. He explained they would be following the Keller and Associates Infiltration and Inflow Plan for the projects.

Ms. Gallardi said the I & I projects were part of the Capital Improvement Plan in the full 5.95% rate increase. When the CRRC asked for a reduction in the rate, the I & I projects were taken out because of other higher priority projects. It was a recommended plan for a target revenue increase that staff was bringing back. There was discussion on what the average cost would be per household and the use of reserves for the projects. Ms. Gallardi said the difference in the bill for the 4% rate increase and 4.2% rate increase was \$0.12 in the first year and \$0.26 in the second year.

FD Zook said staff recommended choosing between one of the resolutions.
Mayor Andrews closed the hearing.

Deliberations:

Councilor Essin said if the rate was compounded year after year then it would make a difference over several years. Staff would get more done with the higher rate increase, but he worried the raise in rates there would mean a decrease in use. It was hard to override the recommendation from the CRRC and he thought the City's prices were getting high. He opposed the resolution. Councilor McKinney was in favor of the higher rate increase. Some of the formulas had been changed to anticipate some of the short falls. He did not want to get further behind in the I & I projects. Councilor Johnson was concerned about competing needs for funds, such as pipes, streets, and public safety. He understood the need for I & I projects, but thought the 4% was adequate and the projects would be done at a later time. He did not know how citizens would feel about raising the rates 4.2% and needing to fund these other areas.

Mayor Andrews thought the projects could not continue to be pushed off onto the next generation to take care of the community to keep it livable and manageable. He was in favor of the higher rate. Councilor McKinney said this was one thing that had been kicked down the road that was solvable for a number of cents. It would be a small impact to citizens. Councilor Woodruff thanked the CRRC for their work. She had considered all of the things they would be asking citizens to pay for in making this decision. Councilor Johnson wanted to make sure the message was clear that a lot of thought went into the rate increases. There were projects that needed to be done.

MOTION: McKinney/Bacon moved to approve Resolution 2016-3284, A Resolution adopting new monthly wastewater rates for the City of Newberg effective January 1, 2017 and January 1, 2018. Motion passed (6 Yes/1 No [Essin]).

NEW BUSINESS: Resolution 2016-3286

FD Zook said when the Council approved the water rates in March, it was pointed out that the revenue increase was 3% and fell beneath the 4.2% cap in the City's Code that described the process by which rates could be referred to the voters. Staff discussed this issue further and realized that each individual rate was subject to that threshold. The resolution had to identify the portion of the rate that was referable and the resolution the Council originally passed did not have that information. This resolution included the information in Exhibit A. The rates that were approved had not been changed. He gave an example in the resolution.

CA Stone explained when the rates came to the Council, Robert Soppe pointed out the Code required a piece of information be included in the resolution which was missing. Staff clarified it that night on stormwater because it was easily calculated, but they did not calculate how much each individual rate exceeded the amount the Code allowed the rate to be increased without the potential referral to the voters. This new resolution would add that portion in that was required. He discussed the different ways that this could be looked at and how he decided what was required.

MOTION: Bacon/McKinney moved to approve Resolution 2016-3286, A Resolution amending Resolution 2016-3257 adopting new monthly water rates for the City of Newberg effective January 1, 2017 and January 1, 2018. Motion passed (6 Yes/1 No [Essin]).

Resolution 2016-3281:

PWSD Harris said in 2014 staff calculated where the pavement system was and Council discussed the funding to maintain the existing pavement conditions. The direction was to look at a street utility and street lighting fee and bring on a consultant to do the work. This resolution would approve the creation of a team of consultants to come up with a rate structure as well as do community outreach. One funding source would not solve the entire problem and there would need to be multiple sources.

There was discussion on how delaying action on dealing with the city’s pavement system had not helped the problem and that costs had continued to increase while the City did not fix its roads. The consensus was that it was time to get this accomplished and do something to change the situation.

MOTION: Johnson/Bacon moved to approve Resolution 2016-3281, A Resolution to authorize the City Manager Pro Tem to enter into a Professional Services Agreement amendment with Kittelson & Associates, Inc. to provide Engineering, Financial, and Community Outreach Services for the City’s Pavement System Maintenance and funding Master Plan project in the amount of \$75,000.00. Motion carried (7 Yes/0 No).

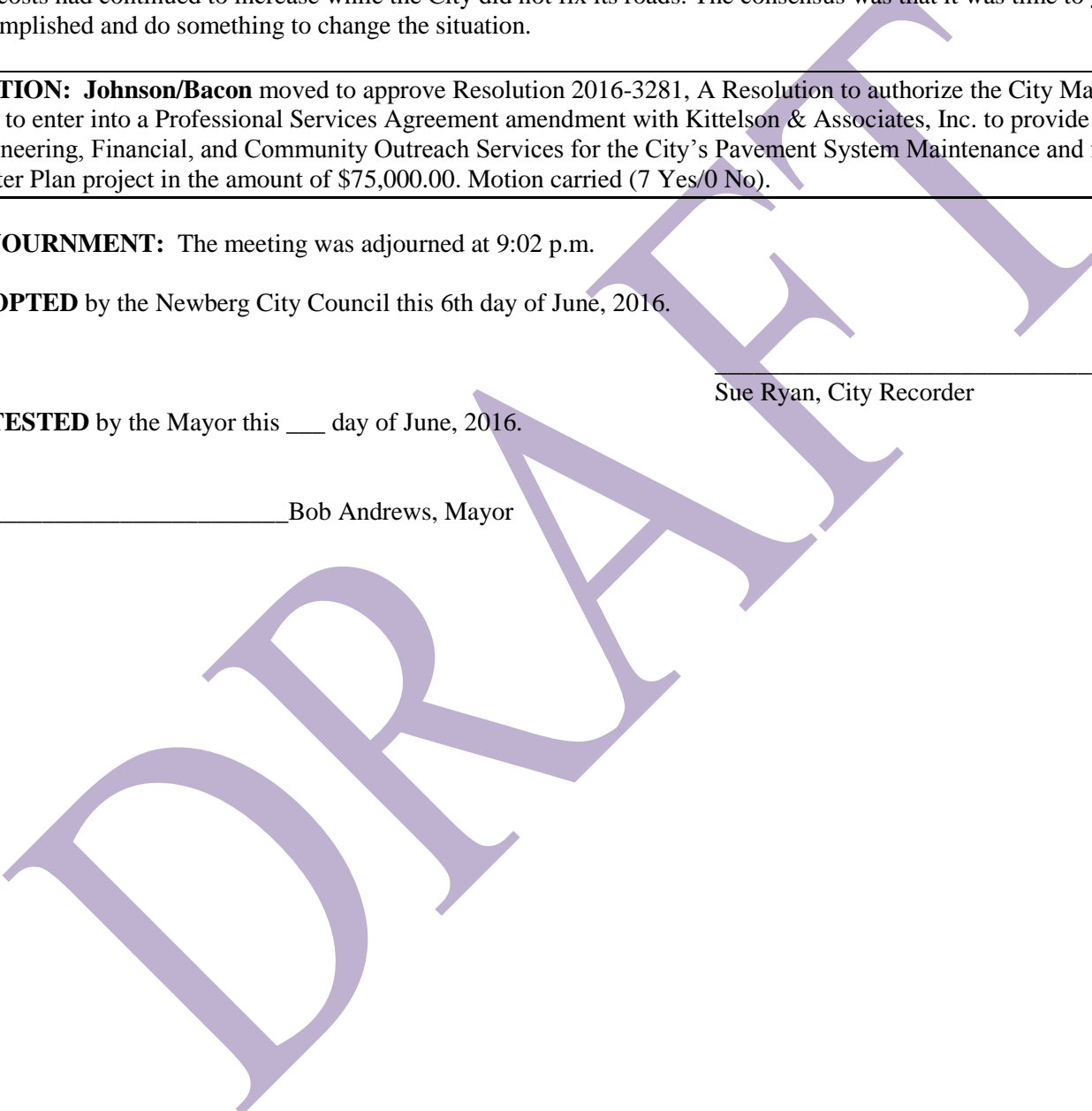
ADJOURNMENT: The meeting was adjourned at 9:02 p.m.

ADOPTED by the Newberg City Council this 6th day of June, 2016.

Sue Ryan, City Recorder

ATTESTED by the Mayor this ____ day of June, 2016.

Bob Andrews, Mayor



REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 6, 2016

Order ___	Ordinance ___	Resolution <u>XX</u>	Motion ___	Information ___
No.	No.	No. 2016-3294		

SUBJECT: Resolution Approving the Annual Evaluation of the City Attorney, Approving a Salary Increase for the City Attorney and Authorizing Changes to the City Attorney’s Employment Contract.

**Contact Person (Preparer) for this Motion: Denise Bacon, Council President
Dept.: Administration
File No.:**

RECOMMENDATION:

Adopt **Resolution No. 2016-3294** approving the annual evaluation of the City Attorney, approving a salary increase for the City Attorney and authorizing changes to the City Attorney’s Employment Contract.

EXECUTIVE SUMMARY:

The City Council performed an annual evaluation of the City Attorney. That evaluation was held during executive session on May 23, in which no decisions were made. This resolution is to solidify that evaluation, provide a formal guidance of his performance and address elements of his current compensation.

FISCAL IMPACT:

Funds to cover the City Council’s recommended action to increase the City Attorney’s monthly salary by 9.5% retroactive to October 7, 2015, and to allow the City Attorney to cash-out up to forty (40) hours of vacation leave when he will exceed his maximum vacation leave accrual cap due to the City’s operational needs, are contained in the FY2015/2016 Annual Budget and the proposed FY2016/2017 Annual Budget.

STRATEGIC ASSESSMENT:

The evaluation of the City Attorney is necessary in order to increase communication between the City Council and the City Attorney concerning the performance of the City Attorney in accomplishing his assigned duties and responsibilities.



RESOLUTION No. 2016-3294

A RESOLUTION APPROVING THE ANNUAL EVALUATION OF THE CITY ATTORNEY, APPROVING A SALARY INCREASE FOR THE CITY ATTORNEY AND AUTHORIZING CHANGES TO THE CITY ATTORNEY'S EMPLOYMENT CONTRACT.

RECITALS:

1. In accordance with the Newberg City Charter, the City Attorney is the chief legal officer of the City of Newberg, reports directly to the Mayor and City Council, and is supervised by the governing body.
2. The City has a contract with the City Attorney and pursuant to that contract; the City Council will evaluate the City Attorney in executive session.
3. The Open Meetings Law of the State of Oregon allows the evaluation of the job performance of the chief legal officer to be conducted in executive session by the City Council and pursuant to such Standards, Evaluation Processes and Position Descriptions for Charter Position Employees, adopted by Resolution No. 2016-3265, dated April 4, 2016.
4. The Mayor, City Councilors, and the City Attorney met in executive session on May 23, 2016 to discuss the City Attorney's annual evaluation. At this time, the current Employment Contract with the City Attorney was reviewed, and elements of his compensation package were discussed.
5. The Council President has submitted the written evaluation which will be placed in the City Attorney's personnel file after being adopted by the City Council.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The written evaluation of the City Attorney is attached as Exhibit "A", which by this reference is hereby adopted.
2. The City Attorney shall be given a copy of the evaluation to sign and may make any written comments after which the written evaluation shall be placed in the City Attorney's personnel file.
3. The City Council also authorizes that the language in clause 7. Sick Leave and Vacation (B) of the current Employment Agreement with the City Attorney be modified as follows: The City Attorney shall be allowed to cash-out up to forty (40) hours of vacation leave in a pay period during which he will exceed his maximum vacation leave accrual cap due to the operational needs of the City.
4. All other provisions of the current Employment Agreement between the City of Newberg and the City Attorney will remain unchanged.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 7, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of June, 2016.

Sue Ryan, City Recorder

ATTESTED by Mayor this _____ day of June, 2016.

Bob Andrews, Mayor

EXHIBIT "A"

**City Attorney (Truman Stone)
Annual Written Evaluation – 2015/2016
By Newberg City Council**

The City Council has received a written report from the City Attorney concerning his performance during his evaluation period. The respective Mayor and Councilors have met with the City Attorney in executive session on May 23, 2016, to discuss their evaluation of his performance from October 2015 to May, 2016.

The City Council has evaluated the performance of Truman Stone as the City Attorney of the City of Newberg. As part of the evaluation Council reviewed the report given them by the City Attorney indicating his self-evaluation during the evaluation period. The City Council assessed the attorney's performance in eight major categories:

- | | |
|-------------------|--|
| 1. Management | 5. Community Relations |
| 2. Planning Goals | 6. Intergovernmental/Interagency Relations |
| 3. Communications | 7. Consultative Legal Services |
| 4. Fiscal Agent | 8. Legal Preparation |

Overall the City Council found the City Attorney's performance fell between just slightly below "Fully Effective." The City Council felt the working relationship with the City Attorney is very good and will improve as time goes on. The Council expressed concern with the City Attorney's heavy workload and his inability to take time off due to operational needs of the organization. While a modification to his employment contract is being made to ensure that the City Attorney no longer faces loss of accrued vacation due to the organization's operational needs, the Council would like the City Attorney to prioritize his work in a manner that will allow him to enjoy some well-deserved time off during the next evaluation period.

DATED this 6th day of June, 2016.

Bob Andrews, Mayor

Denise Bacon, Council President

Mike Corey, Councilor

Scott Essin, Councilor

Patrick Johnson, Councilor

Stephen McKinney, Councilor

Leslie Woodward, Councilor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 6, 2016

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No.

SUBJECT: Recommendation for Approval of an Oregon Liquor Control Commission (OLCC) Off-Premises Sales/Change Ownership Db: Mini Market El Tala

Contact Person (Preparer) for this Motion: Karan Frketich
Dept.: Police
File No.:

RECOMMENDATION:

Recommend to the Oregon Liquor Control Commission (OLCC) that they approve an Off-Premises Sales permit/Change Ownership for Db: Mini Market El Tala

EXECUTIVE SUMMARY:

A local records check and that of the state criminal data base reveals no issues or concern.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

None

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 6, 2016

Order ___ **Ordinance** ___ **Resolution** ___ **Motion** XX **Information** ___
No. **No.**

SUBJECT: Recommendation for Approval of an Oregon Liquor Control Commission (OLCC) Winery Dba: Audhumla Beverage Co.

**Contact Person (Preparer) for this Motion: Karan Frketich
Dept.: Police
File No.:**

RECOMMENDATION:

Recommend to the Oregon Liquor Control Commission (OLCC) that they approve a Winery dba: Audhumla Beverage Co.

EXECUTIVE SUMMARY:

A local records check and that of the state criminal data base reveals no issues or concern.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

None

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 6, 2016

Order ___	Ordinance ___	Resolution <u>XX</u>	Motion ___	Information ___
No.	No.	No. 2016-3309		

SUBJECT: A Resolution supporting an application to the Transportation and Growth Management Program for a grant to update the Newberg Riverfront Master Plan

**Contact Person (Preparer) for this Motion: Jessica Pelz, AICP
Dept.: Community Development
File No.: GR-16-004**

RECOMMENDATION: Adopt Resolution No. 2016-3309 expressing support for staff to pursue a grant application to the Transportation and Growth Management Program to update the Newberg Riverfront Master Plan.

EXECUTIVE SUMMARY: The Transportation and Growth Management (TGM) Program is a joint effort of two state agencies: the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD). The mission of TGM is to support community efforts to expand transportation choices by linking land use and transportation planning. The TGM Program offers grants to local governments for assistance in two categories: 1) transportation system planning, and 2) integrated land use and transportation planning. The purpose of the category 2 grant is to “help local governments develop integrated land use and transportation plans that promote compact, mixed-use, pedestrian-friendly development; increase walking, biking, and transit options; or reduce reliance on the state highway system for local travel needs.”

City Council adopted the Newberg Riverfront Master Plan in 2002. The intent of the Riverfront Master Plan was to create a comprehensive plan for the riverfront area, including proposed land uses and a transportation network that included parks and trails. At the time of the 2002 Riverfront Master Plan adoption, the planning for the Newberg-Dundee Bypass was still in alternatives analysis and feasibility studies for various alignments and options, and the SP Newsprint site had just completed new improvements and was a major employer in Newberg. With all of the changes over the past decade, it is a good time to revisit the Riverfront Master Plan. We now know the actual alignment of the Phase 1 Bypass through the Riverfront area, and there are changes in the economic landscape of the area with the closure of the WestRock mill site, both of which impact the base assumptions of the Riverfront Master Plan. The city should apply for a category 2 TGM grant to update the Riverfront Master Plan. An update would revisit the assumptions in the prior plan, and craft a new comprehensive outlook for land use and transportation throughout the Riverfront area, allowing the city to capitalize on this asset in the future. Grant applications are due on June 10, 2016, and work on the project would begin in spring 2017 if selected.

FISCAL IMPACT: The Community Development Department’s 2016-2017 budget includes some funding for future planning efforts that are currently underway. This TGM grant opportunity came after development of the 2016-2017 budget and if a grant is awarded would require a supplemental budget. The grant amount requested is \$200,000.00. TGM grants require a 12% local match, which can be contributed through money or through direct project costs such as time and materials. Staff is looking at the match being direct project costs as time and materials.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): A successful TGM grant application would help meet Council goals #1: Create a clear vision for the future of Newberg, maintaining its small town feel, #4: Foster and encourage economic development in the community, and #5 Maintain and modernize the City's transportation and utilities infrastructure.



RESOLUTION No. 2016-3309

**A RESOLUTION SUPPORTING AN APPLICATION TO THE
TRANSPORTATION AND GROWTH MANAGEMENT PROGRAM FOR A
GRANT TO UPDATE THE NEWBERG RIVERFRONT MASTER PLAN**

RECITALS:

1. The Transportation and Growth Management Program supports community efforts around land use and transportation planning by offering grants to local governments for planning projects that “promote compact, mixed-use, pedestrian friendly development; increase walking, biking, and transit options; or reduce reliance on the state highway system for local travel needs.”
2. City Council adopted the Newberg Riverfront Master Plan in 2002. The Riverfront Master Plan created a comprehensive plan for the riverfront area, including proposed land uses and a transportation network that included parks and trails. There have been many changes over the past decade, including the ultimate location of the Phase 1 Bypass through the Riverfront area and the recent closure of the paper mill site (most recently known as WestRock). These changes impact the base assumptions of the Riverfront Master Plan.
3. The City should apply for a Transportation and Growth Management Program grant of \$200,000.00 to update the Riverfront Master Plan. An update would revisit the assumptions in the prior plan, and craft a new comprehensive outlook for land use and transportation throughout the Riverfront area, allowing the city to capitalize on this asset in the future. Grant applications are due on June 10, 2016, and work on the project would begin in spring 2017 if selected.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. City Council supports an application to the Transportation and Growth Management Program for a grant to update the Newberg Riverfront Master Plan.
2. The City Manager is authorized to negotiate and execute necessary contracts associated with any resulting awards from the grant application.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 7, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of June, 2016.

Sue Ryan, City Recorder

ATTEST by the Mayor this 9th day of June, 2016.

Bob Andrews, Mayor

THE CHEHALEM VALLEY VISITOR CENTER

2015-16 Third Quarter Report

2015-16 THIRD QUARTER STATS

Web Visits: 5,692

Visitor Center Traffic: 3,191

Dean Runyon Associates Yamhill Country Travel Report

2006-2015: Tourism industry adds over 500 area jobs and All-Industry Total Direct Earnings expected to nearly double

	2006	2008	2010	2012	2013	2014	2015p
Total Direct Travel Spending (\$Million)							
Destination Spending	61.0	69.9	80.0	95.4	98.3	98.6	104.2
Other Travel*	13.9	17.8	14.2	17.7	17.5	17.0	13.8
Total Direct Spending	75.0	87.7	94.2	113.1	115.7	115.5	118.1
Visitor Desination Spending by Commodity (\$Million)							
Accommodations	8.6	11.2	14.5	18.4	19.4	20.1	23.1
Food Service	17.2	19.4	22.9	27.1	28.3	28.6	30.7
Food Stores	8.1	9.4	9.9	11.4	11.6	11.8	12.5
Local Tran. & Gas	6.4	8.2	8.1	10.5	10.2	9.6	8.4
Arts, Ent. & Rec.	9.8	10.7	12.3	14.3	14.8	14.7	15.4
Retail Sales	10.8	11.0	12.2	13.8	14.0	13.7	14.2
Industry Earnings Generated by Travel Spending (\$Million)							
Accom. & Food Serv.	9.6	11.7	13.6	16.2	18.1	18.8	21.0
Arts, Ent. & Rec.	3.0	3.7	4.1	5.1	5.1	5.1	5.7
Retail**	2.3	2.6	2.7	3.1	3.2	3.2	3.4
Ground Tran.	0.4	0.4	0.5	0.6	0.6	0.6	0.7
Other Travel*	0.8	0.8	0.7	0.8	1.0	1.0	1.0
Total Direct Earnings	16.0	19.2	21.6	25.7	27.9	28.8	31.7
Industry Employment Generated by Travel Spending (Jobs)							
Accom. & Food Serv.	590	680	730	820	900	910	950
Arts, Ent. & Rec.	330	330	340	430	450	450	450
Retail**	110	120	120	130	140	140	140
Ground Tran.	10	10	20	20	20	20	20
Other Travel*	50	50	40	40	50	50	50
Total Direct Employment	1,090	1,190	1,250	1,450	1,550	1,560	1,610

THE CHEHALEM VALLEY VISITOR CENTER

2015-16 Third Quarter Report

Continued: Dean Runyon Yamhill Country Travel Report

	2006	2008	2010	2012	2013	2014	2015p
Government Revenue Generated by Travel Spending (\$Million)							
Local Tax Receipts	0.1	0.1	0.2	0.4	0.5	0.6	0.6
State Tax Receipts	2.3	2.6	2.7	3.4	3.6	3.6	3.8
Total Local & State	2.4	2.7	2.9	3.9	4.1	4.1	4.4

Details may not add to totals due to rounding.

*Other Travel includes resident air travel and ground transportation impacts for travel to other Oregon visitor destinations, travel arrangement & reservation services, and convention & trade show organizers.

**Retail includes gasoline

Oregon Truffle Festival Recap

Over 90% of the attendees traveled more than 200 miles to attend the festival



It is estimated that over 800 people attended the Oregon Truffle Festival's Yamhill Weekend. Over 90% of the attendees traveled more than 200 miles to attend the festival. This year we were able to move all festival lodging partners to the greater Newberg area. Thirty percent of the attendees estimated that they spent more than \$1,500 above the cost of their festival tickets while staying in the area. Fifty percent of attendees had personal income of \$200,000 or more. The event received media coverage from the *Oregon Wine Press*, *The Press Democrat*, *Portland Wine Examiner*, *1859*, *Conde Nast Traveler*, *The Register Guard*, *Portland Monthly* and *BuzzFeed Life*.



Shaved & Infused

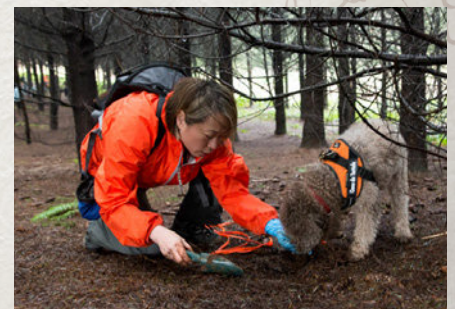
Friday, January 22 • Chehalem Cultural Center, Newberg

This popular walk-around dining gala was a decadent, sensory immersion in Oregon truffles! A night of unforgettable dishes prepared by a who's who of regional Chefs, each showcased two dishes that put beautiful Oregon black and white truffles front and center.

Authentic Truffle Hunt, Winery Luncheon

Saturday, January 23 • Various Locations, Yamhill County

The *Terroir of Truffles* weekend package holders experienced an authentic truffle hunt lead by professional truffle hunters with their dogs, followed by an unforgettable winery luncheon featuring top culinary talent and foraged Oregon truffles. Held at unique Oregon winery venues, this was wine country immersion and winter truffle excursion at its most authentic. Festival goers enjoyed the best of the Old World right here in North America.



THE CHEHALEM VALLEY VISITOR CENTER

2015-16 Third Quarter Report

Oregon Truffle Festival Recap, Continued



Black & White Dinner Series

Saturday, January 23 • Various Locations, Yamhill County

Five of Yamhill Valley's most highly regarded restaurants brought their truffled best to this sold out dinner series: *The Barlow Room, The Dundee Bistro, The Joel Palmer House, JORY at The Allison Inn & Spa, and The Painted Lady*. Each chef presented three to five course prix fixe menus plus appetizers featuring Oregon black and white truffles.



Fresh Truffle Marketplace

Sunday, January 24 • Newberg, held in the Grand Ballroom of the Chehalem Cultural Center

The fresh truffle Marketplace featured artisan vendors from Oregon, with a focus on those from the Yamhill Valley, and wineries, brewers and distillers who had participated in OTF culinary events throughout the weekend. More than 600 people tasted dozens of savory and sweet delights, wines, beers and spirits from their makers, and enjoyed cooking and truffle dog demonstrations throughout the day. A Marketplace highlight was fresh truffle sales, and the line at the OTF table did not let up until virtually every truffle was sold.



THE CHEHALEM VALLEY VISITOR CENTER

2015-16 Third Quarter Report

Third Quarter Tourism Promotion Summary

- January**
- 5 Last minute request for Lodging and meals for European Press Trip scheduled for January 24, 2016. Dinner, Lodging and Breakfast.
 - 8 Details for European Press Trip confirmed for January 24, 2016
 - 13 Media request from Julie Henning for active wine adventure story ideas. Julie is writing a publication for the **Oregon Wine Board**.
 - 14 **Portland Monthly Online**—Oregon Truffle Festival Article
 - 22-24 Hosted Writer Gary Hayes (**Savor NW & Alaska Airlines Magazine**) for Fam and Oregon Truffle Festival events in Newberg.
 - 24 European Press Trip at **The Allison**. Writers include: James McCloskey, **Daily Star**; Elise Goulooze, **Elegance**; Anne Petersen, **Borsen**; Julie Holt, **Vagabond REJS**; Tanja Schubauer, **Schwabische Zeitung**; Astrid Steinbrecher-Raitmayr, **Vorfreude**; Anna Nooshin, **NSMBL/Online Influencer**
- February**
- Northwest Travel Magazine**, Full Page Color photo, **Adelsheim Winery**, Newberg
 - Travel & Leisure**, *Best Winter Getaways from Portland Oregon*, **The Allison** (Circulation 974,000)
 - The Culture Trip**, *10 Oregon Wineries to Visit Before you Die*—Feature article on top Oregon wineries to visit including 8 wineries from Newberg and the surrounding area. (Circulation 70,000)
 - 17 Call-out to secure lodging on March 16th and May 30th for Australia/New Zealand Smooth FM Campaign winners. Two winners and two packages of Lodging and wine.
 - 23 **Simply Smart Travel** Blog—Jeff & Ginny Orenstein. Request for Media FAM Tour For April 2nd and 3rd. Couple is also working on a Travel Book. Request for lodging, meals and visit to five wineries.
 - 25 Conference call with **Willamette Valley Visitors Association** PR Team to Plan a pre-**FEAST** media tour September 13, 14 & 15. Media to be divided in 3 groups that will each tour a portion of the Willamette Valley. Kelsh to plan activities & tour for group assigned to Yamhill County.
- March**
- Wine Buzz Magazine**, *Vintage Oregon: A Passion for Pinot*
Feature article includes references for **The Allison**, **Sokol Blosser**, **Brickhouse** and **Erath Winery**. (Circulation 100,000)
 - 9 Follow-up list from WVVA press trip to New York.
 - 10 Finalize all FAM arrangements for Orenstein trip.
 - 25 Confirm prize details for Australia/New Zealand Smooth FM Campaign winners. Lodging and wine.
 - 31 Media call out from **Money Magazine**. Provide ideas for affordable family-friendly travel.

THE CHEHALEM VALLEY VISITOR CENTER

2015-16 Third Quarter Report

Budget: Q3 January– March, 2016

	Q3	YTD 2015-16	BUDGET
REVENUE:			
City of Newberg	\$34,250.01	\$102,750.03	\$137,000.00
City of Dundee	\$0	\$0	\$2,500.00
TOTAL REVENUES:	\$34,250.01	\$102,750.03	\$139,500.00
EXPENSE:			
Personnel	\$18,943.82	\$49,589.37	\$62,000.00
Marketing	\$10,447.05	\$35,065.20	\$40,000.00
Overhead/Utilities, etc.	\$9,690.30	\$42,364.69	\$47,979.00
TOTAL EXPENSES:	\$39,081.17	\$127,019.26	\$149,979.00
NET INCOME:	-24,269.23		

Note: Chehalem Valley Chamber is responsible for tourism expenses beyond the scope of budgeted revenues.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 6, 2016

Order ___	Ordinance ___	Resolution <u>XX</u>	Motion ___	Information ___
No.	No.	No. 2016-3295 and	2016-3296	

SUBJECT: Public Hearing and Approval for State Revenue Sharing for 2016-17	Contact Person (Preparer) for this Motion: Matt Zook Dept.: Finance File No.:
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HEARING TYPE: ADMINISTRATIVE

RECOMMENDATION:

Adopt Resolution No. 2016-3295 and Resolution No. 2016-3296

EXECUTIVE SUMMARY:

The City of Newberg relies upon State Shared Revenues to provide vital services to its citizens. The City is required to meet certain obligations to participate in this program. To receive the “State Revenue Sharing” funds identified as 14% of total liquor revenues, the City must hold public hearings before the Budget Committee and City Council to discuss the uses of these revenues. The City performed the public hearing to discuss *possible* uses of the revenue before the Budget Committee on May 3, 2016. The Budget Committee passed a motion to use the State Revenue Sharing funds to support General Fund operations. The City Council will hold a public hearing on the *proposed* uses of the revenue on June 6, 2016. The adoption of Resolution 2016-3295 will finalize this requirement.

The City has an additional requirement to receiving the “State Revenue Sharing” funds (14% of total liquor revenues), as well as other State Shared Revenues identified as Liquor Tax (20% of the total liquor revenues), Cigarette Tax, and Gas Tax. This requirement comes as a result of Yamhill County having a population greater than 100,000. The city must certify that it provides at least four of the following municipal services – fire protection, police protection, street construction/maintenance/lighting, sanitary sewers, storm sewers, planning/zoning/subdivision control, or one or more utility services. The adoption of Resolution 2016-3296 will finalize this requirement.

Upon adoption of these two resolutions, City staff will send the two resolutions included in this packet to the Department of Administrative Services before July 31 of each year.

FISCAL IMPACT:

The FY 2016-17 Approved Budget anticipates Stated Shared Revenues in the following funds:

- | | | |
|--------------------------|-------------|---|
| 1) Liquor Taxes | \$340,294 | General Fund (requires Resolution 2016-3296) |
| 2) Cigarette Taxes | \$27,251 | General Fund (requires Resolution 2016-3296) |
| 3) State Revenue Sharing | \$220,000 | General Fund (requires Resolution 2016-3295 and 3296) |
| 4) Gas Taxes | \$1,316,063 | Street Fund (requires Resolution 2016-3296) |

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Strategically, this revenue contributes to the provision of basic core services, namely the livability of the community and the protection of life and property.



RESOLUTION No. 2016-3295

**A RESOLUTION DECLARING THE CITY OF NEWBERG’S ELECTION TO
RECEIVE REVENUES THROUGH THE STATE REVENUE SHARING
PROGRAM**

RECITALS:

1. **WHEREAS**, State Revenue Sharing Law, ORS 221.770 requires cities to pass an ordinance or resolution each year stating that they want to receive state revenue sharing money;
2. **WHEREAS**, a copy of this ordinance or resolution must be filed with Shared Financial Services of the Department of Administrative Services before July 31 of each year; and
3. **WHEREAS**, the City held a public hearing to discuss *possible* uses of the revenue before the Budget Committee on May 3, 2016. The Budget Committee passed a motion to use the State Revenue Sharing funds to support General Fund operations. The City Council held a public hearing on the *proposed* uses of the revenue on June 6, 2016.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

Section 1. Pursuant to ORS 221.770, the City hereby elects to receive state revenues for fiscal year 2016-17.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 7, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of June, 2016.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of _____, 2016.

Bob Andrews, Mayor

I certify that a public hearing before the Budget Committee was held on May 3, 2016 and a public hearing before the City Council was held June 6, 2016, giving citizens an opportunity to comment on use of State Revenue Sharing.

Sue Ryan, City Recorder



RESOLUTION No. 2016-3296

A RESOLUTION CERTIFYING THE PROVISION OF MUNICIPAL SERVICES BY THE CITY OF NEWBERG FOR THE PURPOSES OF PARTICIPATION IN THE STATE REVENUE SHARING PROGRAM

RECITALS:

1. Whereas, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance, and lighting
- (4) Sanitary sewer
- (5) Storm sewers
- (6) Planning, zoning, and subdivision control
- (7) One or more utility services

And

2. Whereas, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760, now, therefore,

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

That the City of Newberg hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance, and lighting
- (4) Sanitary sewer
- (5) Storm sewers
- (6) Planning, zoning, and subdivision control
- (7) Water utility service

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 7, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of June, 2016.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of _____, 2016.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 6, 2016

Order ___	Ordinance ___	Resolution <u>XX</u>	Motion ___	Information ___
No.	No.	No. 2016-3297		

SUBJECT:

1. **Hold Public Hearings on the 2016-2017 City Budget**
2. **Adopt Resolution No. 2016-3297, adopting the 2016-2017 City Budget**

Contact Person (Preparer) for this Motion: Matt Zook
Dept.: Finance
File No.:

HEARING TYPE: ADMINISTRATIVE

RECOMMENDATION:

Adopt Resolution No. 2016-3297 adopting the 2016-2017 Budget, and appropriating as recommended by the Budget Committee on May 10, 2016.

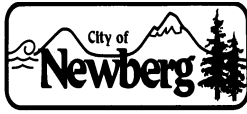
EXECUTIVE SUMMARY:

The Budget Committee met on April 26th, May 3rd, and May 10th, 2016, to deliberate on the proposed 2016-2017 City Budget presented by the Budget Officer.

The Budget Committee made one modification to the 2016-2017 Proposed Budget by increasing the General Fund community support budget from \$0 to \$9,500 and decreasing the General Fund contingency by the same amount.

FISCAL IMPACT: The 2016-2017 Budget equals \$86,966,374 with 142.32 FTE. The permanent property tax rate remains at \$4.3827 per \$1,000.00 assessed value. There will be no levy for General Obligation bonds as the final payments for these bonds will be made in 2016-17 from the accumulated fund balance.

STRATEGIC ASSESSMENT: This is a balanced budget and reflects the direction and priorities of the City Council to meet the needs of this community.



RESOLUTION No. 2016-3297

**A RESOLUTION ADOPTING THE CITY OF NEWBERG, OREGON
BUDGET FOR THE 2016-2017 FISCAL YEAR, MAKING
APPROPRIATIONS, IMPOSING THE TAX, AND CATEGORIZING THE
TAX**

RECITALS:

1. The City of Newberg Budget Committee approved the fiscal year 2016-17 budget on May 10, 2016.
2. The notice of this budget hearing (Form LB-1) was published in the June 1, 2016 Newberg Graphic.
3. The 2016-17 approved budget includes a new fund called PERS Stabilization Reserve Fund (25), with a budget of \$179,255 categorized as reserves. The reserve category is not considered as appropriations per Oregon Budget Law and thus not included in the total appropriations below. Rather, this fund is included *below* the appropriations total. The purpose of this fund is to set aside money in advance of the anticipated PERS employer rate increase effective July 1, 2017. Funds will be appropriated in the 2017-18 budget.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Adopting the Budget. The City Council of the City of Newberg hereby adopts the budget for fiscal year 2016-17 in the total of \$86,966,374 now on file at City Hall located at 414 E. First Street, Newberg, Oregon.
2. Making Appropriations. The amounts for the fiscal year beginning July 1, 2016, and for the purposes shown below are hereby appropriated:

General Fund (01)

General Government	204,748
Municipal Court	381,138
Police	6,367,432
Fire	3,829,075
Communications	1,164,383
Library	1,533,145
Planning	818,112
Transfers	197,813
Contingency	1,078,775

Total General Fund	15,574,621
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<u>Street Fund (02)</u>		
Public Works		1,317,871
Transfers		1,260,451
Contingency		293,416
	Total Street Fund	<u>2,871,738</u>
 <u>Civil Forfeiture Fund (03)</u>		
Police		24,383
	Total Civil Forfeiture Fund	<u>24,383</u>
 <u>Capital Projects Fund (04)</u>		
Capital Projects		5,795,000
	Total Capital Projects Fund	<u>5,795,000</u>
 <u>Emergency Medical Services Fund (05)</u>		
Fire		1,161,017
Transfers		338,212
	Total Emergency Medical Services Fund	<u>1,499,229</u>
 <u>Wastewater Fund (06)</u>		
Public Works		5,311,262
Debt Service		2,477,688
Transfers		3,718,079
Contingency		2,144,826
	Total Wastewater Fund	<u>13,651,855</u>
 <u>Water Fund (07)</u>		
Public Works		3,929,201
Debt Service		413,424
Transfers		804,071
Contingency		1,626,808
	Total Water Fund	<u>6,773,504</u>
 <u>Building Inspection Fund (08)</u>		
Building Inspection		583,181
Transfers		17,455
Contingency		498,381
	Total Building Inspection Fund	<u>1,099,017</u>

<u>Debt Service Fund (09)</u>		
Debt Service		687,080
	Total Debt Service Fund	<u>687,080</u>
 <u>City Hall Fund (10)</u>		
Transfers		106,718
	Total City Hall Fund	<u>106,718</u>
 <u>9-1-1 Emergency Fund (13)</u>		
Communications		193,770
Contingency		5,196
	Total 9-1-1 Emergency Fund	<u>198,966</u>
 <u>Economic Development Fund (14)</u>		
Planning		608,403
Transfers		1,842
Contingency		323,664
	Total Economic Development Fund	<u>933,909</u>
 <u>Public Safety Fee Fund (16)</u>		
Police		375,436
Communications		222,500
Contingency		108,659
	Total Public Safety Fee Fund	<u>706,595</u>
 <u>Stormwater Fund (17)</u>		
Public Works		1,190,393
Transfer		565,179
Contingency		490,156
	Total Stormwater Fund	<u>2,245,728</u>
 <u>Street Capital Projects Fund (18)</u>		
Capital Projects		1,605,000
Contingency		166,079
	Total Street Capital Projects Fund	<u>1,771,079</u>
 <u>Transient Lodging Tax Fund (19)</u>		
General Government		569,294
Transfers		665,905
	Total Transient Lodging Tax Fund	<u>1,235,199</u>

Library Gift & Memorial Fund (22)

Library	134,000
Contingency	29,223
Total Library Gift & Memorial Fund	<u>163,223</u>

Cable TV Trust Fund (23)

General Government	37,629
Total Cable TV Trust Fund	<u>37,629</u>

Admin / Support Services Fund (31)

City Manager's Office	771,339
Finance	1,021,855
General Office	149,000
Information Technology	982,126
Legal	534,570
Public Works	670,642
Insurance	391,060
Transfers	27,536
Contingency	225,860
Total Admin / Support Services Fund	<u>4,773,988</u>

Vehicles / Equipment Replacement Fund (32)

General Government	1,373
City Manager's Office	4,136
Finance	17,306
Information Technology	139,657
Legal	419
Municipal Court	4,069
Police	407,710
Fire	141,693
Communications	132,982
Library	2,600
Planning	2,943
Building Inspection	18,345
Public Works	942,118
Facilities Repair / Maintenance	148,263
Total Vehicle / Equipment Replacement Fund	<u>1,963,614</u>

Fire & EMS Equipment Fee Fund (33)

Capital Outlay	382,364
Total Fire & EMS Equipment Fee Fund	<u>382,364</u>

Street System Development Fund (42)

Transfers	382,565
Contingency	3,411,205
Total Street System Development Fund	<u>3,793,770</u>

Stormwater System Development Fund (43)

Transfers	100,065
Contingency	90,897
Total Stormwater System Development Fund	<u>190,962</u>

Wastewater System Development Fund (46)

Debt Service	284,077
Transfers	522,565
Contingency	4,035,662
Total Wastewater System Development Fund	<u>4,842,304</u>

Water System Development Fund (47)

Debt Service	844,843
Transfers	151,315
Contingency	209,265
Total Water System Development Fund	<u>1,205,423</u>

Total Appropriated Budget 72,527,898

Unappropriated Fund Balance - General Fund	1,100,000
Unappropriated Fund Balance - Debt Service Fund	31,309
Unappropriated Fund Balance - City Hall Fund	494,268
Reserves - General Fund	68,223
Reserves - Wastewater Fund	5,830,907
Reserves - Water Fund	6,497,805
Reserves - Stormwater Fund	236,709
Reserves - PERS Stabilization Fund	179,255

Total Budget 86,966,374

3. Imposing and Categorizing the Tax. The City Council of the City of Newberg imposes the taxes provided for in the adopted budget at the rate of \$4.3827 per \$1,000.00 of assessed value for permanent tax rate, and that these taxes are hereby imposed and categorized for the tax year 2016-2017 upon the assessed value of all taxable property within the City as follows:

	<u>General Government Limitation</u>	<u>Excluded from the Limitation</u>
General Fund	\$4.3827 per \$1,000.00 TAV	

4. The Finance Director is authorized and directed to certify the levy with the Yamhill County Assessor and Yamhill County Clerk.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is June 7, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of June, 2016.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of June, 2016.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 16, 2016

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2016-2801 No.

SUBJECT: An ordinance amending the Newberg development code regarding recreational marijuana wholesalers, laboratories, research certificates producers and retailers; and declaring an emergency.

Contact Person (Preparer) for this Motion: Doug Rux, Director
Dept.: Community Development
File No.: DCA-16-001

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2016-2801 amending the Newberg Development Code for recreational marijuana wholesalers, laboratories, research certificates and retailers.

EXECUTIVE SUMMARY:

A. **SUMMARY:** The proposed Development Code amendments do the following:

- Adds Recreational Marijuana Laboratories as a permitted use in C-1, C-2, C-3, C-4, C-1/SP, C-2/LU, C-2/PD, C-2/SP, C-3/LU, SD/V, SD/NC, SD/H, M-1, M-2, M-3, M-4-I, M-4-C, SD/E, M-1/SP, II, AIO and CC.
- Adds Recreational Marijuana Research Certificates as a permitted use in C-1, C-2, C-3, C-4, C-1/SP, C-2/LU, C-2/PD, C-2/SP, C-3/LU, SD/V, SD/NC, SD/H, M-1, M-2, M-3, M-4-I, M-4-C, SD/E, M-1/SP, II, AIO and CC.
- Adds Recreational Marijuana Retailers as a permitted use in C-1, C-2, C-3, C-4, C-1/SP, C-2/LU, C-2/PD, C-2/SP, C-3/LU, SD/V, SD/NC and SD/H with footnotes for a 1,000 foot buffer from parks and schools, 1,000 foot separation between marijuana retailers and marijuana retailers to marijuana dispensaries, and operating hours limited to the hours between 9 AM and 8 PM.
- Adds Recreational Marijuana Wholesalers as a conditional use in C-2 with footnotes allowed indoors only and 1,000 foot buffer from parks and schools.
- Adds Recreational Marijuana Wholesalers as a permitted use in M-1, M-2, M-3, M-4-I, M-1/SP, SD/E and II with footnote 1,000 foot buffer from parks and schools.
- Prohibits Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers in the Stream Corridor Overlay.
- Prohibits Recreational Marijuana Wholesalers and Retailers in the Civic Corridor Overlay.
- Prohibits Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers

in the Bypass Interchange Overlay.

- Prohibits Recreational Marijuana Wholesalers, Laboratories and Research Certificates in the Interim Industrial Overlay.
- Prohibits Recreational Marijuana Retailers in the Interim Industrial Overlay.

B. BACKGROUND: The Oregon voters passed Measure 91 on recreational marijuana in November 2014. The Oregon Legislature enacted four bills during the 2015 legislative session related to the Oregon Medical Marijuana Act and Measure 91. House Bill (HB) 3400 was the omnibus bill covering recreational marijuana and modifications to the medical marijuana program. HB 2014 was enacted addressing taxes on the sale of recreational marijuana, SB 460 related to limited retail sales of marijuana from medical marijuana dispensaries and SB 844 enacted a task force on researching the medical and public health properties of cannabis. In addition to the enacting of the four bills the Oregon Liquor Control Commission adopted temporary Oregon Administrative Rules (OAR's) on October 22, 2015 that were subsequently modified on November 20, 2015 for recreational marijuana under Chapter 845, Division 25.

On September 8, 2015 the Newberg City Council was provided background information on medical and recreational marijuana at its Work Session. At the City Council Business Session on September 8th they established the Marijuana Subcommittee (Subcommittee) comprised of Councilors Rourke, Bacon and McKinney along with non-voting member Mayor Andrews. The City Council also directed staff to bring back an ordinance with a ban of the sale of recreational marijuana from Medical Marijuana Dispensaries.

On September 21, 2015 the Newberg City Council passed Ordinance No. 2015-2787 declaring a ban on the early sale of recreational marijuana by marijuana dispensaries and declaring an emergency.

At the January 12, 2016 Marijuana Subcommittee (Subcommittee) meeting the Subcommittee passed a motion 3-0 directing staff to create a Request for Council Action (RCA) to initiate a Development Code amendment for recreational marijuana wholesale, laboratory, research certificate and retail regulations to bring forward for Council consideration on February 1. The City Council adopted Resolution No. 2015-3253 on February 1, 2016 initiating the Development Code amendment process (Attachment 1).

The Subcommittee met again on February 4, 2016 and developed recommendations on recreational marijuana wholesalers, laboratories, research certificates and retailers.

C. PROCESS: A development code amendment is a Type IV application and follows the procedures in Newberg Development Code 15.100.060. Important dates related to this application are as follows:

1. 2/1/16: The Newberg City Council initiated the Development Code amendment.
2. 2/4/16: The City Council Marijuana Subcommittee met and developed recommendations to the Planning Commission.
3. 4/14/16: After proper notice, the Planning Commission held a legislative

hearing to consider the item, took public comment, and approved Resolution 2016-314.

4. 5/16/16: After proper notice, the City Council held a legislative hearing to consider the item.

D. PUBLIC COMMENTS: As of the writing of this report, the city has received two comments on the application. The comments indicate recreational marijuana sales should be allowed in Newberg and a request to consider a 1,000 foot separation between retail operations (Attachment 2). If the city receives additional written comments by the comment deadline, Planning staff will forward them to the City Council.

E. ANALYSIS:

PLACE

Oregon Revised Statutes 475B.015 provides the following definitions:

(24)(a) "Premises" or "licensed premises" includes the following areas of a location licensed under ORS 475B.070, 475B.090, 475B.100 or 475B.110:

(A) All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms;

(B) All areas outside a building that the commission has specifically licensed for the production, processing, wholesale sale or retail sale of marijuana items; and

(C) For a location that the commission has specifically licensed for the production of marijuana outside a building, the entire lot or parcel, as defined in ORS 92.010, that the licensee owns, leases or has a right to occupy.

(b) "Premises" or "licensed premises" does not include a primary residence.

Oregon Administrative Rule, Division 25 provides the following definitions:

GENERAL REQUIREMENTS APPLICABLE TO ALL MARIJUANA LICENSES

845-025-1015

Definitions

(38) "Premises" or "licensed premises" includes the following areas of a location licensed under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015:

(a) All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms;

(b) All areas outside a building that the Commission has specifically licensed for the production, processing, wholesale sale or retail sale of marijuana items; and

(c) For a location that the Commission has specifically licensed for the production of marijuana outside a building, the entire lot or parcel, as defined in ORS 92.010, that the licensee owns, leases or has a right to occupy.

- (d) "Premises" or "licensed premises" does not include a primary residence.
- (39) "Primary Residence" means real property inhabited for the majority of a calendar year by an owner, renter or tenant, including manufactured homes and vehicles used as domiciles.

HB 3400, Section 33 (ORS 475B.340) allows local governments to regulate the location of recreational marijuana wholesale and retail operations. The law reads:

(Land Use)

SECTION 33. Section 59, chapter 1, Oregon Laws 2015, is amended to read:

Sec. 59. *[(1) Cities and counties may adopt reasonable time, place and manner regulations of the nuisance aspects of establishments that sell marijuana to consumers if the city or county makes specific findings that the establishment would cause adverse effects to occur.]*

[(2) The authority granted to cities and counties by this section is in addition to, and not in lieu

of, the authority granted to a city or county under its charter and the statutes and Constitution of this state.]

(1) For purposes of this section, "reasonable regulations" includes:

- (a) Reasonable conditions on the manner in which a marijuana producer licensed under section 19, chapter 1, Oregon Laws 2015, may produce marijuana;**
- (b) Reasonable conditions on the manner in which a marijuana processor licensed under section 20, chapter 1, Oregon Laws 2015, may process marijuana;**
- (c) Reasonable conditions on the manner in which a marijuana wholesaler licensed under section 21, chapter 1, Oregon Laws 2015, may sell marijuana at wholesale;**
- (d) Reasonable limitations on the hours during which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may operate;**
- (e) Reasonable conditions on the manner in which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may sell marijuana items;**
- (f) Reasonable requirements related to the public's access to a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015; and**

(g) Reasonable limitations on where a premises for which a license may be issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, may be located.

(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015, from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015.

(3) Regulations adopted under this section must be consistent with city and county comprehensive plans and zoning ordinances and applicable provisions of public health and safety laws.

HB 3400, Section 15 (ORS 575B.100) allows local governments to regulate the location of recreational marijuana wholesale operations. The law reads:

(License Holders)

SECTION 15. Section 21, chapter 1, Oregon Laws 2015, is amended to read:

Sec. 21. (1) The wholesale sale of marijuana items is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana wholesaler must have a wholesale license issued by the commission for the premises at which marijuana items are received, [*kept,*] stored[,] or delivered. **To hold a wholesale license under this section, a marijuana wholesaler:**

(a) Must apply for a license in the manner described in section 28, chapter 1, Oregon Laws 2015;

(b) Must, until January 1, 2020, provide proof that an applicant listed on an application submitted under section 28, chapter 1, Oregon Laws 2015, has been a resident of this state for two or more years, and must provide proof that the applicant is 21 years of age or older;

(c) May not be located in an area that is zoned exclusively for residential use; and

(d) Must meet the requirements of any rule adopted by the commission under subsection (3) of this section.

(3) The commission shall adopt rules that:

(a) Require a marijuana wholesaler to annually renew a license issued under this section;

(b) Establish application, licensure and renewal of licensure fees for marijuana wholesalers;

(c) Require marijuana items received, stored or delivered by a marijuana wholesaler to be tested in accordance with section 92 of this 2015 Act; and

(d) Require a marijuana wholesaler to meet any public health and safety standards and industry best practices established by the commission by rule.

(4) Fees adopted under subsection (3)(b) of this section:

(a) May not exceed the cost of administering sections 3 to 70, chapter 1, Oregon Laws 2015, with respect to marijuana wholesalers; and

(b) Shall be deposited in the Marijuana Control and Regulation Fund established under section 32 of this 2015 Act.

HB 3400, Sections 16 and 17 (ORS 475B.110) allows local governments to regulate the location of recreational marijuana retail operations. The law reads:

SECTION 16. Section 22, chapter 1, Oregon Laws 2015, is amended to read:

Sec. 22. (1) The retail sale of marijuana items is subject to regulation by the Oregon Liquor Control Commission.

(2) A marijuana retailer must have a retail license issued by the commission for the premises at which marijuana items are sold. **To hold a retail license under this section, a marijuana retailer:**

(a) Must apply for a license in the manner described in section 28, chapter 1, Oregon Laws 2015;

(b) Must, until January 1, 2020, provide proof that an applicant listed on an application submitted under section 28, chapter 1, Oregon Laws 2015, has been a resident of this state for two or more years, and must provide proof that the applicant is 21 years of age or older;

(c) May not be located in an area that is zoned exclusively for residential use;

(d) May not be located within 1,000 feet of:

(A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a); and

(e) Must meet the requirements of any rule adopted by the commission under subsection (3) of this section.

(3) The commission shall adopt rules that:

(a) Require a marijuana retailer to annually renew a license issued under this section;

(b) Establish application, licensure and renewal of licensure fees for marijuana retailers;

(c) Require marijuana items sold by a marijuana retailer to be tested in accordance with section 92 of this 2015 Act; and

(d) Require a marijuana retailer to meet any public health and safety standards and industry best practices established by the commission by rule.

(4) Fees adopted under subsection (3)(b) of this section:

(a) May not exceed the cost of administering sections 3 to 70, chapter 1, Oregon Laws 2015, with respect to marijuana retailers; and

(b) Shall be deposited in the Marijuana Control and Regulation Fund established under section 32 of this 2015 Act.

SECTION 17. If a school described in section 22 (2)(d), chapter 1, Oregon Laws 2015, that has not previously been attended by children is established within 1,000 feet of a premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015, the marijuana retailer located at that premises may remain at that location unless the Oregon Liquor Control Commission revokes the license of the marijuana retailer under section 30, chapter 1, Oregon Laws 2015.

HB 3400, Section 34 (ORS 475B.370 and ORS 475B.063) establishes a requirement for a land use compatibility statement for recreational marijuana wholesale and retail uses. The law reads:

SECTION 34. (1) Notwithstanding any other provision of law, marijuana is:

(a) A crop for the purposes of “farm use” as defined in ORS 215.203;

(b) A crop for purposes of a “farm” and “farming practice,” both as defined in ORS 30.930;

(c) A product of farm use as described in ORS 308A.062; and

(d) The product of an agricultural activity for purposes of ORS 568.909.

(2) Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses on land designated for exclusive farm use:

(a) A new dwelling used in conjunction with a marijuana crop;

(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a marijuana crop; and

(c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a),

carried on in conjunction with a marijuana crop.

(3) A county may allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones under this section and ORS 215.213 and 215.283.

(4)(a) Prior to the issuance of a license under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, the Oregon Liquor Control Commission shall request a land use compatibility statement from the city or county that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located. The commission may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.

(b) A city or county that receives a request for a land use compatibility statement under this subsection must act on that request within 21 days of:

(A) Receipt of the request, if the land use is allowable as an outright permitted use;

or

(B) Final local permit approval, if the land use is allowable as a conditional use.

(c) A city or county action concerning a land use compatibility statement under this subsection is not a land use decision for purposes of ORS chapter 195, 196, 197 or 215.

Oregon Administrative Rule, Division 25 establishes a requirement for a land use compatibility statement for recreational marijuana wholesale and retail uses. The rule reads:

845-025-1090

Application Review

(1) Once the Commission has determined that an application is complete it must review the application to determine compliance with chapter 1, Oregon Laws 2015, chapter 614, Oregon Laws 2015, and these rules.

(2) The Commission:

(a) Must, prior to acting on an application, request a land use compatibility statement from the city or county that authorizes land use in the city or county in which the applicant's proposed premises is located or request verification that a land use compatibility statement submitted by an applicant is valid and accurate

(b) May, in its discretion, prior to acting on an application:

(A) Contact any applicant or individual with a financial interest and request additional documentation or information; and

(B) Verify any information submitted by the applicant.

(3) The Commission must inspect the proposed premises prior to issuing a license.

(4) If during an inspection the Commission determines the applicant is not in compliance with these rules, the applicant will be provided with a notice of the failed inspection and the requirements that have not been met.

(a) An applicant that fails an inspection will have 15 calendar days from the date the notice was sent to submit a written response that demonstrates the deficiencies have been corrected.

(b) An applicant may request in writing one extension of the 15-day time limit in subsection (a) of this section, not to exceed 30 days.

(5) If an applicant does not submit a timely plan of correction or if the plan of correction

does not correct the deficiencies in a manner that would bring the applicant into compliance, the Commission may deny the application.

(6) If the plan of correction appears, on its face, to correct the deficiencies, the Commission will schedule another inspection.

(7) If an applicant fails a second inspection, the Commission may deny the application unless the applicant shows good cause for the Commission to perform additional inspections.

Oregon Administrative Rule, Division 25 establishes requirements and limitations for denial of a license by the Oregon Liquor Control Commission for wholesale and retail recreational marijuana uses. The rule reads:

845-025-1115

Denial of Application

(1) The Commission must deny an initial or renewal application if:

(a) An applicant is under the age of 21 or, until January 1, 2020, has not been a resident of Oregon for at least two years. If the Commission determines that an applicant is a non-resident the Commission will hold that application under review until 30 days after the 2016 Oregon Legislature adjourns.

(b) The applicant's land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.

(c) The proposed licensed premises is located:

(A) On federal property.

(B) At the same physical location or address as a:

(i) Medical marijuana grow site registered under ORS 475.304, unless the grow site is also licensed under section 116, chapter 614, Oregon laws 2015;

(ii) Medical marijuana processing site registered under section 85, chapter 614, Oregon Laws 2015; or

(iii) Medical marijuana dispensary registered under ORS 475.314.

(C) At the same physical location or address as a liquor licensee licensed under ORS chapter 471 or as a retail liquor agent appointed by the Commission.

(d) The proposed licensed premises of a producer applicant is:

(A) On public land; or

(B) On the same tax lot or parcel as another producer licensee under common ownership.

(e) The proposed licensed premises of a processor who has applied for an endorsement to process extracts is located in an area that is zoned exclusively for residential use.

(f) The proposed licensed premises of a retail applicant is located:

(A) Within 1,000 feet of:

(i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or (ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

(B) In an area that is zoned exclusively for residential use.

(g) The proposed licensed premises of a wholesaler applicant is in an area zoned exclusively for residential use.

(h) A city or county has prohibited the license type for which the applicant is applying, in accordance with sections 133 or 134, chapter 614, Oregon Laws 2015.

(2) The Commission may deny an initial or renewal application, unless the applicant shows good cause to overcome the denial criteria, if it has reasonable cause to believe that:

(a) The applicant:

(A) Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana, or controlled substances to excess.

(B) Has made false statements to the Commission.

(C) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(D) Is not of good repute and moral character.

(E) Does not have a good record of compliance with sections 3 to 70, chapter 1, Oregon Laws 2015, chapter 614, Oregon Laws 2015, or these rules, prior to or after licensure including but not limited to:

(i) The giving away of marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind, in violation of section 49, chapter 614, Oregon Laws 2015; (ii) Providing marijuana items to an individual without checking that the individual is 21 or older;

(iii) Unlicensed transfer of marijuana items for financial consideration; or (iv) Violations of local ordinances adopted under section 33, chapter 614, Oregon Laws 2015, pending or adjudicated by the local government that adopted the ordinance.

(F) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(G) Is unable to understand the laws of this state relating to marijuana or these rules, including but not limited to ORS 475.300 to 475.346 and sections 91 to 99, chapter 614, Oregon Laws 2015. Inability to understand laws and rules of this state related to marijuana may be demonstrated by violations documented by the Oregon Health Authority.

(b) Any individual listed on the application has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license, except as specified in Section 29(3), chapter 1, Oregon Laws 2015.

(c) Any applicant is not the legitimate owner of the business proposed to be licensed, or other persons have an ownership interest in the business have not been disclosed to the Commission.

(3) The Commission may refuse to issue a license to any license applicant or refuse to renew the license of any licensee when conditions exist in relation to any person having a financial interest in the business or in the place of business which would constitute grounds for refusing to issue a license or for revocation or suspension of a license if such person were the license applicant or licensee. However, in cases where the financial interest is held by a corporation, only the officers and directors of the corporation, any individual or combination of individuals who own a controlling financial interest in the business shall be considered persons having a financial interest within the meaning of this subsection.

(4) The Commission will not deny an application under subsections (1) (c) (B) of this rule if the applicant surrenders the registration issued by the Authority prior to being issued an OLCC license.

- (5) If the Commission denies an application because an applicant submitted false or misleading information to the Commission, the Commission may prohibit the applicant from re-applying for five years.
- (6) A notice of denial must be issued in accordance with ORS 183.

Oregon Administrative Rule, Division 25 establishes restrictions and requirements for wholesale and retail recreational marijuana uses. The rule reads:

845-025-1230

Licensed Premises Restrictions and Requirements

- (1) A licensed premises may not be located:
 - (a) On federal property; or
 - (b) At the same physical location or address as a:
 - (A) Medical marijuana grow site registered under ORS 475.304, unless the grow site is also licensed under section 116, chapter 614, Oregon Laws 2015;
 - (B) Medical marijuana processing site registered under section 85, chapter 614, Oregon Laws 2015; or
 - (C) Medical marijuana dispensary registered under ORS 475.314.
 - (D) Liquor licensee licensed under ORS Chapter 471 or as a retail liquor agent appointed by the Commission.
- (2) The licensed premises of a producer applicant may not be on:
 - (a) Public land; or
 - (b) The same tax lot or parcel as another producer licensee under common ownership.
- (3) The licensed premises of a retailer may not be located:
 - (a) Within 1,000 feet of:
 - (A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - (B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.
 - (b) In an area that is zoned exclusively for residential use.
- (4) The licensed premises of a processor who has an endorsement to process extracts may not be located in an area that is zoned exclusively for residential use.
- (5) The licensed premises of a processor, wholesaler, laboratory and retailer must be enclosed on all sides by permanent walls and doors.
- (6) A licensee may not permit:
 - (a) Any minor on a licensed premises except as described in section (7) and (8) of this rule; or
 - (b) On-site consumption of a marijuana item, alcohol, or other intoxicant by any individual, except that an employee who has a current registry identification card issued under ORS 475.309 may consume marijuana during his or her work shift on the licensed premises as necessary for his or her medical condition, if the employee is alone, in a closed room and not visible to others outside the room. An employee who consumes a marijuana item as permitted under this subsection may not be intoxicated while on duty.
- (7) Notwithstanding section (6)(a) of this rule, a minor, other than a licensee's employee, who has a legitimate business purpose for being on the licensed premises, may be on the premises for a limited period of time in order to accomplish the legitimate business purpose. For example, a minor plumber may be on the premises in order to make a repair.

(8) Notwithstanding section (6)(a) of this rule, a minor who resides on the tax lot or parcel where a marijuana producer is licensed may be present on those portions of a producer's licensed that do not contain usable marijuana or cut and drying marijuana plants.

(9) A licensee must clearly identify all limited access areas in accordance with OAR 845-025- 1245.

(10) A licensee must keep a daily log of all employees, contractors and licensee representatives who perform work on the licensed premises. All employees, contractors and licensee representatives must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee, contractor or licensee representative.

(11) The general public is not permitted in limited access areas on a licensed premises, except for the licensed premises of a retailer and as provided by section (14) of this rule. In addition to licensee representatives, the following individuals are permitted to be present in limited access areas on a licensed premises, subject to the requirements in section (12) of this rule:

(a) Laboratory personnel, if the laboratory is licensed by the Commission;

(b) A contractor, vendor or service provider authorized by a licensee representative to be on the licensed premises;

(c) Another licensee or that licensee's representative;

(d) Up to seven invited guests per week subject to requirements of section (12) of this rule; or

(e) Tour groups as permitted under section (14) of this rule.

(12) Prior to entering a licensed premises all visitors permitted by section (11) of this rule must be documented and issued a visitor identification badge from a licensee representative that must remain visible while on the licensed premises. A visitor badge is not required for government officials. All visitors described in subsection (11) of this rule must be accompanied by a licensee representative at all times.

(13) A licensee must maintain a log of all visitor activity. The log must contain the first and last name and date of birth of every visitor and the date they visited.

(14) A marijuana producer or research certificate holder may offer tours of the licensed premises, including limited access areas, to the general public if the licensee submits a control plan in writing and the plan is approved by the Commission.

(a) The plan must describe how conduct of the individuals on the tour will be monitored, how access to usable marijuana will be limited, and what steps the licensee will take to ensure that no minors are permitted on the licensed premises.

(b) The Commission may withdraw approval of the control plan if the Commission finds there is poor compliance with the plan. Poor compliance may be indicated by, for example, individuals on the tour not being adequately supervised, an individual on the tour obtaining a marijuana item while on the tour, a minor being part of a tour, or the tours creating a public nuisance.

(15) Nothing in this rule is intended to prevent or prohibit Commission employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee from being on the licensed premises.

(16) A licensee may not sublet any portion of a licensed premises.

(17) A licensed premises may receive marijuana items only from a marijuana producer, marijuana processor, or marijuana wholesaler for whom a premises has been licensed by the Commission.

(18) A licensed wholesaler or retailer who sells or handles food, as that term is defined in ORS 616.695, or cannabinoid edibles must also be licensed by the Oregon Department of Agriculture under ORS 616.706.

Oregon Administrative Rule, Division 25 establishes restrictions on the location of recreational marijuana retail uses. The rule reads:

845-025-2840

Retailer Premises

- (1) The licensed premises of a retailer:
 - (a) May not be located in an area that is zoned exclusively for residential use.
 - (b) May not be located within 1,000 feet of:
 - (A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
 - (B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.
 - (c) Must be enclosed on all sides by permanent walls and doors.
- (2) A retailer must post in a prominent place signs at every:
 - (a) Point of sale that read:
 - (A) “No Minors Permitted Anywhere on the Premises”; and
 - (B) “No On-Site Consumption”.
 - (b) Exit from the licensed premises that reads: “Marijuana or Marijuana Infused Products May Not Be Consumed In Public”.
- (3) A retailer must designate a consumer sales area on the licensed premises where consumers are permitted. The area shall include the portion of the premises where marijuana items are displayed for sale to the consumer and sold and may include other contiguous areas such as a lobby or a restroom. The consumer sales area is the sole area of the licensed premises where consumers are permitted.
- (4) All inventory must be stored on the licensed premises.
- (5) For purposes of determining the distance between a retailer and a school referenced in subsection (1)(b) of this rule, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a retailer. If any portion of the licensed premises is within 1,000 feet of a school as described subsection (1)(b) of this rule an applicant will not be licensed.

HB 3400 and Oregon Administrative Rule, Division 25 have no specific provisions for the location of testing laboratories and research certificate facilities. Research certificates can be issued to qualifying private and public researchers. The City Council may want to consider limiting these two uses. One option is to allow testing laboratories as a permitted use in industrial districts. For research certificates an option is to allow the activity as a permitted use in industrial districts. The City Council may also want to consider if research certificate activities should be allowed in the Institutional District. The rules for testing laboratories and research certificates reads as follows:

MARIJUANA TESTING LABORATORIES

845-025-5000

Laboratory License Privileges

A licensed marijuana testing laboratory may:

- (1) Obtain samples of marijuana items from licensees for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0490;
- (2) Transport and dispose of samples as provided in these rules; and
- (3) Perform testing on marijuana items in a manner consistent with the laboratory's accreditation by the Oregon Health Authority, these rules and OAR 333-007-0300 to 333-007-0490.

845-025-5030

Laboratory Licensing Requirements

(1) General Requirements

- (a) A laboratory that intends to test marijuana items for producer, processor, wholesale or retail licensees must be licensed by the Commission.
- (b) An applicant for a license under this rule must comply with all applicable application requirements in OAR 845-025-1030 and pay the required application and license fees, except that a laboratory licensee is not subject to any residency requirements.
- (c) A laboratory application is subject to the same application review procedures as other applicants.
- (d) In addition to the denial criteria in OAR 845-025-1115, the Commission may refuse to issue a laboratory license for any violation of sections 91 to 99, chapter 614, Oregon Laws 2015, sections 3 to 70, chapter 1, Oregon Laws 2015, or these rules.
- (e) Laboratory application and license fees are established in OAR 845-025-1060.

(2) Accreditation by the Oregon Health Authority

- (a) In addition to the requirements listed in section (1) of this rule, an applicant for a laboratory license must be accredited by the Authority with a scope of accreditation that includes the sampling and testing analysis required in OAR 333-007-0300 to 333-007-0490 prior to exercising the licensed privileges in OAR 845-025-5000.
- (b) An applicant for a license under this rule may apply for licensure prior to receiving accreditation, but the Commission will not issue a license until proof of accreditation is received.
- (c) The Commission may make efforts to verify or check on an applicant's accreditation status during the licensing process, but an applicant bears the burden of taking all steps needed to secure accreditation and present proof of accreditation to the Commission.
- (d) In addition to the denial criteria in OAR 845-025-1115, the Commission may consider an application incomplete if the applicant does not obtain accreditation from the Authority within six months of applying for a license. The Commission shall give an applicant an opportunity to be heard if an application is declared incomplete under this section, but an applicant is not entitled to a contested case proceeding under ORS chapter 183. An applicant whose application is declared incomplete may reapply at any time.
- (e) A licensed laboratory must maintain accreditation by the Authority at all times while licensed by the Commission. If a laboratory's accreditation lapses, is canceled or is suspended at any time for any reason while licensed by the Commission, the laboratory may not engage in any activities permitted under the license until accreditation is reinstated.
- (f) Exercising license privileges while accreditation is suspended or canceled is a Category I violation and could result in license cancellation.

(3) Renewal.

(a) A laboratory must renew its license annually and pay the required renewal fees in accordance with OAR 845-025-1190.

(b) A laboratory renewal application may be denied for any violation of sections 91 to 99, chapter 614, Oregon Laws 2015, sections 3 to 70, chapter 1, Oregon Laws 2015, or these rules.

845-025-5045

Laboratory Tracking and Reporting

(1) A laboratory licensee is required to utilize CTS and follow all requirements established by OAR 845-025-7500 to OAR 845-025-7590.

(2) A laboratory licensee is responsible for tracking and entering the following information into CTS:

(a) Receipt of samples for testing, including:

(A) Size of the sample;

(B) Name of licensee from whom the sample was obtained;

(C) Date the sample was collected; and

(D) UID tag information associated with the harvest or process lot from which the sample was obtained.

(b) Tests performed on samples, including:

(A) Date testing was performed;

(B) What samples were tested for;

(C) Name of laboratory responsible for testing; and

(D) Results of all testing performed. (c) Disposition of any testing sample material.

845-025-5060

Laboratory Transportation and Waste Disposal

(1) A laboratory licensee must follow all rules regarding transportation of marijuana items established in OAR 845-025-7700.

(2) A laboratory licensee must follow all rules regarding disposal of samples from marijuana items established in OAR 845-025-7750.

845-025-5075

Laboratory Licensee Prohibited Conduct

(1) In addition to the prohibitions set forth in OAR 845-025-8520, a laboratory licensee may not:

(a) Perform any required marijuana testing using any testing methods or equipment not permitted under the laboratory's accreditation through the Authority;

(b) Perform any required marijuana testing for any licensed marijuana producer, processor, wholesaler or retailer in which the laboratory licensee has a financial interest; or

(c) Engage in any activity that violates any provision of chapter 1, Oregon Laws 2015, chapter 614, Oregon Laws 2015, OAR 333-007-0300 through OAR 333-007-0490 or OAR 333, Division 64 as applicable or these rules.

(2) The Commission may suspend or cancel a laboratory license for any violation of sections 91 to 99, chapter 614, Oregon Laws 2015, or these rules. The licensee has a right to a hearing under the procedures of ORS chapter 183; OAR chapter 137, division 003; and OAR chapter 845, division 003.

(2) A violation of this rule is a Category I violation and could result in license revocation.

RESEARCH CERTIFICATE

845-025-5300

Application for Marijuana Research Certificate

- (1) The Commission shall issue Marijuana Research Certificates to qualifying public and private researchers who present research proposals that demonstrate:
- (a) The proposed research would benefit the state's cannabis industry, medical research or public health and safety; and
 - (b) The proposed operation and methodology complies with all applicable laws and administrative rules governing marijuana licensees and licensee representatives.
- (2) The process for applying for, receiving and renewing a certificate shall be the same as the process for applying for, receiving and renewing a marijuana license under OAR 845-025-1030 to 845-025-1115 except that an applicant for a Marijuana Research Certificate is not subject to the residency requirements in OAR 845-025-1045(2)(b).
- (3) In addition to the application requirements in OAR-025-1030 the applicant must also provide:
- (a) A clear description of the research proposal;
 - (b) A description of the researchers' expertise in the scientific substance and methods of the proposed research;
 - (c) An explanation of the scientific merit of the research plan, including a clear statement of the overall benefit of the applicant's proposed research to Oregon's cannabis industry, medical research, or to public health and safety;
 - (d) Descriptions of key personnel, including clinicians, scientists, or epidemiologists and support personnel who would be involved in the research, demonstrating they are adequately trained to conduct this research;
 - (e) A clear statement of the applicant's access to funding and the estimated cost of the proposed research;
 - (f) A disclosure of any specific conflicts of interest that the researcher or other key personnel have regarding the research proposal;
 - (g) A description of the research methods demonstrating an unbiased approach to the proposed research; and
 - (h) If the applicant intends to research the use of pesticides, an experimental use permit issued by Oregon Department of Agriculture pursuant to OAR 603-057-0160.
- (4) Research certificates will be granted for up to a three-year term.
- (5) The Commission may request that the research certificate holder submit information and fingerprints required for a criminal background check at any time within the research certificate term.
- (6) A certificate holder may, in writing, request that the Commission waive one or more of these rules. The request must include the following information:
- (a) The specific rule and subsection of a rule that is requested to be waived;
 - (b) The reason for the waiver;
 - (c) A description of an alternative safeguard the licensee can put in place in lieu of the requirement that is the subject of the waiver, or why such a safeguard is not necessary; and
 - (d) An explanation of how and why the alternative safeguard or waiver of the rule protects public health and safety, prevents diversion of marijuana, and provides for accountability.
- (7) The Commission may, in its discretion, and on a case-by-case basis, grant the waiver in whole or in part if it finds:

- (a) The reason the certificate holder is requesting the waiver is because another state or local law prohibits compliance; or
 - (b) The certificate holder cannot comply with the particular rule, for reasons beyond the certificate holder's control or compliance with the rule is cost prohibitive; or
 - (c) Because of the nature of the research, the Commissions finds that compliance with a particular rule is not necessary and that even with the waiver public health and safety can be protected, there is no increased opportunity for diversion of marijuana, and the certificate holder remains accountable.
- (8) The Commission must notify the certificate holder in writing whether the request has been approved. If the request is approved the notice must specifically describe any alternate safeguards that are required and, if the waiver is time limited, must state the time period the waiver is in effect.
- (9) The Commission may withdraw approval of the waiver at any time upon a finding that the previously approved waiver is not protecting public health and safety or the research certificate holder has other issues with compliance. If the Commission withdraws its approval of the waiver the certificate holder will be given a reasonable period of time to come into compliance with the requirement that was waived.

845-025-5350

Marijuana Research Certificate Privileges and Prohibitions

- (1) A certificate holder may receive marijuana items from a licensee or a registrant under ORS 475.300 to 475.346.
- (2) A certificate holder may not sell or otherwise transfer marijuana items to any other person except when disposing of waste pursuant to OAR 845-025-7750, or transferring to another certificate holder.
- (3) A certificate holder may not conduct any human subject research related to marijuana unless the certificate holder has received approval from an institutional review board that has adopted the Common Rule, 45 CFR Part 46.
- (4) All administrative rules adopted by Commission for the purpose of administering and enforcing chapter 1, Oregon Laws 2015; chapter 614, Oregon Laws 2015; and any rules adopted thereunder with respect to licensees and licensee representatives apply to certificate holders except for those which are inconsistent with this rule.

The Newberg Municipal Code states the following regarding retail, wholesale and warehouse:

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:

“Retail sales – general category” means a category of uses under Chapter 15.303 NMC that sell or rent goods to the general public. Items are sold indoors, or, if outdoors, are limited to small items that do not require machinery to load to customers. Most items for sale are stored on or picked up from the site. Operators may be commercial or nonprofit entities.

“Wholesale and industry sales category” means a category of uses under Chapter 15.303 NMC that sell goods or merchandise to retailers, to industrial,

commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services. Items are only occasionally sold directly to the general public.

“**Warehouse, storage and distribution category**” means a category of uses under Chapter 15.303 NMC that involve the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. It includes data centers that store and distribute electronic data. There is little on-site sales activity with the customer present.

Use Categories

15.303.421 Retail sales – General category.

A. Characteristics. General retail sales uses sell or rent goods to the general public. Items are sold indoors, or, if outdoors, are limited to small items that do not require machinery to load to customers. Most items for sale are stored on or picked up from the site. Operators may be commercial or nonprofit entities.

15.303.503 Wholesale and industry sales category.

A. Characteristics. Wholesale sales uses sell goods or merchandise to retailers, to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services. Items are only occasionally sold directly to the general public.

15.303.504 Warehouse, storage and distribution category.

A. Characteristics. Warehouse. Storage and distribution uses involve the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. It includes data centers that store and distribute electronic data. There is little on-site sales activity with the customer present.

	USES	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	
400	COMMERCIAL USES																				
	Retail sales - General						P (20)	P	P (15) (21)	P		P (23)									
500	INDUSTRIAL USES																				

	USES	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
	Wholesale and industry sales						C (31)				P (31)	P	P	P					P(33)	
	Warehouse, storage and distribution										P (32)	P	P	P					P (33)	

Key:

- P: Permitted use
- S: Special use – Use requires a special use permit
- C: Conditional use – Requires a conditional use permit
- X: Prohibited use
- (#): See notes for limitations

Notes.

- (15) Facility over 40,000 square feet gross floor area requires a conditional use permit.
- (20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.
- (23) Limited to secondhand stores.
- (31) Allowed indoors only.
- (32) Allowed indoors only. Outdoor use requires a conditional use permit.
- (33) Must be aviation-related. See Chapter 15.332 NMC.

TIME

HB 3400, Section 33 (ORS 475B.340) allows local governments to regulate the hours of operation (time) of marijuana retail operations. The law reads:

(Land Use)

SECTION 33. Section 59, chapter 1, Oregon Laws 2015, is amended to read:

Sec. 59. *[(1) Cities and counties may adopt reasonable time, place and manner regulations of the nuisance aspects of establishments that sell marijuana to consumers if the city or county makes specific findings that the establishment would cause adverse effects to occur.]*

[(2) The authority granted to cities and counties by this section is in addition to, and not in lieu of, the authority granted to a city or county under its charter and the statutes and Constitution of this state.]

(1) For purposes of this section, “reasonable regulations” includes:

- (a) Reasonable conditions on the manner in which a marijuana producer licensed under section 19, chapter 1, Oregon Laws 2015, may produce marijuana;**
- (b) Reasonable conditions on the manner in which a marijuana processor licensed under section 20, chapter 1, Oregon Laws 2015, may process marijuana;**
- (c) Reasonable conditions on the manner in which a marijuana wholesaler licensed under section 21, chapter 1, Oregon Laws 2015, may sell marijuana at wholesale;**
- (d) Reasonable limitations on the hours during which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may operate;**
- (e) Reasonable conditions on the manner in which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may sell marijuana items;**

(f) Reasonable requirements related to the public's access to a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015; and

(g) Reasonable limitations on where a premises for which a license may be issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, may be located.

(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015, from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015.

(3) Regulations adopted under this section must be consistent with city and county comprehensive plans and zoning ordinances and applicable provisions of public health and safety laws.

Oregon Administrative Rule, Division 25 establishes hours of retail sales to consumers. The rule reads:

845-025-2820

Retailer Operational Requirements

(1) A retailer may:

- (a) Only receive marijuana items from a producer, wholesaler, processor or laboratory;
- (b) Only sell marijuana items to a consumer from the licensed premises, unless sale is made pursuant to a bona fide order as described in OAR 845-025-2880;
- (c) Only sell up to the following amounts at any one time to a consumer within one day:
 - (A) One ounce of usable marijuana;
 - (B) 16 ounces of a cannabinoid product in solid form;
 - (C) 72 ounces of a cannabinoid product in liquid form;
 - (D) Five grams of cannabinoid extracts or concentrate, whether sold alone or contained in an inhalant delivery system;
 - (E) Four immature marijuana plants; and
 - (F) Ten marijuana seeds;
- (d) Refuse to sell marijuana items to a consumer; and

(e) Only sell to consumers between the hours of 7:00 a.m. and 10 p.m. local time.

(2) A retailer may not:

- (a) Provide free samples of a marijuana item to a consumer;
- (b) Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts;
- (c) Require a consumer to purchase other products or services as a condition of purchasing a marijuana item or receiving a discount on a marijuana item;
- (d) Sell a marijuana item for less than the cost of acquisition;
- (e) Provide coupons or offer discounts, except that uniform volume discounts are permitted;
- (f) Permit consumers to be present on the licensed premises or sell to a consumer between the hours of 10:00 p.m. and 7:00 a.m. local time the following day; or

- (g) Sell any product derived from industrial hemp, as that is defined in ORS 571.300, that is intended for human consumption, ingestion, or inhalation, unless it has been tested, labeled and packaged in accordance with these rules.
- (3) A retailer's pricing on marijuana items must remain consistent during each day.
- (4) Prior to completing the sale of a marijuana item to a consumer, a retailer must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:
- (a) Passport;
 - (b) Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
 - (c) Identification card issued under ORS 807.400;
 - (d) United States military identification card; or
 - (e) Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.
- (5) Marijuana items offered for sale by a retailer must be stored in such a manner that the items are only accessible to authorized representatives until such time as the final sale to the consumer is completed.
- (6) For purposes of this rule, "coupon" means any coupon, ticket, certificate token or any other material that a person may use to obtain a price reduction or rebate in connection with the acquisition or purchase of a marijuana item.

There are no additional provisions in ORS or OAR's regarding hours of operation for wholesalers, laboratories or research certificates. For laboratories and research facilities if they were permitted in industrial districts they could be considered to be similar to an industrial operation. The Development Code does not limit hours of operation for industrial type uses. For Medical Marijuana Dispensaries Council adopted operational hours of 9 AM - 8 PM.

MANNER

HB 3400, Section 33 (ORS 475B.340) allows local governments to regulate the manner of recreational marijuana wholesale and retail uses. The law reads:

(Land Use)

SECTION 33. Section 59, chapter 1, Oregon Laws 2015, is amended to read:

Sec. 59. *[(1) Cities and counties may adopt reasonable time, place and manner regulations of the nuisance aspects of establishments that sell marijuana to consumers if the city or county makes specific findings that the establishment would cause adverse effects to occur.]*

[(2) The authority granted to cities and counties by this section is in addition to, and not in lieu of, the authority granted to a city or county under its charter and the statutes and Constitution of this state.]

(1) For purposes of this section, "reasonable regulations" includes:

- (a) Reasonable conditions on the manner in which a marijuana producer licensed under section 19, chapter 1, Oregon Laws 2015, may produce marijuana;**
- (b) Reasonable conditions on the manner in which a marijuana processor licensed under section 20, chapter 1, Oregon Laws 2015, may process marijuana;**
- (c) Reasonable conditions on the manner in which a marijuana wholesaler licensed**

- under section 21, chapter 1, Oregon Laws 2015, may sell marijuana at wholesale;**
- (d) Reasonable limitations on the hours during which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may operate;
- (e) Reasonable conditions on the manner in which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may sell marijuana items;
- (f) Reasonable requirements related to the public's access to a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015; and
- (g) Reasonable limitations on where a premises for which a license may be issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, may be located.
- (2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015, from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015.**
- (3) Regulations adopted under this section must be consistent with city and county comprehensive plans and zoning ordinances and applicable provisions of public health and safety laws.**

HB 3400, Sections 19 and 20 (ORS 475B.215 and ORS 475B.218) establishes requirements for marijuana handlers in recreational marijuana retail operations. The law reads:

(Marijuana Handlers)

SECTION 19. (1) An individual who performs work for or on behalf of a person who holds a license under section 22, chapter 1, Oregon Laws 2015, must have a valid permit issued by the Oregon Liquor Control Commission under section 20 of this 2015 Act if the individual participates in:

- (a) The possession, securing or selling of marijuana items at the premises for which the license has been issued;
- (b) The recording of the possession, securing or selling of marijuana items at the premises for which the license has been issued; or
- (c) The verification of any document described in section 16, chapter 1, Oregon Laws 2015.

(2) A person who holds a license under section 22, chapter 1, Oregon Laws 2015, must verify that an individual has a valid permit issued under section 20 of this 2015 Act before allowing the individual to perform any work described in subsection (1) of this section at the premises for which the license has been issued.

SECTION 20. (1) The Oregon Liquor Control Commission shall issue permits to qualified applicants to perform work described in section 19 of this 2015 Act. The commission shall adopt rules establishing:

- (a) The qualifications for performing work described in section 19 of this 2015 Act;
- (b) The term of a permit issued under this section;
- (c) Procedures for applying for and renewing a permit issued under this section;

and

(d) Reasonable application, issuance and renewal fees for a permit issued under this section.

(2)(a) The commission may require an individual applying for a permit under this section to successfully complete a course, made available by or through the commission, through which the individual receives training on:

(A) Checking identification;

(B) Detecting intoxication;

(C) Handling marijuana items;

(D) The content of sections 3 to 70, chapter 1, Oregon Laws 2015, and rules adopted under sections 3 to 70, chapter 1, Oregon Laws 2015; and

(E) Any matter deemed necessary by the commission to protect the public health and safety.

(b) The commission or other provider of the course may charge a reasonable fee for the course.

(c) The commission may not require an individual to successfully complete the course more than once, except that:

(A) As part of a final order suspending a permit issued under this section, the commission may require a permit holder to successfully complete the course as a condition of lifting the suspension; and

(B) As part of a final order revoking a permit issued under this section, the commission shall require an individual to successfully complete the course prior to applying for a new permit.

(3) The commission shall conduct a criminal records check under ORS 181.534 on an individual applying for a permit under this section.

(4) Subject to the applicable provisions of ORS chapter 183, the commission may suspend, revoke or refuse to issue or renew a permit if the individual who is applying for or who holds the permit:

(a) Is convicted of a felony, except that the commission may not consider a conviction for the manufacture or delivery of marijuana if the date of the conviction is two or more years before the date of the application or renewal;

(b) Violates any provision of sections 3 to 70, chapter 1, Oregon Laws 2015, or any rule adopted under sections 3 to 70, chapter 1, Oregon Laws 2015; or

(c) Makes a false statement to the commission.

(5) A permit issued under this section is a personal privilege and permits work described under section 19 of this 2015 Act only for the individual who holds the permit.

Oregon Administrative Rule, Division 25 establishes requirements for handlers in recreational marijuana retail operations. The rule reads:

MARIJUANA HANDLER PERMITS

845-025-5500

Marijuana Handler Permit and Retailer Requirements

(1) A marijuana handler permit is required for any individual who performs work for or on behalf of a marijuana retailer if the individual participates in:

- (a) The possession, securing or selling of marijuana items at the premises for which the license has been issued;
 - (b) The recording of the possession, securing or selling of marijuana items at the premises for which the license has been issued;
 - (c) The verification of any document described in section 16, chapter 1, Oregon Laws 2015; or
 - (d) The direct supervision of a person described in subsections (a) to (c) of this section.
- (2) An individual who is required by section (1) of this rule to hold a marijuana handler permit must carry that permit on his or her person at all times when performing work on behalf of a marijuana retailer.
- (3) A person who holds a marijuana handler permit must notify the Commission in writing within 10 days of any conviction for a misdemeanor or felony. (4) A marijuana retailer must verify that an individual has a valid marijuana handler permit issued in accordance with OAR 845-025-5500 to 845-025-5590 before allowing the individual to perform any work at the licensed premises.

845-025-5520

Marijuana Handler Applications

- (1) In order to obtain a marijuana handler permit an individual must submit an application on a form prescribed by the Commission. The application must contain the applicant's:
- (a) Name;
 - (b) Mailing address;
 - (c) Date of birth;
 - (d) Signature; and
 - (e) Response to conviction history questions.
- (2) In addition to the application an applicant must submit:
- (a) A copy of a driver's license or identification card issued by one of the fifty states in the United States of America or a passport;
 - (b) The applicable fee as specified in OAR 845-025-1060; and
 - (c) Proof of having completed a marijuana handler education course and passed the examination.
- (3) If an application does not contain all the information requested or if the information and fee required in section (2) of this rule is not provided to the Commission, the application will be returned to the individual as incomplete, along with the fee.
- (4) If an application is returned as incomplete, the individual may reapply at any time.

845-025-5540

Marijuana Handler Permit Denial Criteria

- (1) The Commission must deny an initial or renewal application if the applicant:
- (a) Is not 21 years of age or older; or
 - (b) Has not completed the marijuana handler education course and passed the examination.
- (2) The Commission may deny a marijuana handler permit application, unless the applicant shows good cause to overcome the denial criteria, if the applicant:
- (a) Has been convicted of a felony, except for a felony described in section 20(4)(a), chapter 614, Oregon Laws 2015;
 - (b) Has violated a provision of sections 3 to 70, chapter 1, Oregon Laws 2015, or these rules; or
 - (c) Makes a false statement to the Commission.
- (3) If the Commission denies an application under subsection (2)(b) or (c) of this rule the individual may not reapply within two years of the date the Commission received the

application. (4) A Notice of Denial must be issued by the Commission in accordance with ORS 183. Stat.

845-025-5560

Marijuana Handler Course Education and Examination Requirements

- (1) An individual must, prior to applying for a marijuana handler permit, complete an approved marijuana handler education course, pass the required examination, and pay the fee specified in OAR 845-025-1060.
- (2) An individual must score at least 70 percent on the marijuana handler course examination in order to pass.
 - (a) An individual who does not pass the examination may retake the examination up to two times within 90 days of the date the individual took the course. If the individual fails to pass both retake examinations the individual must retake the handler education course.
- (3) An individual must take a marijuana handler education course at least every five years prior to applying for renewal of a marijuana handler permit.
- (4) The Commission may require additional education or training for permit holders at any time, with adequate notice to permit holders.

845-025-5580

Marijuana Handler Renewal Requirements

- (1) An individual must renew his or her marijuana handler permit every five years by submitting a renewal application, on a form prescribed by the Commission and the applicable fee specified in OAR 845-025-1060.
- (2) Renewal applications will be reviewed in accordance with OAR 845-025-5520 and 845-025-5540.

845-025-5590

Suspension or Revocation

- (1) The Commission may suspend or cancel the permit of any marijuana handler if the handler:
 - (a) Has been convicted of a felony, except for a felony described in section 20, chapter 614, Oregon Laws 2015(4)(a);
 - (b) Has violated a provision of sections 3 to 70, chapter 1, Oregon Laws 2015, or these rules; or
 - (c) Makes a material false statement to the Commission.
- (2) If an individual's permit is canceled under sections (1)(b) or (c) of this rule the individual may not reapply within two years from the date a final order of revocation is issued.
- (3) A notice of suspension or revocation must be issued by the Commission in accordance with ORS 183.

There are a variety of other operational requirements for recreational marijuana retail operations. These include Bonds and Liability Insurance (HB 3400, Sections 21 and 22); Tracking system for sales (HB 3400, Section 23 and OAR 845-025-7500 thru 845-025-7590); Identification requirements (HB 3400, Section 24); Protect Individuals Under the Age of 21 (HB 3400, Sections 25 - 28); Testing of Marijuana Products (HB 3400, Sections 91- 99 and OAR 845-025-5700 thru 845-025-5740); Labeling and Packaging (HB 3400, Sections 100 – 112 and 845-025-7000 thru 845-025-760); Delivery (OAR 845-025-7700); Advertising (OAR 845-025-8000 thru 845-025-8080); Security and Alarm System (OAR 845-025-1400 thru 845-025-1460); Prizes and Giveaways (HB 3400, Section 49).

Staff therefore proposes the following code amendments for Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers:

- Add Recreational Marijuana Laboratories as a permitted use in C-1, C-2, C-3, C-4, C-1/SP, C-2/LU, C-2/PD, C-2/SP, C-3/LU, SD/V, SD/NC, SD/H, M-1, M-2, M-3, M-4-I, M-4-C, SD/E, M-1/SP, II, AIO and CC.
- Add Recreational Marijuana Research Certificates as a permitted use in C-1, C-2, C-3, C-4, C-1/SP, C-2/LU, C-2/PD, C-2/SP, C-3/LU, SD/V, SD/NC, SD/H, M-1, M-2, M-3, M-4-I, M-4-C, SD/E, M-1/SP, II, AIO and CC.
- Add Recreational Marijuana Retailers as a permitted use in C-1, C-2, C-3, C-4, C-1/SP, C-2/LU, C-2/PD, C-2/SP, C-3/LU, SD/V, SD/NC and SD/H with footnotes for a 1,000 foot buffer from parks and schools, 1,000 foot separation between marijuana retailers and marijuana retailers to marijuana dispensaries, and operating hours limited to the hours between 9 AM and 8 PM.
- Add Recreational Marijuana Wholesalers as a conditional use in C-2 with footnotes allowed indoors only and 1,000 foot buffer from parks and schools.
- Add Recreational Marijuana Wholesalers as a permitted use in M-1, M-2, M-3, M-4-I, M-1/SP, SD/E and II with footnote 1,000 foot buffer from parks and schools.
- Prohibits Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers in the Stream Corridor Overlay.
- Prohibits Recreational Marijuana Wholesalers and Retailers in the Civic Corridor Overlay.
- Prohibits Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers in the Bypass Interchange Overlay.
- Prohibits Recreational Marijuana Wholesalers, Laboratories and Research Certificates in the Interim Industrial Overlay.
- Prohibits Recreational Marijuana Retailers in the Interim Industrial Overlay.

Attachments 3 through 5 are maps depicting the 1,000 foot buffers from schools and parks recommended by the Subcommittee and Planning Commission.

F. MARIJUANA SUBCOMMITTEE RECOMMENDATION: The Subcommittee developed the following recommendations.

Retail

- a. Not allow retail as a permitted use in residential districts R-1, R-2, R-3, R- 4, AR, RP, and all residential subdistricts.
- b. Allow retail as a permitted use in all commercial zones except Civic Corridor with a footnote regarding the 1,000 foot buffer from schools and parks as noted on the third map in the packet.

- c. Not allow retail in industrial districts and subdistricts.
- d. Not allow wholesale or retail in community facilities and institutional.
- e. Change the hours of operation for retail to 9 am to 8 pm.

Wholesale

- a. Allow wholesale as a permitted use in all residential categories including the subdistricts with no product allowed on the premises.
- b. Allow wholesale as a conditional use in C-2 only with a footnote regarding indoor use only and new footnote regarding the 1,000 foot buffer from schools and parks.
- c. Not allow wholesale or retail in community facilities and institutional.
- d. Allow wholesale as a permitted use in all industrial districts and subdistricts, except Airport Industrial, with a footnote regarding the 1,000 foot buffer from schools and parks.
- e. Not allow retail or wholesale in the other subdistricts.

Laboratories and Research Certificates

- a. Allow laboratories and research in all commercial districts and sub-districts, institutional districts, and all industrial districts and sub-districts, except AI. They are not allowed in all other districts, such as residential, community facilities, and other.

G. PLANNING COMMISSION RECOMMENDATION: The Newberg Planning Commission held a public hearing on April 14, 2016, heard public testimony, and approved Resolution 2015-314, which recommends that the City Council:

- Add Recreational Marijuana Laboratories as a permitted use in C-1, C-2, C-3, C-4, C-1/SP, C-2/LU, C-2/PD, C-2/SP, C-3/LU, SD/V, SD/NC, SD/H, M-1, M-2, M-3, M-4-I, M-4-C, SD/E, M-1/SP, II, AIO and CC.
- Add Recreational Marijuana Research Certificates as a permitted use in C-1, C-2, C-3, C-4, C-1/SP, C-2/LU, C-2/PD, C-2/SP, C-3/LU, SD/V, SD/NC, SD/H, M-1, M-2, M-3, M-4-I, M-4-C, SD/E, M-1/SP, II, AIO and CC.
- Add Recreational Marijuana Retailers as a permitted use in C-1, C-2, C-3, C-4, C-1/SP, C-2/LU, C-2/PD, C-2/SP, C-3/LU, SD/V, SD/NC and SD/H with footnotes for a 1,000 foot buffer from parks and schools, 1,000 foot separation between marijuana retailers and marijuana retailers to marijuana dispensaries, and operating hours limited to the hours between 9 AM and 8 PM.
- Add Recreational Marijuana Wholesalers as a conditional use in C-2 with footnotes allowed indoors only and 1,000 foot buffer from parks and schools.
- Add Recreational Marijuana Wholesalers as a permitted use in M-1, M-2, M-3, M-4-I, M-1/SP, SD/E and II with footnote 1,000 foot buffer from parks and schools.
- Prohibits Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers

in the Stream Corridor Overlay.

- Prohibits Recreational Marijuana Wholesalers and Retailers in the Civic Corridor Overlay.
- Prohibits Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers in the Bypass Interchange Overlay.
- Prohibits Recreational Marijuana Wholesalers, Laboratories and Research Certificates in the Interim Industrial Overlay.
- Prohibits Recreational Marijuana Retailers in the Interim Industrial Overlay.

The Planning Commission modified the recommendation from the Subcommittee by removing wholesalers as a permitted use in residential districts and subdistricts based on the Oregon Liquor Control Commission definition of a premises and understanding that licenses will not be issued where it is a primary residence. They also added a requirement for a 1,000 separation between retail marijuana businesses and a 1,000 foot separation between retail marijuana businesses and medical marijuana dispensaries.

FISCAL IMPACT: The fiscal impact of allowing recreational marijuana wholesalers, laboratories, research certificates and retailers is unknown at this time, but it is anticipated the State would provide State shared revenue from taxes collected to the City.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): Recreational Marijuana wholesalers, laboratories, research certificates and retailers are legal activities under state law, and the city wishes to allow businesses the opportunity to operate in the city. Zoning restrictions on the uses are appropriate to address potential adverse impacts on adjacent uses.

ATTACHMENTS:

Ordinance 2016-2801 with

Exhibit "A": Proposed Development Code Text Amendment

Exhibit "B": Findings

1. City Council Resolution 2015-3253
2. Public Comments
3. 1,000 foot Schools Buffer Map
4. 1,000 foot Parks Buffer Map
5. 1,000 foot Schools/Parks Buffer Map
6. Planning Commission Resolution No. 2016-314



ORDINANCE No. 2016-2801

AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE REGARDING RECREATIONAL MARIJUANA WHOLESALERS, LABORATORIES. RESEARCH CERTIFICATES PRODUCERS AND RETAILERS; AND DECLARING AN EMERGENCY

RECITALS:

1. Measure 91 was approved by Oregon voters in November 2014 and House Bill 3400 was enacted by the Oregon Legislature in 2015 related to recreational marijuana.
2. The Oregon Liquor Control Commission adopted temporary Oregon Administrative Rules (OAR's) on October 22, 2015 that were subsequently modified on November 20, 2015 for recreational marijuana under Chapter 845, Division 25.
3. The Newberg City Council established the Marijuana Subcommittee on September 8, 2015 to review and provide recommendations on local place, time and manner regulations for recreational marijuana.
4. The Newberg City Council initiated a potential amendment to Newberg's Development Code regarding recreational marijuana wholesalers, laboratories, research certificates and retailers on February 1, 2016, under City Council Resolution 2015-3253.
5. The Marijuana Subcommittee met on February 4, 2016 and developed recommendations to the Planning Commission on recreational marijuana wholesalers, laboratories, research certificates and retailers.
6. After proper notice, the Newberg Planning Commission held a hearing on April 14, 2016 to consider the amendment for recreational marijuana wholesalers, laboratories, research certificates and retailers. The Commission considered testimony, deliberated, and found that adding regulations for recreational marijuana wholesalers, laboratories, research certificates and retailers would be in the best interests of the city. The Planning Commission approved Resolution 2016-314, which recommends that the City Council adopt the proposed amendments to the Newberg Development Code.
7. After proper notice, the Newberg City Council held a hearing on May 16, 2016 to consider the proposed amendment. The Council considered testimony and deliberated.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Council finds that adding regulations for recreational marijuana wholesalers, laboratories, research certificates and retailers would be in the best interests of the city. The Council adopts

the amendments to the Newberg Development Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.

2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.
3. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect immediately upon passage by the council and signature of the mayor.

➤ **EFFECTIVE DATE** of this ordinance is of this ordinance is May 17, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of May, 2016, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of _____, 2016.

Bob Andrews, Mayor

**Exhibit “A” to Ordinance 2016-2801
Development Code Amendments –File DCA-16-001
Recreational Marijuana Wholesalers,
Laboratories, Research Certificates and
Retailers**

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

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

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:

“Marijuana Laboratory” means a laboratory certified by the Oregon Health Authority under ORS 438.605 to 438.620 and authorized to test marijuana items for purposes specified in these rules.

“Marijuana Retailer” means a marijuana retailer licensed by the Oregon Liquor Control Commission.

“Marijuana Wholesaler” means a marijuana wholesaler licensed by the Oregon Liquor Control Commission.

Section 2. Newberg Development Code, Zoning Use Table, Section 15.305.020 shall be amended to read as follows:

See Exhibit A, Attachment 1

Section 3. Newberg Development Code, Zoning Use Table, Section 15.305.030 shall be amended to read as follows:

See Exhibit A, Attachment 2

Section 4. Newberg Development Code, Stream Corridor Overlay Subdistrict, Section 15.342.110 is amended to read as follows:

15.342.110 Prohibited uses and activities.

The following activities or **uses** are prohibited within this subdistrict:

- A. Except as provided in NMC [15.342.040\(R\)](#), the planting or propagation of any plant identified as a nuisance plant as determined by a qualified botanist or indicated as a nuisance plant on the Newberg plant list.
- B. The removal of native trees that are greater than six inches in diameter at breast height, except as is otherwise permitted within this chapter.
- C. Any **use** dealing with hazardous substances or materials, including but not limited to gas service stations.
- D. Public pathways, except those in conjunction with public lands, public **parks** or public **easements** that have been acquired by other than eminent domain. [Ord. [2451](#), 12-2-96. Code 2001 § 151.475.]
- E. Recreational Marijuana Producer and Recreational Marijuana Processor.
- F. Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers.

Section 5. Newberg Development Code, Civic Corridor Overlay Subdistrict, Section 15.350.030 is amended to read as follows:

15.350.030 Permitted buildings and uses.

All **uses** permitted in the underlying primary district are permitted within the CC subdistrict except as follows:

A. In addition to the **buildings** and **uses** permitted conditionally in NMC [15.305.020](#), the **planning commission** may grant a **conditional use permit** for any of the following **buildings** and **uses** in accordance with a Type III procedure:

1. Facilities which exist for the purpose of providing for the temporary care and/or lodging of adult indigent **persons**.

2. **Hospitals**.

B. The following **uses** are prohibited within the CC subdistrict:

1. **Automobile sales**, new and used.

2. Car washes, coin-operated or mechanical.

3. Garages, repair.

4. Service stations. [Amended during 11/13 supplement; Ord. [2561](#), 4-1-02. Code 2001 § 151.526.3.]

5. Recreational Marijuana Producer and Recreational Marijuana Processor.

6. Recreational Marijuana Wholesalers and Retailers.

Section 6. Newberg Development Code, Bypass Interchange Overlay, Section 15.356.050 is amended to read as follows:

15.356.050 Prohibited uses.

A. Several commercial types of **uses** are permitted outright or with conditional **use** approval in Newberg's industrial districts (M-1, M-2, and M-3). The area within the Newberg UGB near the Oregon 219 Interchange is generally planned for industrial **use**. To protect the interchange area from commercial development, the following **uses** are prohibited within the M-1, M-2, and M-3 districts within the boundaries of the bypass interchange overlay:

1. **Automobile sales**, new and used.
2. Billboards.
3. Car washes.
4. Convenience grocery stores.
5. **Restaurants** larger than 2,000 square feet or with drive-up service windows.
6. Service stations.
7. Drive-in theaters.
8. Auction sales.
9. Bakeries, retail.
10. **Building** material sales.
11. Driving ranges.
12. Feed and seed stores.
13. Miniature **golf courses**.
14. Skating rinks.
15. Recreational Marijuana Producer and Recreational Marijuana Processor.
16. Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers.

B. The industrial commercial subdistrict of the M-4 district shall not be applied within the boundaries of the BI overlay. [Ord. [2734](#) § 1 (Exh. B), 3-7-11; Ord. [2708](#) § 2, 12-1-08; Ord. [2602](#), 9-20-04. Code 2001 § 151.531.4.]

Section 7. Newberg Development Code, Interim Industrial Overlay, Section 15.358.030 is amended to read as follows:

15.358.030 Permitted uses.

All **uses** of land and water that are permitted in the underlying zoning district(s) are also permitted in the interim industrial overlay, with the exception of those **uses** listed in NMC 15.358.050. In addition, the following are permitted:

- A. Contractor's equipment or storage.
- B. Construction material storage. [Ord. 2720 § 1(5), 11-2-09. Code 2001 § 151.532.2.]
- C. Recreational Marijuana Producer (indoor).
- D. Recreational Marijuana Wholesalers, Laboratories, Research Certificates.

Section 8. Newberg Development Code, Interim Industrial Overlay, Section 15.358.050 is amended to read as follows:

15.358.050 Prohibited uses.

The following **uses** are prohibited in the interim industrial overlay:

- A. **Cemeteries.**
- B. Garbage dumps, sanitary landfills.
- C. **Parks.**
- D. Permanent **buildings.**
- E. **Wrecking yards** for motor vehicles, **building** materials, and other similar items.
[Ord. 2720 § 1(5), 11-2-09. Code 2001 § 151.532.4.]
- F. Recreational Marijuana Processor.
- G. Recreational Marijuana Retailers.

**Exhibit “B” to Ordinance 2016-2801
Findings –File DCA-16-001
Recreational Marijuana Wholesalers,
Laboratories, Research Certificates and Retailers**

I. Statewide Planning Goals - relevant goals

Goal 1, Citizen Involvement, requires the provision of opportunities for citizens to be involved in all phases of the planning process.

Finding: The City Council initiated the potential development code amendment at a public meeting on February 1, 2016. The Marijuana Subcommittee meet on February 4, 2016 at a public meeting to review potential place, time and manner regulations for Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers. The Planning Commission, after proper notice, held a public hearing on April 14, 2016. The City Council considered the recommendation of the Planning Commission at a public hearing on May 16, 2016 and decided whether or not to adopt the development code amendment. The development code amendment process provides opportunity for public comments throughout the planning process.

Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions.

Finding: The Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers proposal is supportive of this goal because it was developed following city procedures for legislative action.

II. Newberg Comprehensive Plan - relevant policies

A. CITIZEN INVOLVEMENT GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: The City Council initiated the potential development code amendment at a public meeting on February 1, 2016. The Marijuana Subcommittee meet on February 4, 2016 at a public meeting to review potential place, time and manner regulations for Recreational Wholesalers, Laboratories, Research Certificates and Retailers. The Planning Commission, after proper notice, held a public hearing on April 14, 2016. The City Council considered the recommendation of the Planning Commission at a public hearing on May 16, 2016 and decided whether or not to adopt the development code amendment. The development code amendment process provides opportunity for public comments throughout the planning process.

B. LAND USE PLANNING GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: The Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers proposal is supportive of this goal because it was developed following city procedures for legislative action.

H. THE ECONOMY GOAL: To develop a diverse and stable economic base.

1. General Policies

c. The City will encourage the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.

g. The City shall encourage business and industry to locate within the Newberg City limits.

Finding: The city encourages new businesses to develop within the city. A Recreational Marijuana Wholesale, Laboratory, Research Certificate and Retail operations are a legal operation under State law. Allowing Recreational Marijuana Wholesale, Laboratory, Research Certificate and Retail operations as a permitted or conditional use as represented in Exhibit A, Attachments 1 and 2 is consistent with this Comprehensive Plan goal.

III. **Conclusion:** The proposed development code amendments meet the applicable requirements of the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.

Exhibit A, Attachment 1

Chapter
15.305
ZONING
USE

15.305.020 Zoning use table - Use Districts.

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
100	AGRICULTURAL USES																			
Def.	Horticulture	P	P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	
Def.	Livestock and poultry farming	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Def.	Home gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	Home livestock and poultry raising	S	S															S		NMC Title 6
200	RESIDENTIAL USES																			
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)		Subject to density limits of NMC15.405.010(B)
Def.	Dwelling, single-family attached	S(2)	S	S(3)		S		C(4)	C(5)								P	P(6)		NMC15.415.050; subject to density limits of NMC15.405.010(B)
Def.	Manufactured home on individual lot	S(2)	S	S(3)	P(7)	S												P(6)		NMC15.445.050 –15.445.070; subject to density limits of NMC15.405.010(B)
Def.	Manufactured dwelling park		S	S	S															NMC15.445.075 –15.445.160
Def.	Mobile home park		S	S	S															NMC15.445.075 –15.445.160
Def.	Manufactured home subdivision		S		S															NMC15.445.075 –15.445.160
Def.	Dwelling, two-family (duplex)	P(2)	P	P	C	P		C(4)	P(8)/C(5)								P			Subject to density limits of NMC15.405.010(B)
Def.	Dwelling, multifamily	C	P	P	C	P		C(4)	P(8)/C(5)								P			Subject to density limits of NMC15.405.010(B)
Def.	Dwelling, accessory	C	S	S		S											S			Chapter 15.445 NMC, Article V
Def.	Dwelling, mixed use						P(9)	P(10)	P(8)/C(5)	P(11)	C	C								
Def.	Dwelling, caretaker										P	P	P	C					P(12)	Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
Def.	Dormitory		C	P		P											P			
Def.	Home occupation (no more than one outside paid employee)	S	S	S(13)	S	S	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S	S	S(13)	NMC15.415.060
Def.	Home occupation (more than one outside paid employee)	C	C	C(13)	C	C	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C	C	C(13)	NMC15.415.060
300	INSTITUTIONAL AND PUBLIC USES																			
310	INSTITUTIONAL CARE AND HOUSING																			
Def.	Family child care home	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(13)		Chapter 657AORS
312	Day care	P	P	P	C	P	P	P	P		C	C	C	C	P		P		P(14)	Chapter 657AORS
Def.	Residential care home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(13)		ORS 197.665
Def.	Residential care facility (6 – 15 people)	C	P	P	C	P		C	C								P			ORS 197.665
315	Group care facility (16+ people)	C	C	C		C		C									P			
316	Hospital	C	C	C		C		P	P								P			
Def.	Prison										C	C	C	C						
320	ASSEMBLY																			
321	Religious institution, place of worship	P	P	P	P	P	P	P	P	P		P(29)					C	P		
322	Private club, lodge, meeting hall			C	C			P	P	C							P			
330	SCHOOLS																			

- (9) Permitted on the ground floor, one per **lot** in conjunction with any other **use** permitted or conditional **use** in the C-1 zone. On upper floors, **dwelling units** are unlimited and one **parking space** per **dwelling unit** is required.
- (10) Permitted above any permitted **use** in the C-2 zone. There shall be no density limitation. Parking shall be provided in **private parking areas** or garages on the basis of one **parking space** for each **dwelling unit**.
- (11) Must be located above ground floor commercial uses.
- (12) One residence of area not more than 40 percent of the area of the **hangar** floor, up to a maximum of 1,500 square feet, for an **airport** caretaker or security officer on each separate **parcel**.
- (13) Permitted in existing **dwelling units** only. New **dwelling units** may not be created for this **use** unless the **dwelling unit** would otherwise be allowed.
- (14) Allowed exclusively for employers or employees of businesses located within this district.
- (15) Facility over 40,000 square feet **gross floor area** requires a **conditional use permit**.
- (16) Allowed in areas designated in industrial area plans.
- (17) Limited to facilities owned or operated by a public agency.
- (18) Parking garages are a conditional **use**, and must have first floor **street** frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A **conditional use permit** is required if the facility is less than 2,000 feet from the nearest **telecommunication facility**.
- (20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a **conditional use permit**. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in **use** will not be allowed.
- (22) Retail sales of goods on site not allowed.
- (23) Limited to secondhand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) **Use** must demonstrate that it is compatible with **airport** operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.
- (29) Permitted provided the **structure** is designed for easy conversion to industrial **use**, including not having fixed seating.
- (30) Limited to 10,000 square feet maximum floor area.
- (31) Allowed indoors only.
- (32) Allowed indoors only. Outdoor **use** requires a **conditional use permit**.
- (33) Must be aviation-related. See Chapter 15.332 NMC.
- (34) Limited to expansion or change of existing heavy manufacturing uses.
- (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 elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030
- (1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 8:00 p.m.
- (36) Allows up to 12 mature plants; indoor operations only.
- (37) Indoor use only.
- (38) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational processor, wholesaler or retailer.
- (39) 1,000 foot separation between retailer to retailer premises and 1,000 foot separation between retailer to dispensary premises.
- (40) Operating hours limited to the hours between 9:00 a.m. and 8:00 p.m.

1 Code reviser's note: Section 25 of Ordinance 2763 provides:

SECTION 25: Grace period for previously permitted or conditional uses. Where an **applicant** demonstrates that a particular **use** was a permitted or conditional **use** on a specific property immediately prior to adoption of this ordinance, but that the **use** is no longer either a permitted or conditional **use** on that property due to this ordinance, the **applicant** may establish the **use** as either a permitted or conditional **use**, as provided in the prior **code**, provided the **use** is legally commenced prior to January 1, 2018.

Exhibit A, Attachment 2

15.305.030 Zoning use table - Use Subdistricts.

600	MISCELLANEOUS USES	R-1/PD	R-1/0.1	R-1/0.4	R-1/6.6	R-1/SP	R-2/PD	R-2/SP	SD/LDR	SD/MMR	R-3/PD	RP/SP	RP/LU	AO	ARO	C-1/SP	C-2/LU	C-2/PD	C-2/SP	C-3/LU	SD/V	SD/NC	SD/H	CC	CF/RF	RF	IO	M-1/SP	SD/E	FHO	II	AIO	H	SC	BI
	Medical Marijuana Processor																											P	P						
	Medical Marijuana Grow Site	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Recreational Marijuana Processor	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X
	Recreational Marijuana Producer (Indoor)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	P	X	X	X	X
	Recreational Marijuana Producer (Outdoor)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C	X	C	X	X	X	X
	<u>Recreational Marijuana Retailer</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	P(1)/(2)/(3)	X	X	X	X	X	X	X	X	X
	<u>Recreational Marijuana Wholesaler</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P(1)	P(1)	X	P(1)	X	X	X	X
	<u>Recreational Marijuana Laboratories</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	X	X	X	P	P	X	P	P	X	X
	<u>Recreational Marijuana Research Certificate</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	X	X	P	P	P	X	P	P	X	X

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#): See notes for limitations

(1) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational retailer or wholesaler.

(2) 1,000 foot separation between retailer to retailer premises and 1,000 foot separation between retailer to dispensary premises.

(3) Operating hours limited to the hours between 9:00 a.m. and 8:00 p.m.

RESOLUTION No. 2016-3253

A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE FOR PLACE, TIME AND MANNER REGULATIONS FOR RECREATIONAL MARIJUANA WHOLESALERS, LABORATORIES, RESEARCH CERTIFICATES AND RETAILERS

RECITALS:

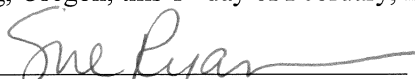
1. The Oregon Legislature enacted four bills during the 2015 legislative session related to the Oregon Medical Marijuana Act and Measure 91. House Bill (HB) 3400 was the omnibus bill covering recreational marijuana and modifications to the medical marijuana program.
2. On September 8, 2015 the Newberg City Council was provided background information on medical and recreational marijuana at its Work Session. At its Business Session on September 8th the City Council established the Marijuana Subcommittee (Subcommittee) comprised of Councilors Rourke, Bacon and McKinney along with non-voting member Mayor Andrews.
3. The Subcommittee held its third meeting on January 12, 2016. A proposed timeline was included in their packet of material to address recreational marijuana place, time and manner for recreational wholesalers, laboratories, research certificates and retailers. The Oregon Liquor Control Commission has indicated they will start issuing licenses for retailers in the 3rd Quarter of 2016.
4. The Subcommittee subsequently passed a motion 3-0 directing staff to create a Request for Council Action to initiate the Development Code amendment process for Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers to bring forward for Council consideration on February 1, 2016.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council initiates an amendment to the Newberg Municipal Code, Title 15 Development Code for Place, Time and Manner Regulations for Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers. This starts the public process to study the proposed amendments.
2. By initiating this amendment, the council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration in a public hearing.

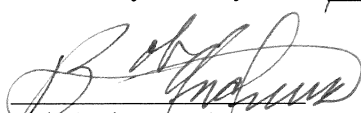


EFFECTIVE DATE of this resolution is the day after the adoption date, which is: February 2, 2016
ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of February, 2016.



Sue Ryan, City Recorder

ATTEST by the Mayor this 4th day of February, 2016.



Bob Andrews, Mayor

Doug Rux

From: Sue Ryan
Sent: Tuesday, January 19, 2016 11:33 AM
To: Doug Rux
Subject: FW: Recreational sales

Please advise
sue

From: Steve Rhodes
Sent: Tuesday, January 19, 2016 11:29 AM
To: Sue Ryan
Subject: Re: Recreational sales

Check with Doug.

Sent from my iPad

On Jan 19, 2016, at 10:38 AM, Sue Ryan <Sue.Ryan@newbergoregon.gov> wrote:

Do you want me to forward this to Council ?
Sue

Sue Ryan
City Recorder
City of Newberg
cityrecorder@newbergoregon.gov
(503) 537-1283

OREGON PUBLIC RECORD

Messages to and from this email address may be subject to the Oregon Public Records Law.

From: Leif Patterson [<mailto:leifer956@gmail.com>]
Sent: Monday, January 18, 2016 5:18 PM
To: Sue Ryan
Subject: Recreational sales

Hello, as a Newberg resident I feel compelled to offer my two cents that we should allow recreational marijuana sales. Most of the neighboring towns are benefiting from this program and the tax revenue it generates. Currently, I drive into Portland a few times a week to purchase products there. I spend money on food, gas etc that would all be spent in Newberg if rec sales were allowed. Lets stop sending revenue elsewhere and start keeping it here for our schools, roads and other public services.

Thanks for your time,
Leif

Canna Bros. Dispensary

2316 E Portland Rd Unit C-2 • Newberg, OR 97132 • Phone: (503)487-6184
E-Mail: oregoncannabros@gmail.com

Date: 04.14.2016

Dear Members of the Newberg Planning Commission,

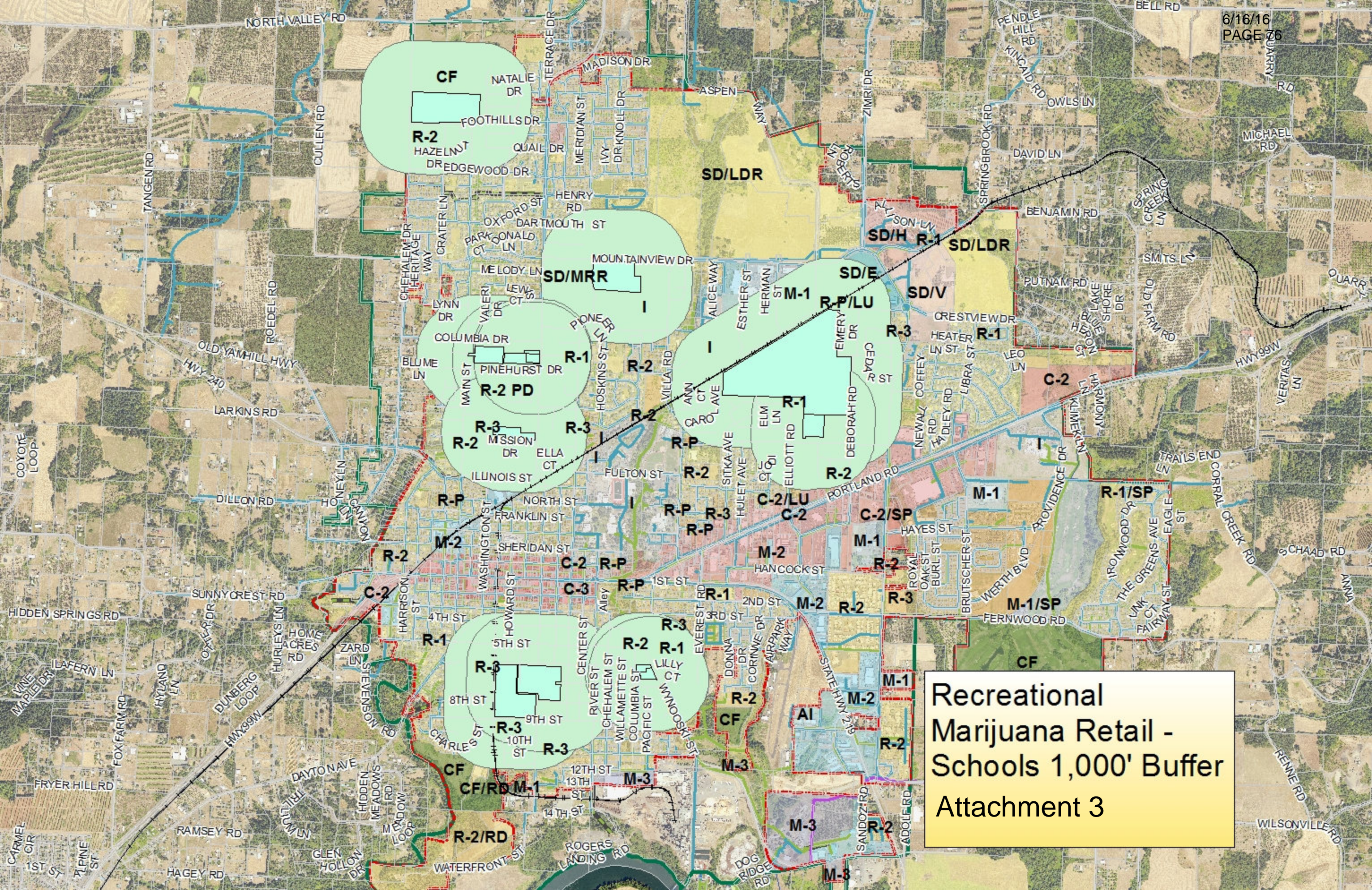
I would like to bring to your attention the strong reasoning to follow the direction of many Oregon cities in opting to require a 1000' buffer between medical marijuana dispensaries and recreation marijuana stores locations. For example the City of Portland is requiring such a 1000' buffer, and giving existing dispensaries a grandfathered in right for priority over new recreational stores, since the vast majority will all become OLCC stores by 2017.

The reason pot friendly Portland has created additional regulations comes down to the continuing influx of investors from across the country wishing to profit on the "green rush." Portland has allowed dispensaries for some time now, going from 68 locations in late 2014 to an incredible 164 locations currently, according to the OHA online directory. The result is many of Portland's commercial corridors are now "green" light districts. Without the extra limiting factor of a 1000' buffer between OLCC stores, Portland neighborhoods would become even more inundated with this over-saturated abundance of marijuana businesses serving the 21 & over adult market. This would displace family friendly businesses (cafes, bookstores, restaurants, etc) to the point where it has a negative impact on the livability and quality of neighborhoods. With Portland requiring a 1000' buffer, locations are becoming scarce, prospective storeowners are looking elsewhere. It is fair to say without additional limiting factors like Portland, the 3-miles of 99 W through Newberg could be a strip of green crosses and pot leaves. As a comparison, the 3-mile stretch of Barbur Blvd coming in SW Portland has 6 marijuana dispensaries. This has occurred with a 1000' buffer, imagine without a buffer!

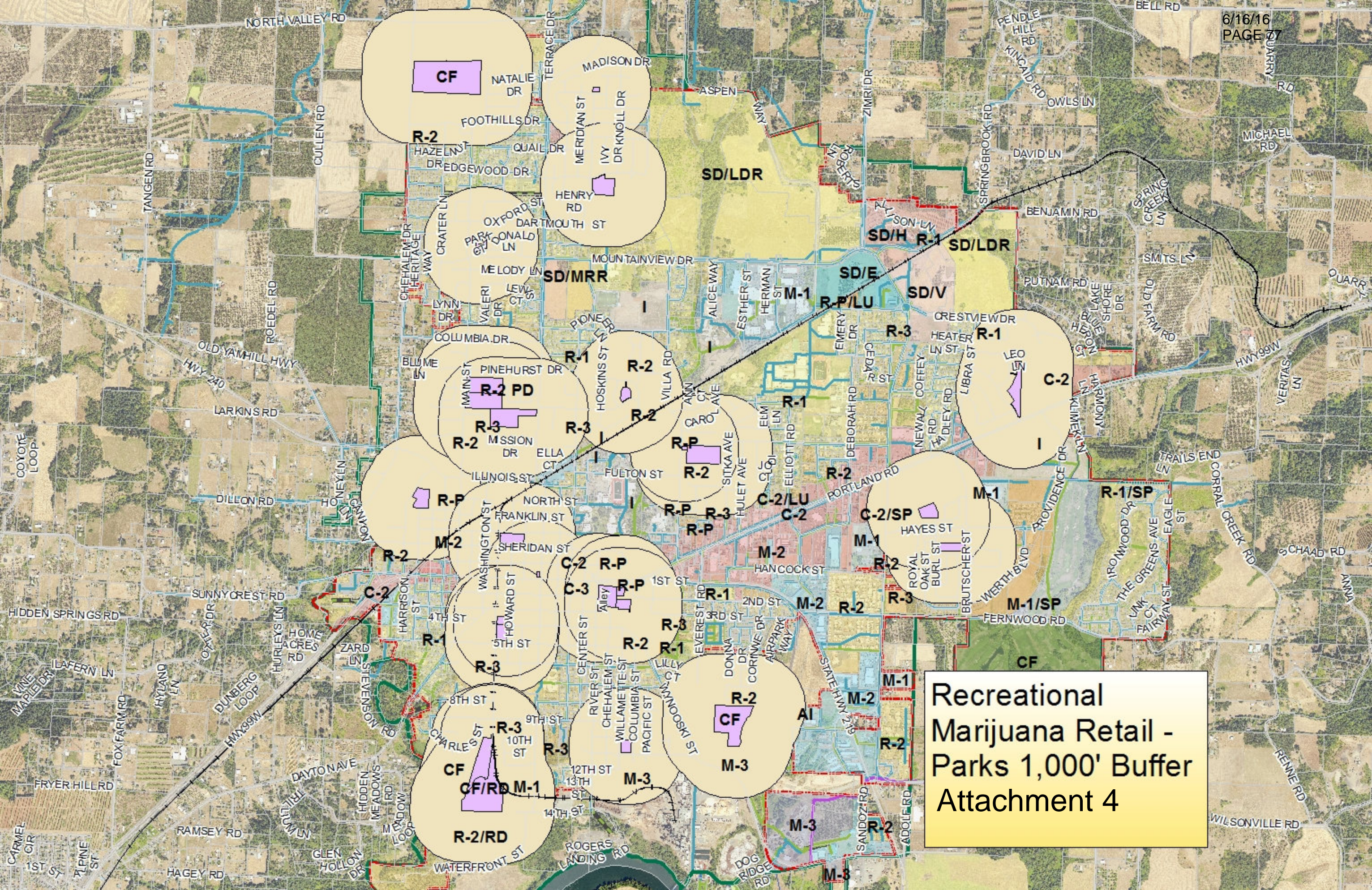
How many marijuana dispensaries and marijuana stores do the citizens of Newberg really need or want? Access should be fair and legal for marijuana, similar to liquor, lotto, etc. However, this must be balanced with the over all needs of the community. Thus Newberg should error on the side of caution and enact a 1000' buffer between retail locations, so the citizens are not bombarded by marijuana for sale on every block and the number of marijuana stores isn't a blight on the city. It would be easier to relax the rules in the future if necessary then to retroactively reduce the number of marijuana retailers. As an analogy, I appreciate there being a liquor store in the city for the convenience, but I would not want to live with my family in a city that allowed a liquor store on every corner.

Sincerely,

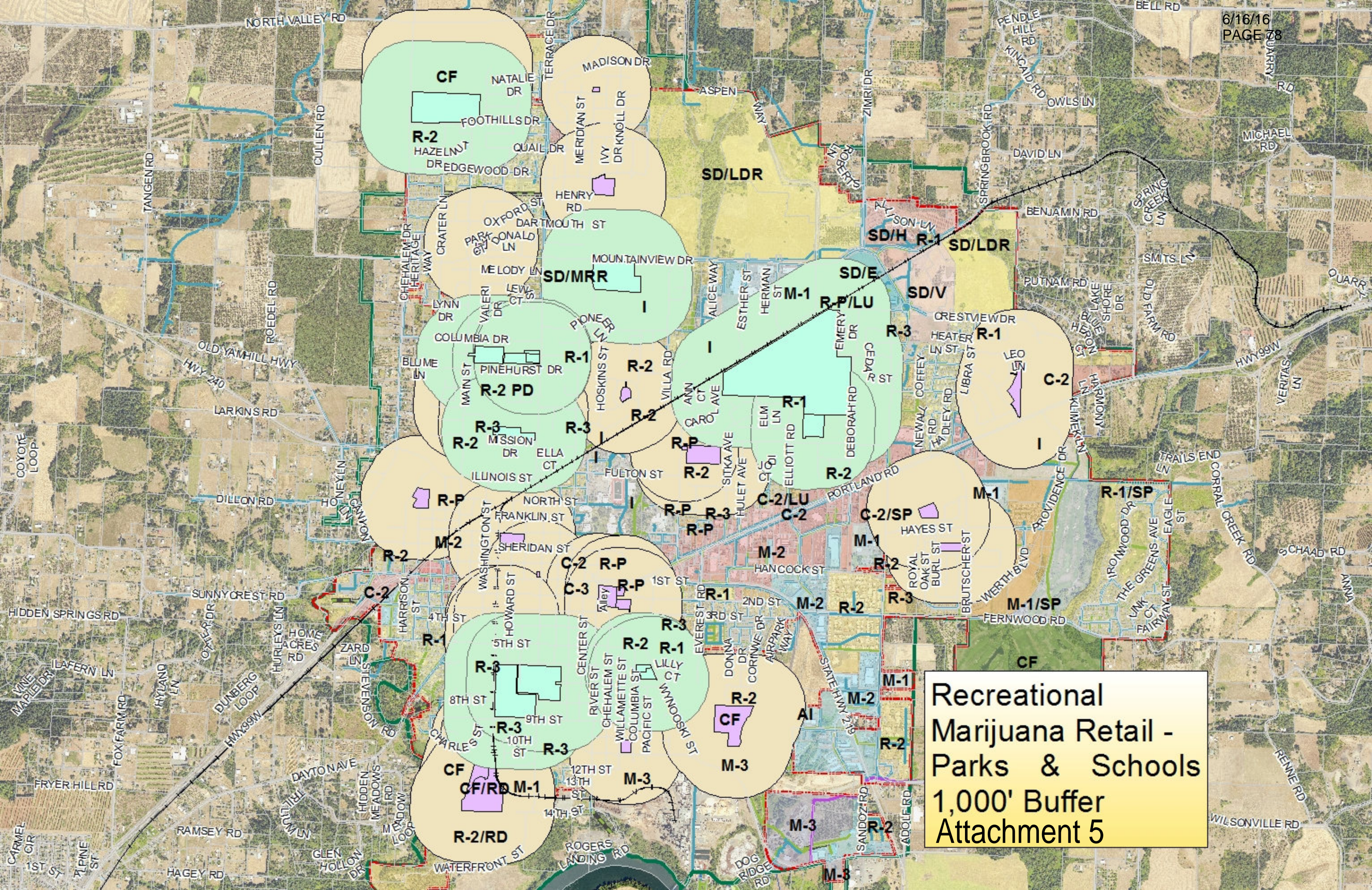
Lester Brock
Owner



Recreational
Marijuana Retail -
Schools 1,000' Buffer
Attachment 3



Recreational
Marijuana Retail -
Parks 1,000' Buffer
Attachment 4



Recreational
Marijuana Retail -
Parks & Schools
1,000' Buffer
Attachment 5

Attachment 6



PLANNING COMMISSION RESOLUTION 2016-314

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE
NEWBERG DEVELOPMENT CODE REGARDING RECREATIONAL MARIJUANA
WHOLESALEERS, LABORATORIES, RESEARCH CERTIFICATES AND RETAILERS**

RECITALS

1. In November 2014 voters in Oregon approved Ballot Measure 91 related to recreational marijuana.
2. House Bill (HB) 3400 was passed in the 2015 Oregon Legislative session related to recreational marijuana and is now part of Oregon Revised Statutes Chapter 475B – Cannabis Regulation.
3. The Oregon Liquor Control Commission adopted temporary Oregon Administrative Rules (OAR's) on October 22, 2015 that were subsequently modified on November 20, 2015 for recreational marijuana under Chapter 845, Division 25.
4. The Newberg City Council established the Marijuana Subcommittee on September 8, 2015 to review and provide recommendations on local place, time and manner regulations for recreational marijuana.
5. The Newberg City Council initiated a potential amendment to Newberg's Development Code regarding recreational marijuana wholesalers, laboratories, research certificates and retailers on February 1, 2016 by Resolution No. 2015-3253.
6. The Marijuana Subcommittee met on February 4, 2016 and developed recommendations to the Planning Commission on recreational marijuana wholesalers, laboratories, research certificates and retailers.
7. After proper notice, the Newberg Planning Commission held a hearing on April 14, 2016 to consider the amendment. The Commission considered testimony and deliberated.

The Newberg Planning Commission resolves as follows:

1. The Commission finds that adding regulations for recreational marijuana wholesalers, laboratories, research certificates and retailers, and adding definitions for recreational marijuana wholesalers, laboratories and retailers, would be in the best interests of the city and recommends that the City Council adopt the amendments to the Newberg Development Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.

"Working Together For A Better Community-Serious About Service"

Adopted by the Newberg Planning Commission this 14th day of April, 2016.



Planning Commission Chair

ATTEST: 



Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Development Code Text Amendments
- Exhibit "B": Findings

**Exhibit "A" to Planning Commission Resolution 2016-314
Development Code Amendments –File DCA-16-001
Recreational Marijuana Wholesalers, Laboratories, Research Certificates and
Retailers**

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

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

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:

"Marijuana Laboratory" means a laboratory certified by the Oregon Health Authority under ORS 438.605 to 438.620 and authorized to test marijuana items for purposes specified in these rules.

"Marijuana Retailer" means a marijuana retailer licensed by the Oregon Liquor Control Commission.

"Marijuana Wholesaler" means a marijuana wholesaler licensed by the Oregon Liquor Control Commission.

Section 2. Newberg Development Code, Zoning Use Table, Section 15.305.020 shall be amended to read as follows:

See Exhibit A, Attachment 1

Section 3. Newberg Development Code, Zoning Use Table, Section 15.305.030 shall be amended to read as follows:

See Exhibit A, Attachment 2

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Section 4. Newberg Development Code, Stream Corridor Overlay Subdistrict, Section 15.342.110 is amended to read as follows:

15.342.110 Prohibited uses and activities.

The following activities or uses are prohibited within this subdistrict:

- A. Except as provided in NMC 15.342.040(R), the planting or propagation of any plant identified as a nuisance plant as determined by a qualified botanist or indicated as a nuisance plant on the Newberg plant list.
- B. The removal of native trees that are greater than six inches in diameter at breast height, except as is otherwise permitted within this chapter.
- C. Any use dealing with hazardous substances or materials, including but not limited to gas service stations.
- D. Public pathways, except those in conjunction with public lands, public parks or public easements that have been acquired by other than eminent domain. [Ord. 2451, 12-2-96. Code 2001 § 151.475.]
- E. Recreational Marijuana Producer and Recreational Marijuana Processor.
- F. Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers.

Section 5. Newberg Development Code, Civic Corridor Overlay Subdistrict, Section 15.350.030 is amended to read as follows:

15.350.030 Permitted buildings and uses.

All uses permitted in the underlying primary district are permitted within the CC subdistrict except as follows:

- A. In addition to the **buildings and uses** permitted conditionally in NMC 15.305.020, the **planning commission** may grant a **conditional use permit** for any of the following **buildings and uses** in accordance with a Type III procedure:
 - 1. Facilities which exist for the purpose of providing for the temporary care and/or lodging of adult indigent persons.
 - 2. **Hospitals.**
- B. The following uses are prohibited within the CC subdistrict:
 - 1. **Automobile sales, new and used.**

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2. Car washes, coin-operated or mechanical.
3. Garages, repair.
4. Service stations. [Amended during 11/13 supplement; Ord. 2561, 4-1-02. Code 2001 § 151.526.3.]
5. Recreational Marijuana Producer and Recreational Marijuana Processor.
6. Recreational Marijuana Wholesalers and Retailers.

Section 6. Newberg Development Code, Bypass Interchange Overlay, Section 15.356.050 is amended to read as follows:

15.356.050 Prohibited uses.

A. Several commercial types of uses are permitted outright or with conditional use approval in Newberg's industrial districts (M-1, M-2, and M-3). The area within the Newberg UGB near the Oregon 219 Interchange is generally planned for industrial use. To protect the interchange area from commercial development, the following uses are prohibited within the M-1, M-2, and M-3 districts within the boundaries of the bypass interchange overlay:

1. Automobile sales, new and used.
2. Billboards.
3. Car washes.
4. Convenience grocery stores.
5. Restaurants larger than 2,000 square feet or with drive-up service windows.
6. Service stations.
7. Drive-in theaters.
8. Auction sales.
9. Bakeries, retail.
10. Building material sales.
11. Driving ranges.
12. Feed and seed stores.

13. Miniature golf courses.

14. Skating rinks.

15. Recreational Marijuana Producer and Recreational Marijuana Processor.

16. Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers.

B. The industrial commercial subdistrict of the M-4 district shall not be applied within the boundaries of the BI overlay. [Ord. 2734 § 1 (Exh. B), 3-7-11; Ord. 2708 § 2, 12-1-08; Ord. 2602, 9-20-04. Code 2001 § 151.531.4.]

Section 7. Newberg Development Code, Interim Industrial Overlay, Section 15.358.030 is amended to read as follows:

15.358.030 Permitted uses.

All uses of land and water that are permitted in the underlying zoning district(s) are also permitted in the interim industrial overlay, with the exception of those uses listed in NMC 15.358.050. In addition, the following are permitted:

A. Contractor's equipment or storage.

B. Construction material storage. [Ord. 2720 § 1(5), 11-2-09. Code 2001 § 151.532.2.]

C. Recreational Marijuana Producer (indoor).

D. Recreational Marijuana Wholesalers, Laboratories, Research Certificates.

Section 8. Newberg Development Code, Interim Industrial Overlay, Section 15.358.050 is amended to read as follows:

15.358.050 Prohibited uses.

The following uses are prohibited in the interim industrial overlay:

A. Cemeteries.

B. Garbage dumps, sanitary landfills.

C. Parks.

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D. Permanent **buildings**.

E. **Wrecking yards** for motor vehicles, **building materials**, and other similar items.
[Ord. 2720 § 1(5), 11-2-09. Code 2001 § 151.532.4.]

F. Recreational Marijuana Processor.

G. Recreational Marijuana Retailers.

Exhibit "B" to Planning Commission Resolution 2016-314

Findings –File DCA-16-001
Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers

I. Statewide Planning Goals - relevant goals

Goal 1, Citizen Involvement, requires the provision of opportunities for citizens to be involved in all phases of the planning process.

Finding: The City Council initiated the potential development code amendment at a public meeting on February 1, 2016. The Marijuana Subcommittee meet on February 4, 2016 at a public meeting to review potential place, time and manner regulations for Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers. The Planning Commission, after proper notice, held a public hearing on April 14, 2016. The City Council will consider the recommendation of the Planning Commission at a future public hearing date, and decide whether or not to adopt the development code amendment. The development code amendment process provides opportunity for public comments throughout the planning process.

Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions.

Finding: The Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers proposal is supportive of this goal because it was developed following city procedures for legislative action.

II. Newberg Comprehensive Plan - relevant policies

A. CITIZEN INVOLVEMENT GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: The City Council initiated the potential development code amendment at a public meeting on February 1, 2016. The Marijuana Subcommittee meet on February 4, 2016 at a public meeting to review potential place, time and manner regulations for Recreational Wholesalers, Laboratories, Research Certificates and Retailers. The Planning Commission, after proper notice, held a public hearing on April 14, 2016. The City Council will consider the recommendation of the Planning Commission at a future public hearing date, and decide whether or not to adopt the development code amendment. The development code amendment process provides opportunity for public comments throughout the planning process.

B. LAND USE PLANNING GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

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Finding: The Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers proposal is supportive of this goal because it was developed following city procedures for legislative action.

H. THE ECONOMY GOAL: To develop a diverse and stable economic base.

1. General Policies

c. The City will encourage the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.

g. The City shall encourage business and industry to locate within the Newberg City limits.

Finding: The city encourages new businesses to develop within the city. A Recreational Marijuana Wholesale, Laboratory, Research Certificate and Retail operations are a legal operation under State law. Allowing Recreational Marijuana Wholesale, Laboratory, Research Certificate and Retail operations as a permitted or conditional use as represented in Exhibit A, Attachments 1 and 2 is consistent with this Comprehensive Plan goal.

III. **Conclusion:** The proposed development code amendments meet the applicable requirements of the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.

- (9) Permitted on the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.
- (10) Permitted above any permitted use in the C-2 zone. There shall be no density limitation. Parking shall be provided in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (11) Must be located above ground floor commercial uses.
- (12) One residence of area not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for an airport caretaker or security officer on each separate parcel.
- (13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.
- (14) Allowed exclusively for employers or employees of businesses located within this district.
- (15) Facility over 40,000 square feet gross floor area requires a conditional use permit.
- (16) Allowed in areas designated in industrial area plans.
- (17) Limited to facilities owned or operated by a public agency.
- (18) Parking garages are a conditional use, and must have first floor street frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A conditional use permit is required if the facility is less than 2,000 feet from the nearest telecommunication facility.
- (20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.
- (22) Retail sales of goods on site not allowed.
- (23) Limited to secondhand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) Use must demonstrate that it is compatible with airport operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.
- (29) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.
- (30) Limited to 10,000 square feet maximum floor area.
- (31) Allowed indoors only.
- (32) Allowed indoors only. Outdoor use requires a conditional use permit.
- (33) Must be aviation-related. See Chapter 15.332 NMC.
- (34) Limited to expansion or change of existing heavy manufacturing uses.
- (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 elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030
- (1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 8:00 p.m.
- (36) Allows up to 12 mature plants; indoor operations only.
- (37) Indoor use only.
- (38) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational processor, wholesaler or retailer.
- (39) 1,000 foot separation between retailer to retailer premises and 1,000 foot separation between retailer to dispensary premises.
- (40) Operating hours limited to the hours between 9:00 a.m. and 8:00 p.m.

1. Code reviser's note: Section 25 of Ordinance 2763 provides:

SECTION 25: Grace period for previously permitted or conditional uses. Where an applicant demonstrates that a particular use was a permitted or conditional use on a specific property immediately prior to adoption of this ordinance, but that the use is no longer either a permitted or conditional use on that property due to this ordinance, the applicant may establish the use as either a permitted or conditional use, as provided in the prior code, provided the use is legally commenced prior to January 1, 2018.

Attachment 1



RESOLUTION No. 2016-3253

A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE FOR PLACE, TIME AND MANNER REGULATIONS FOR RECREATIONAL MARIJUANA WHOLESALERS, LABORATORIES, RESEARCH CERTIFICATES AND RETAILERS

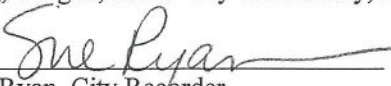
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3. The Subcommittee held its third meeting on January 12, 2016. A proposed timeline was included in their packet of material to address recreational marijuana place, time and manner for recreational wholesalers, laboratories, research certificates and retailers. The Oregon Liquor Control Commission has indicated they will start issuing licenses for retailers in the 3rd Quarter of 2016.
4. The Subcommittee subsequently passed a motion 3-0 directing staff to create a Request for Council Action to initiate the Development Code amendment process for Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers to bring forward for Council consideration on February 1, 2016.

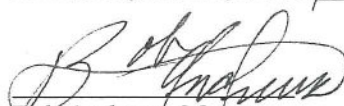
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1. The City Council initiates an amendment to the Newberg Municipal Code, Title 15 Development Code for Place, Time and Manner Regulations for Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers. This starts the public process to study the proposed amendments.
2. By initiating this amendment, the council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration in a public hearing.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: February 2, 2016
ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of February, 2016.


Sue Ryan, City Recorder

ATTEST by the Mayor this 1st day of February, 2016.


Bob Andrews, Mayor

Attachment 2

Doug Rux

From: Sue Ryan
Sent: Tuesday, January 19, 2016 11:33 AM
To: Doug Rux
Subject: FW: Recreational sales

Please advise
sue

From: Steve Rhodes
Sent: Tuesday, January 19, 2016 11:29 AM
To: Sue Ryan
Subject: Re: Recreational sales

Check with Doug.

Sent from my iPad

On Jan 19, 2016, at 10:38 AM, Sue Ryan <Sue.Ryan@newbergoregon.gov> wrote:

Do you want me to forward this to Council ?
Sue

Sue Ryan
City Recorder
City of Newberg
cityrecorder@newbergoregon.gov
(503) 537-1283

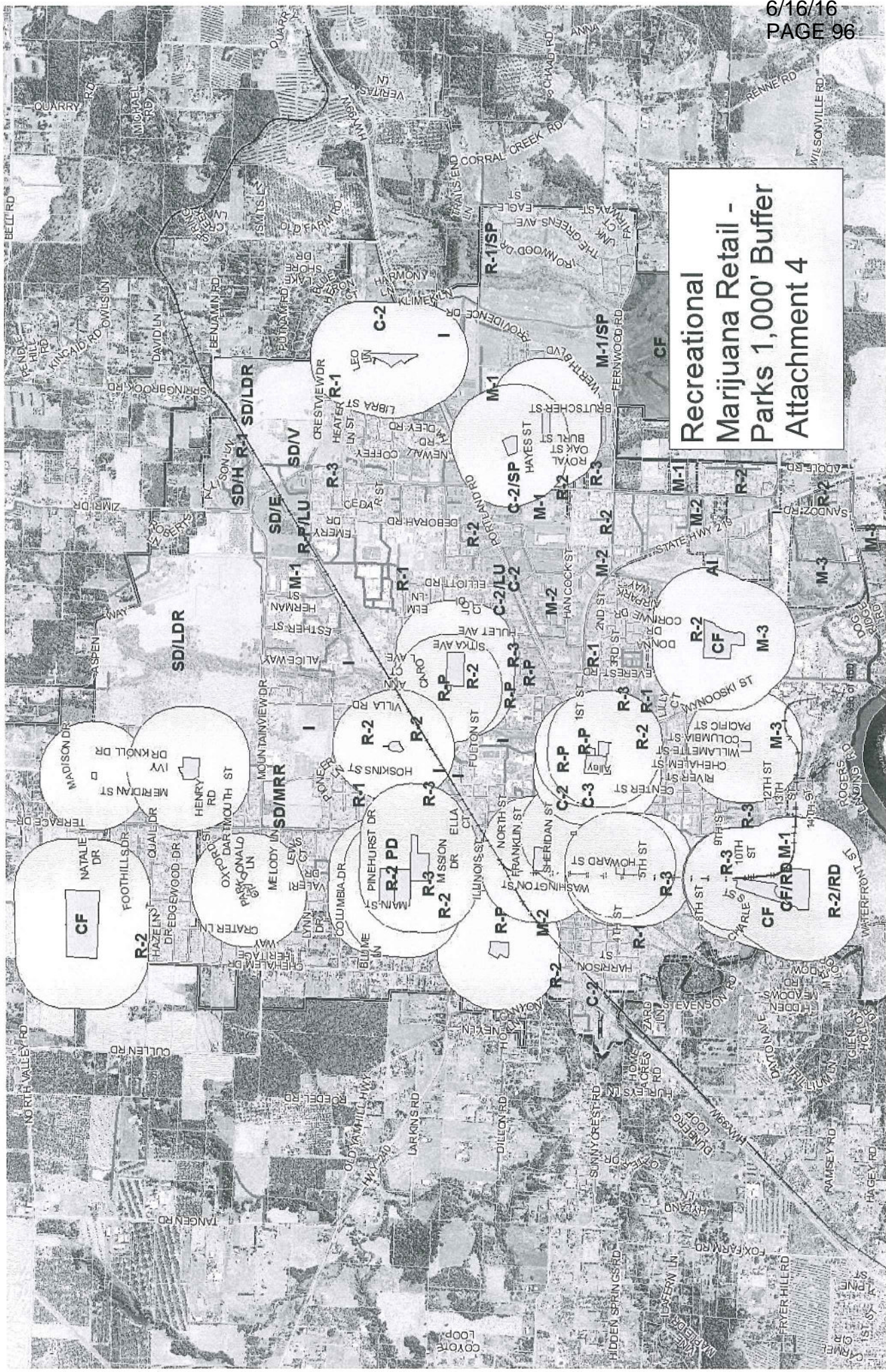
OREGON PUBLIC RECORD

Messages to and from this email address may be subject to the Oregon Public Records Law.

From: Leif Patterson [<mailto:leifer956@gmail.com>]
Sent: Monday, January 18, 2016 5:18 PM
To: Sue Ryan
Subject: Recreational sales

Hello, as a Newberg resident I feel compelled to offer my two cents that we should allow recreational marijuana sales. Most of the neighboring towns are benefiting from this program and the tax revenue it generates. Currently, I drive into Portland a few times a week to purchase products there. I spend money on food, gas etc that would all be spent in Newberg if rec sales were allowed. Lets stop sending revenue elsewhere and start keeping it here for our schools, roads and other public services.

Thanks for your time,
Leif

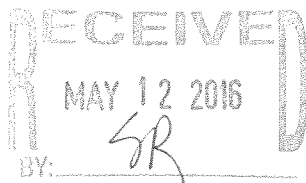


Recreational
Marijuana Retail -
Parks 1,000' Buffer
Attachment 4

Recreational Marijuana rule Petition

Sarah Lowe

503-544-3801



City Council Meeting
Date: 5/16/16
Re: Rec. Marijuana Sales
Topic: 2016-2801

FOR THE RECREATIONAL SALES OF MARIJUANA

(leaving medical sales of marijuana as currently written)

- A. Must be located on a lot or parcel with frontage along Portland Rd. (Oregon Route 99).

- B. Shall not be located within 300' of a residential zone. The distance specified is measured from the closest points between property lines of the affected properties. (300 feet is approximately 1 city block)

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The requested changes are also intended to help make sure our residential neighborhoods continue to be safe and livable. Tigard has included similar rules.

Business name NAPS INC D.B.A. NAPS THRIFTWAY
Signed Richard D. Peterson
Address (optional) 112 E 1ST
Date 5/9/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-280
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

(leaving medical sales of marijuana as currently written)

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Business name QUICKSTOP MARKET
Signed Danna
Address (optional) 115 N main ST Newburg
Date 5-8-16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-280
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

(leaving medical sales of marijuana as currently written)

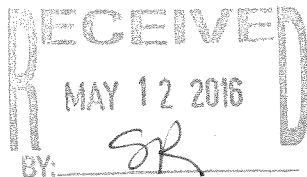
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Business name Jack's Delic
Signed Alan Burch
Address (optional) _____
Date 5/19/16



City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Jen 100 Ice Cream LLC
Signed [Signature]
Address (optional) _____
Date 5.8.16

RECEIVED
MAY 12 2016
SR
BY: _____

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name LYDA FINANCIAL, INC.

Signed 

Address (optional) _____

Date 5-9-16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Redmill's Salon & Spa
Signed [Signature]
Address (optional) 209 E. First St. Newby
Date 5-10-16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/11/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

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Business name Chapters
Signed Maurice Rogers
Address (optional) 701 E First
Date 5.10.16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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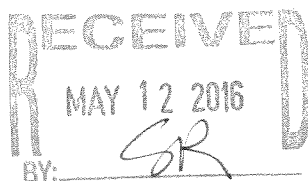
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Business name Ken & Daughter's Jewelers
Signed E. Salmon
Address (optional) 707 E 1st Newberg OR
Date 5-10-16



City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Dormer's Embroidery
Signed Cheryl Fletcher
Address (optional) 112 S Edwards St
Date 5/10/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2881
Topic: Rec Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Velour
Signed [Signature]
Address (optional) 716 E. 1st
Date 5/10/2016

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016 2801
Topic: Rec Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Janis' ~~Don~~
 Signed Janis K Schroeder
 Address (optional) 616 E 1st St.
 Date 5/10/16

RECEIVED
 MAY 12 2016
 BY: SR

City Council Meeting
 Date: 5/16/16
 Re: Ord 2016-2801
 Topic: Rec. Marijuana

503-544-3801

Sarah Lowe

FOR THE RECREATIONAL SALES OF MARIJUANA

(leaving medical sales of marijuana as currently written)

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Business name T's Antiques
Signed [Signature]
Address (optional) _____
Date 5.10.16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Cusick Picture Frame
Signed Phil Cusick
Address (optional) _____
Date May 10th, 2016

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Art Elements Gallery
Signed Sarah Strin
Address (optional) _____
Date 5-10-16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Recreational Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA
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Business name Taqueria Kopitos
Signed Emma Sangabriel
Address (optional) _____
Date 05/10/16

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BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Recreational Marijuana

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Business name Pitter-Patter
Signed [Signature]
Address (optional) 308 E 1st St.
Date 5.10.16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Recreational Marijuana

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Business name Specialty Glass
Signed [Signature]
Address (optional) _____
Date 5/9/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord. 2016-2801
Topic: Rec Marijuana

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Business name RAY'S PRODUCE
Signed [Signature]
Address (optional) 205 N MAIN ST.
Date 5/8/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016 2801
Topic: Rec Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

(leaving medical sales of marijuana as currently written)

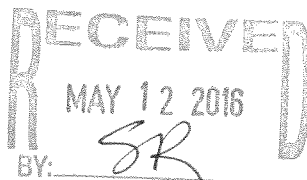
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Business name Cliff Creek
Signed Jalilee Pelt
Address (optional) 214 E. First St. Newberg, Or 97132
Date 5/9/16



City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Papa Murphies
Signed [Signature]
Address (optional) _____
Date 5/8/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2881
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Thomas L Deines
Signed *TL Deines*
Address (optional) 114 E 2nd
Date 5-9-16

RECEIVED
MAY 12 2016
BY: *SR*

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

(leaving medical sales of marijuana as currently written)

- A. Must be located on a lot or parcel with frontage along Portland Rd. (Oregon Route 99).

- B. Shall not be located within 300' of a residential zone. The distance specified is measured from the closest points between property lines of the affected properties. (300 feet is approximately 1 city block)

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The requested changes are also intended to help make sure our residential neighborhoods continue to be safe and livable. Tigard has included similar rules.

Business name Crush 2 cellar
Signed [Signature]
Address (optional) 214 W. Hancock St
Date 5/16/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2081
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name: American Classics & Hot Reds
Signed: Melissa K Smith
Address (optional) 301 W. 18th St.
Date 5/9/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Chatham Sign Co.
Signed Wendy Dampfy
Address (optional) _____
Date 5-09-16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

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Business name Johnson Flooring Inc.
Signed Traci Bond
Address (optional) 302 E First St. Newberg
Date May 9, 2016

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Pulp & Circumstance
Signed [Signature]
Address (optional) _____
Date 5/9/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

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Business name Critter Cabana
Signed [Signature]
Address (optional) _____
Date 5/9/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2881
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Business name Johnson Furniture
Signed [Signature]
Address (optional) _____
Date 5/9/16

City Council Meeting
Date: 5/16/16
Re: Ordinance 2016-2801
Topic: Rec. Marijuana

RECEIVED
MAY 12 2016
BY: SR

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Business name Planet Green Toe Genetics

Signed [Signature]

Address (optional) 8550 NE Dog Ridge Road Newberg OR 97132

Date 4-24-16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Name Tracy Bentley
Signed Tracy Bentley
Address (optional) _____
Date 5-10-16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Recreational Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Name Bruce Bishop
Signed [Signature]
Address (optional) _____
Date 5/10/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-280T
Topic: Rec Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA
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Name Monica Ashby
Signed Monica Ashby
Address (optional) _____
Date 5.10.16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

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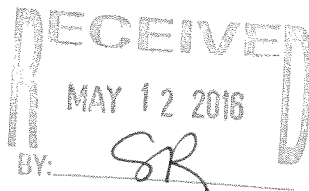
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Name Laura Umfleet

Signed Laura Umfleet

Address (optional) _____

Date 5-10-16



City Council Meeting
Date: 5/16/16
Re: Ord 2016-2881
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Name Megan Reed
Signed Megan Reed
Address (optional) _____
Date 5/8/16

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

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Name Clint Carwell
Signed Clint Carwell
Address (optional) _____
Date 5/8/16

City Council Meeting
Date: 5/16/16
Re: Ordinance 2016-2801
Topic: Rec. Marijuana

RECEIVED
MAY 12 2016
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Name Sally Smith
Signed Sally Smith
Address (optional) 215 S. Main St. Newberg, OR 97132
Date May 8, 2016

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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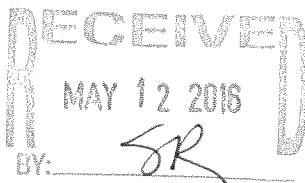
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Name Amy Swan
Signed Amy Swan
Address (optional) 516 Dayton Ave Newber OR 97132
Date 5-8-16



City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Name Tamara Reichenbach
Signed [Signature]
Address (optional) 201 W. 2nd St. Astoria, OR
Date 5/8/2016

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

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Name Diane Reichenbach
Signed Diane Reichenbach
Address (optional) 201 W. 2nd Newberg
Date 5-8-16

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

RECEIVED
MAY 12 2016
BY: SR

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Name Wade Currie
Signed Wade Currie
Address (optional) _____
Date 5-8-16

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

RECEIVED
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Name Brian Wardlaw
Signed Brian Wardlaw
Address (optional) 706 Cynoski St Newberg
Date 5/5/2016

RECEIVED
MAY 12 2016
BY: SR

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

FOR THE RECREATIONAL SALES OF MARIJUANA

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Name Jay Hill
Signed [Signature]
Address (optional) 8550 NE Dog Ridge Rd.
Date 4/25/16

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2801
Topic: Rec. Marijuana

RECEIVED
MAY 12 2016
BY: SR

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Name Myrka Guzman
Signed Myrka Guzman
Address (optional) _____
Date 5/10/16

City Council Meeting
Date: 5/16/16
Re: Ord 2016-2881
Topic: Rec. Marijuana

RECEIVED
MAY 12 2016
BY: SR

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 6, 2016

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2016-3302

**SUBJECT: A Resolution Authorizing Use Of The
Emergency Medical Services Fund To Pay For Costs
Related To The City’s Contract With Tualatin
Valley Fire And Rescue**

**Contact Person (Preparer) for this
Motion: Truman Stone
Dept.: City Attorney
File No.:**

RECOMMENDATION:

Adopt Resolution No. 2016-3302.

EXECUTIVE SUMMARY:

On March 7, 2016 the City Council adopted Resolution No. 2016-3254 authorizing the City Manager Pro Tem to enter into an Intergovernmental Agreement (IGA) with Tualatin Valley Fire & Rescue to provide Fire/EMS services to the City for a period beginning July 1, 2016 and ending June 30, 2018.

Payment for TVF&R services is proposed from a combination of funds: general fund, EMS fund, fire equipment fee fund, and vehicle/equipment reserve fund.

On June 21, 1994 the city council adopted Resolution 94-1850 establishing the emergency medical services fund to account for monies received and expenses related to the operation of the City ambulance service. At that time, the ambulance services were transferred from the hospital to the fire department.

Resolution 94-1850 did not expressly authorize payment for contracted fire and EMS services. The resolution before you expressly authorizes use of the EMS Fund for a portion of the TVF&R contractual payment and internal transfers to the Administrative Support Services fund in such amounts appropriated by the City’s adopted FY 15-16 supplemental budget, adopted FY 16-17 Budget, and subsequently adopted budgets during the TVF&R contract term.

FISCAL IMPACT: Over the course of the next two years, the EMS Fund will be reduced to a zero balance as a result of the contract payments to TVF&R and the internal transfers to the Administrative Support Services fund.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Providing an adequate level of Fire/EMS is a crucial component to the City’s vision of “a healthy, safe environment” for citizens. This IGA and potential future annexation with TVF&R will insure adequate levels of Fire/EMS are maintained in an efficient and effective manner.



RESOLUTION No. 2016-3302

A RESOLUTION AUTHORIZING USE OF THE EMERGENCY MEDICAL SERVICES FUND TO PAY FOR COSTS RELATED TO THE CITY'S CONTRACT WITH TUALATIN VALLEY FIRE AND RESCUE

RECITALS:

1. On June 21, 1994 the city council adopted Resolution 94-1850 establishing the emergency medical services fund to account for monies received and expenses related to the operation of the City ambulance service. At that time, the ambulance services were transferred from the hospital to the fire department.
2. From FY 93-94 through FY 15-16, the emergency medical services fund (Fund 5) has received revenue primarily from user fees, which is revenue generated from provision of ambulance services. Revenues have been used for costs related to ambulance service.
3. On July 1, 2016 the city will begin to receive contracted fire and emergency medical services from Tualatin Valley Fire and Rescue (TVF&R), an Oregon special district. The contract is for two years with the potential for a mutually agreed upon extension.
4. The FY 16-17 budget as proposed will use the emergency medical services fund to do the following:
 - Make a portion of the contractual payment to TVF&R for provision of fire and emergency medical services; and
 - Provide an operating loan to TVF&R to cover the initial startup costs for ambulance service during the time delay between the ambulance service being provided and receipt of payment on ambulance billings.
 - Transfer funds to the Administrative Support Services fund (Fund 31) to offset the loss of annual, recurring internal service charges paid by both the General Fund and EMS fund fire operations.
5. Using the emergency medical services fund in this manner is consistent with the intent of the resolution establishing the fund, however, payment to an outside contract provider is not specifically authorized by resolution 94-1850. This resolution authorizes payment to TVF&R.

continued on next page

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Fund 05 – Emergency Medical Services Fund shall be used to pay for costs related to the City’s contract with TVF&R in the amounts appropriated in the City’s adopted FY 15-16 supplemental budget, the FY 16-17 budget and future budgets during the duration of the TVF&R contract.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 7, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of June, 2016.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of June, 2016.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 6, 2016

Order ___ No.	Ordinance ___ No.	Resolution ___ No.	Motion ___	Information <u>XX</u>
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SUBJECT: Newberg Financial Report for March 2016

**Contact Person (Preparer) for this
Item: Matt Zook
Dept.: Finance**

EXECUTIVE SUMMARY:

Included with this report are the financial summary statements for March 2016. These are provided for your information only. No action is required.

SUMMARY REPORT

MARCH 2016

FUNDS	2015-16 BUDGET	MONTH OF MARCH 2016	2015-16 YTD	Current YTD	2014-15 PRIOR YTD
				Compare to Budget 75%	
City Budget Totals					
Total Beg Fund Balance	\$ 33,764,928	\$ 38,243,710	\$ 38,243,710	113%	31,493,673
Total Revenues	58,225,620	4,228,100	48,837,749	84%	75,046,840
Total Beg Fund Bal & Revenues	91,990,548	42,471,810	87,081,459		106,540,513
Total Expenses	67,465,423	3,809,191	45,562,586	68%	39,236,607
Total Contingencies / Reserves	24,525,125	-	-	0%	-
Total Exp & Contingen / Reserves	91,990,548	3,809,191	45,562,586	50%	39,236,607
Total Monthly Activity Net Gain / (Loss)		\$ 38,662,620			
Total Ending Fund Balance			<u>\$ 41,518,873</u>		67,303,905

City Services

General Fund

Beg Fund Balance	\$ 2,528,413	\$ 2,797,675	\$ 2,797,675	111%	2,835,743
Revenues					
General Government	-	-	-	0%	15,155
Municipal Court	31,000	2,546	19,712	64%	21,663
Police	1,074,135	104,968	808,581	75%	840,575
Fire	330,504	156,868	395,393	120%	193,342
Communications	59,686	-	44,681	75%	42,462
Library	112,859	3,627	65,750	58%	96,107
Planning	476,700	21,946	355,453	75%	397,315
Property Taxes	7,200,000	46,503	6,929,897	96%	6,529,896
Other Taxes	1,400	3,698	4,523	323%	362,800
Franchise Fees	1,486,882	1,073,185	1,282,756	86%	1,284,245
Intergovernmental	1,246,755	77,909	938,742	75%	852,185
Miscellaneous	2,500	659	6,298	252%	1,433
Interest	7,300	1,792	8,413	115%	6,823
Transfers	620,000	-	354,681	57%	-
Revenue Total	12,649,721	1,493,700	11,214,880	89%	10,644,000
Expenses					
General Government	179,862	11,182	134,794	75%	259,460
Municipal Court	382,464	27,939	265,020	69%	240,841
Police	5,952,876	453,222	4,209,406	71%	4,094,421
Fire	3,403,276	266,145	2,631,881	77%	2,420,310
Communications	1,087,961	89,953	792,289	73%	788,637
Library	1,311,025	95,513	971,813	74%	885,972
Planning	626,365	49,111	448,964	72%	422,345
Transfers	34,263	-	12,323	36%	16,412
Contingency	1,100,042	-	-	0%	-
Unappropriated Ending Balance	1,100,000	-	-	0%	-
Total Expenses	15,178,134	993,065	9,466,489	62%	9,128,398
Monthly Activity Net Gain / (Loss)		\$ 3,298,310			
Ending Fund Balance			\$ 4,546,066		4,351,345

SUMMARY REPORT

MARCH 2016

FUNDS	2015-16 BUDGET	MONTH OF MARCH 2016	2015-16 YTD	Current YTD	2014-15 PRIOR YTD
				Compare to Budget 75%	
<u>Public Safety Fee</u>					
Beg Fund Balance	\$ 134,969	\$ 197,858	\$ 197,858	147%	196,153
Revenues	480,600	40,812	364,882	76%	440,954
Expenses	547,603	40,268	378,417	69%	342,261
Contingencies / Reserves	67,966	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 198,402			
Ending Fund Balance			\$ 184,323		294,845
<u>EMS</u>					
Beg Fund Balance	\$ 595,725	\$ 806,952	\$ 806,952	135%	457,509
Revenues	1,886,600	213,385	1,727,070	92%	2,100,255
Expenses	1,911,034	123,763	1,308,726	68%	1,363,557
Contingencies / Reserves	571,291	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 896,574			
Ending Fund Balance			\$ 1,225,296		1,194,207
<u>911 Emergency</u>					
Beg Fund Balance	\$ 19,768	\$ 20,940	\$ 20,940	106%	89,061
Revenues	196,200	1	103,087	53%	161,746
Expenses	204,628	16,555	160,134	78%	176,138
Contingencies / Reserves	11,340	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 4,386			
Ending Fund Balance			\$ (36,106)		74,669
<u>Civil Forfeiture</u>					
Beg Fund Balance	\$ 19,596	\$ 20,146	\$ 20,146	103%	-
Revenues	4,100	14	4,111	100%	20,121
Expenses	23,696	-	-	0%	-
Contingencies / Reserves	-	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 20,160			
Ending Fund Balance			\$ 24,256		20,121
<u>Library Gift & Memorial</u>					
Beg Fund Balance	\$ 48,169	\$ 86,434	\$ 86,434	179%	92,623
Revenues	129,389	11,695	37,030	29%	125,404
Expenses	171,000	1,454	22,511	13%	32,450
Contingencies / Reserves	6,558	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 96,674			
Ending Fund Balance			\$ 100,954		185,577

SUMMARY REPORT

MARCH 2016

FUNDS	2015-16 BUDGET	MONTH OF MARCH 2016	2015-16 YTD	Current YTD	2014-15 PRIOR YTD
				Compare to Budget 75%	
<u>Building Inspection</u>					
Beg Fund Balance	\$ 404,838	\$ 620,378	\$ 620,378	153%	339,929
Revenues	407,850	33,062	365,927	90%	915,094
Expenses	500,497	39,673	340,825	68%	311,361
Contingencies / Reserves	312,191	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 613,768			
Ending Fund Balance			\$ 645,480		943,662
<u>Streets (Operating)</u>					
Beg Fund Balance	\$ 808,548	\$ 798,186	\$ 798,186	99%	689,103
Revenues	1,343,520	95,462	950,453	71%	1,607,833
Expenses	1,549,803	97,885	1,086,410	70%	841,054
Contingencies / Reserves	602,265	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 795,764			
Ending Fund Balance			\$ 662,229		1,455,882
<u>Water (Operating)</u>					
Beg Fund Balance	\$ 3,294,255	\$ 3,773,455	\$ 3,773,455	115%	4,783,887
Revenues	9,984,346	330,417	9,586,150	96%	7,124,206
Expenses	8,307,724	779,623	4,684,057	56%	3,962,900
Contingencies / Reserves	4,970,877	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 3,324,249			
Ending Fund Balance			\$ 8,675,548		7,945,193
<u>Wastewater (Operating)</u>					
Beg Fund Balance	\$ 4,403,799	\$ 4,944,662	\$ 4,944,662	112%	7,576,184
Revenues	13,033,100	628,775	11,921,876	91%	9,424,548
Expenses	8,582,706	337,004	4,351,413	51%	4,815,964
Contingencies / Reserves	8,854,193	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 5,236,433			
Ending Fund Balance			\$ 12,515,125		12,184,768
<u>Stormwater (Operating)</u>					
Beg Fund Balance	\$ 573,645	\$ 731,487	\$ 731,487	128%	1,004,730
Revenues	1,924,972	113,015	1,633,668	85%	1,310,897
Expenses	1,685,057	117,091	1,081,721	64%	640,810
Contingencies / Reserves	813,560	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 727,411			
Ending Fund Balance			\$ 1,283,434		1,674,817

SUMMARY REPORT

MARCH 2016

FUNDS	2015-16			Current YTD Compare to Budget 75%	2014-15 PRIOR YTD
	BUDGET	MONTH OF MARCH 2016	2015-16 YTD		
<u>Administrative Support</u>					
Beg Fund Balance	\$ 563,272	\$ 588,457	\$ 588,457	104%	684,851
Revenues	3,652,103	304,958	2,749,207	75%	3,534,406
Expenses					
City Manager	805,374	48,695	516,619	64%	194,592
Human Resources	-	-	-	0%	130,689
City Recorder	-	-	-	0%	82,567
Emergency Management	-	-	-	0%	-
Finance	567,668	41,218	462,308	81%	422,772
Gen Office(Postage/Phones)	155,000	10,651	104,991	68%	102,635
Utility Billing	281,200	26,959	208,681	74%	194,286
Information Technology	704,856	55,747	522,004	74%	482,169
Legal	468,654	31,713	317,596	68%	325,032
Fleet Maintenance	178,866	14,120	130,307	73%	120,791
Facilities Repair/Replacement	471,312	49,722	360,340	76%	266,944
Insurance	353,168	50,000	352,711	100%	243,301
Transfers	-	-	-	0%	500,000
Contingencies / Reserves	229,277	-	-	0%	-
Total Expenses	4,215,375	328,826	2,975,557	71%	3,065,779
Monthly Activity Net Gain / (Loss)		\$ 564,589			
Ending Fund Balance			\$ 362,107		1,153,479
<u>Capital Improvement Projects</u>					
<u>Streets CIP's</u>					
Beg Fund Balance	\$ 164,193	\$ 164,209	\$ 164,209	0%	109,838
Revenues	778,425	56,837	696,361	89%	492,980
Expenses	777,625	56,677	695,382	89%	328,975
Contingencies / Reserves	164,993	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 164,369			
Ending Fund Balance			\$ 165,188		273,843
<u>Water / Wastewater / Stormwater CIP's</u>					
Beg Fund Balance	\$ -	\$ -	\$ -	0%	-
Revenues	6,346,875	596,756	3,091,806	49%	5,611,602
Expenses	6,346,875	596,756	3,002,055	47%	2,383,873
Contingencies / Reserves	-	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ -			
Ending Fund Balance			\$ 89,751		3,227,729
<u>Wastewater Financed CIP's</u>					
Beg Fund Balance	\$ (749,096)	\$ (749,096)	\$ (749,096)	100%	-
Revenues	1,500,000	-	922,122	61%	5,912,248
Expenses	750,904	5,390	206,569	28%	6,756,782
Contingencies / Reserves	-	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ (754,486)			
Ending Fund Balance			\$ (33,543)		(844,534)

SUMMARY REPORT

MARCH 2016

FUNDS	2015-16			Current YTD Compare to Budget 75%	2014-15 PRIOR YTD
	BUDGET	MONTH OF MARCH 2016	2015-16 YTD		
<u>Street SDC</u>					
Beg Fund Balance	\$ 1,918,739	\$ 2,574,473	\$ 2,574,473	134%	2,534,551
Revenues	47,839	71,327	514,376	1075%	2,720,911
Expenses	259,125	44,928	218,923	84%	145,165
Contingencies / Reserves	1,707,453	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 2,600,872			
Ending Fund Balance			\$ 2,869,926		5,110,297
<u>Water SDC</u>					
Beg Fund Balance	\$ 36	\$ 1,239,405	\$ 1,239,405	3442793%	468,918
Revenues	927,540	19,067	282,369	30%	1,214,777
Expenses	846,856	140	758,322	90%	1,381,012
Contingencies / Reserves	80,720	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 1,258,332			
Ending Fund Balance			\$ 763,453		302,683
<u>Wastewater SDC</u>					
Beg Fund Balance	\$ 3,475,181	\$ 4,175,483	\$ 4,175,483	120%	1,794,112
Revenues	75,120	37,996	443,644	591%	4,312,280
Expenses	739,361	143	286,861	39%	449,914
Contingencies / Reserves	2,810,940	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 4,213,335			
Ending Fund Balance			\$ 4,332,265		5,656,478
<u>Stormwater SDC</u>					
Beg Fund Balance	\$ 138,259	\$ 131,416	\$ 131,416	95%	351,007
Revenues	3,980	1,201	30,811	774%	178,527
Expenses	3,125	139	1,713	55%	3,740
Contingencies / Reserves	139,114	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 132,479			
Ending Fund Balance			\$ 160,515		525,794

SUMMARY REPORT

MARCH 2016

FUNDS	2015-16 BUDGET	MONTH OF MARCH 2016	2015-16 YTD	Current YTD	2014-15 PRIOR YTD
				Compare to Budget 75%	
Debt					
<u>Debt Service (General Op)</u>					
Beg Fund Balance	\$ 206,309	\$ 210,221	\$ 210,221	102%	195,259
Revenues	896,711	19,961	802,353	89%	999,939
Expenses	895,317	173,543	724,564	81%	705,061
Contingencies / Reserves	207,703	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 56,639			
Ending Fund Balance			\$ 288,009		490,137
<u>City Hall</u>					
Beg Fund Balance	\$ 529,638	\$ 535,601	\$ 535,601	101%	576,115
Revenues	89,400	3,582	54,862	61%	629,142
Expenses	108,240	-	95,224	88%	76,977
Contingencies / Reserves	-	-	-	0%	-
Unappropriated Ending Balance	510,798	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 539,184			
Ending Fund Balance			\$ 495,239		1,128,280
Reserves					
<u>Water Replacement Reserve</u>					
Beg Fund Balance	\$ 5,151,846	\$ 5,151,846	\$ 5,151,846	100%	2,961,007
Revenues	-	-	-	0%	5,399,810
Expenses	5,151,846	-	5,151,846	100%	58,335
Contingencies / Reserves	-	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 5,151,846			
Ending Fund Balance			\$ -		8,302,482
<u>Wastewater Replacement Reserve</u>					
Beg Fund Balance	\$ 6,446,100	\$ 6,446,100	\$ 6,446,100	100%	1,234,745
Revenues	-	-	-	0%	6,386,150
Expenses	6,446,100	-	6,446,100	100%	1,559,395
Contingencies / Reserves	-	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 6,446,100			
Ending Fund Balance			\$ -		6,061,499
<u>Stormwater Replacement Reserve</u>					
Beg Fund Balance	\$ 814,722	\$ 684,702	\$ 684,702	84%	-
Revenues	-	-	-	0%	864,870
Expenses	814,722	-	684,702	84%	8,652
Contingencies / Reserves	-	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 684,702			
Ending Fund Balance			\$ -		856,218

SUMMARY REPORT

MARCH 2016

FUNDS	2015-16 BUDGET	MONTH OF MARCH 2016	2015-16 YTD	Current YTD	2014-15 PRIOR YTD
				Compare to Budget 75%	
<u>Vehicle / Equipment Replacement</u>					
Beg Fund Balance	\$ 1,362,426	\$ 1,362,426	\$ 1,362,426	100%	1,658,968
Revenues	\$ 701,881	\$ 136,622	\$ 631,736	90%	1,868,470
Expenses					
General Government	1,348	-	-	0%	-
City Manager's Office	4,856	-	140	3%	-
Human Resources	-	-	-	0%	-
City Recorder/Clerk	-	-	-	0%	-
Finance	17,267	-	284	2%	-
Information Technology	235,606	4,875	77,586	33%	164,397
Legal	411	-	-	0%	-
Municipal Court	4,548	-	560	12%	-
Police	533,867	3,456	327,227	61%	89,453
Fire	516,625	-	217,912	42%	117,474
Communications	106,716	-	2,694	3%	6,149
Library	11,374	-	2,863	25%	-
Planning	-	-	-	0%	11,137
Building	49,573	26,765	27,045	55%	-
PW Administration	395,514	8,100	65,243	16%	136,301
Fleet Maintenance	14,736	20	253	2%	439
Facilities Repair/Replacement	157,000	-	97,958	62%	18,963
Contingencies / Reserves	14,866	-	-	0%	-
Total Expenses	2,064,307	43,216	819,764	40%	544,313
Monthly Activity Net Gain / (Loss)		\$ 1,455,832			
Ending Fund Balance			\$ 1,174,398		2,983,125
<u>Fire & EMS Equip Fee</u>					
Beg Fund Balance	\$ 244,012	\$ 246,483	\$ 246,483	101%	174,453
Revenues	143,700	12,403	110,485	77%	218,934
Expenses	387,712	-	11,179	3%	11,179
Contingencies / Reserves	-	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 258,886			
Ending Fund Balance			\$ 345,789		382,209

SUMMARY REPORT

MARCH 2016

FUNDS	2015-16			Current YTD Compare to Budget 75%	2014-15 PRIOR YTD
	BUDGET	MONTH OF MARCH 2016	2015-16 YTD		
Community Projects					
<u>Cable TV Trust</u>					
Beg Fund Balance	\$ 38,171	\$ 37,339	\$ 37,339	98%	41,744
Revenues	200	22	146	73%	42,074
Expenses	38,371	-	50	0%	4,482
Contingencies / Reserves	-	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 37,360			
Ending Fund Balance			\$ 37,435		79,336
<u>Economic Development</u>					
Beg Fund Balance	\$ 629,395	\$ 646,472	\$ 646,472	103%	643,183
Revenues	66,448	3,389	47,267	71%	784,663
Expenses	446,865	1,634	145,109	32%	138,081
Contingencies / Reserves	248,978	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ 648,227			
Ending Fund Balance			\$ 548,630		1,289,764
<u>Transient Lodging Tax</u>					
Beg Fund Balance	\$ -	\$ -	\$ -	0%	-
Revenues	955,000	3,639	551,070	58%	-
Expenses	955,000	11,417	457,962	48%	-
Contingencies / Reserves	-	-	-	0%	-
Monthly Activity Net Gain / (Loss)		\$ (7,778)			
Ending Fund Balance			\$ 93,108		-