



**CITY COUNCIL AGENDA**  
**November 14, 2016, 6:30PM**  
**Regular Meeting**

CITY COUNCIL CHAMBERS, CITY HALL  
 29592 ELLENSBURG AVE  
 GOLD BEACH OR 97444

Call to order:                      Time: \_\_\_\_\_

1.     **The pledge of allegiance**
2.     **Roll Call:**

	Present	Absent
Mayor Karl Popoff		
Council Position #1 Melinda McVey		
Council Position #2 Larry Brennan		
Council Position #3 Becky Campbell		
<b>Council Position #4 Doug Brand</b>		
<b>STARTING VOTE</b>		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison VACANT		

3.     **Special Orders of Business:**
  - a.     Proclamation Request: Northwest Chapter of Compassionate Friends  
 Worldwide Candle Lighting Day
  - b.     **COMMITTEE & COMMISSION VACANCIES (We are going to start posting  
 these monthly to hopefully drum up some interest)**  
BUDGET: Currently 2 positions of 5 vacant  
PLANNING: Currently 2 positions of 5 vacant  
URBAN RENEWAL ADVISORY: Currently 2 positions of 4 vacant

4.     **Consent Calendar:**  
 None Scheduled

5.     **Citizens Comments**  
 As presented to the Mayor at the beginning of the meeting

6.     **Public Hearing**
  - a.     Ordinance 660: Zoning Ordinance amendments for:
    - Accessory Dwelling Units (ADUs) and Tiny House provisions
  - b.     Ordinance 661: Zoning Ordinance amendments for:
    - Recreational & Medical Marijuana Dispensaries conditionally in 4-C & 5-I

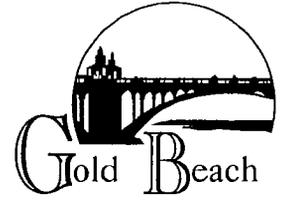
*The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community*

7. **Citizen Requested Agenda Items**  
None Scheduled
  
8. **Public Contracts and Purchasing**  
None Scheduled
  
9. **Ordinances & Resolutions**
  - a. First Reading of Ordinance 660
  - b. First Reading of Ordinance 661
  - c. Resolution R 1617-04 Interfund Loan for the fire SCBA equipment
  
10. **Miscellaneous Items (including policy discussions and determinations)**
  - a. Election update and MJ tax next steps
  - b. Chamber of Commerce "Of the Year" Nominations
  - c. Status of Dispatch IGA negotiations
  
11. **City Administrator's Report**  
To be presented at the meeting
  
12. **Mayor and Council Member Comments**
  - a. Mayor Karl Popoff
  - b. Councilors
    - 1) Melinda McVey
    - 2) Larry Brennan
    - 3) Becky Campbell
    - 4) Doug Brand
    - 5) Tamie Kaufman
  - c. Student Liaison, Vacant
  
13. **Citizens Comments**  
As permitted by the Mayor
  
14. **Executive Session**  
**No executive session is scheduled**

The next regularly scheduled City Council meeting is **Monday, December 12, 2016, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. **Adjourn**      **Time:** \_\_\_\_\_

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community*



# **SPECIAL ORDERS OF BUSINESS**



**SECTION 3.**

**Special Orders of Business**

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**

Agenda Item No. 3 a.  
Council Meeting Date: November 14, 2016

**TITLE: Proclamation for Worldwide Candle Lighting Day**

**SUMMARY AND BACKGROUND:**

The local chapter of the Compassionate Friends, (a national non-profit organization assisting families after the death of a child) respectfully asked the City to official proclaim the second Sunday of December (December 11<sup>th</sup>) to be Worldwide Candle Lighting Day. A copy of the requested proclamation is attached which the Mayor will read and proclaim.

**REQUESTED ACTION:**

**Informational only**



**PROCLAMATION  
Designating the second Sunday in December 2016, as  
Worldwide Candle Lighting Day**

WHEREAS every year in the United States nearly 150,000 infants, children, teens, and young adults die and countless tens of thousands are born still or are miscarried, and;

WHEREAS, we recognize that our children are our country's, our state's, and our city's most valuable resource, and;

WHEREAS, the work of local chapters of The Compassionate Friends provides a caring environment in which bereaved parents, siblings, and grandparents can work through their grief with the help of others traveling the same road, and;

WHEREAS, The Compassionate Friends Worldwide Candle Lighting the second Sunday in December has become a symbolic day when these children are remembered around the globe.

**NOW, THEREFORE, BE IT RESOLVED that I, Karl Popoff, Mayor of the City of Gold Beach, hereby declare and proclaim the second Sunday of December 2016, as Worldwide Candle Lighting Day for the City of Gold Beach.**

**BE IT FURTHER RESOLVED that all residents are encouraged to observe this day by lighting a candle for one hour at 7 p.m. the second Sunday of December in support of bereaved families in the City of Gold Beach and participate in other appropriate activities in remembrance of all children who have died.**

So PROCLAIMED this 14<sup>th</sup> day of November, 2016.

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Karl Popoff, Mayor



***The  
Compassionate  
Friends***  
Supporting Family After a Child Dies



# **PUBLIC HEARING**

## **ZONING CODE AMENDMENTS**



**SECTION 6.  
PUBLIC HEARING**

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**

Agenda Item No. 6 a.  
Council Meeting Date: November 14, 2016

**TITLE: Official Hearing on Ordinances 660 & 661 amending zoning ordinance for “Tiny Houses” and ADUs, and provisions for regulation of Recreational & Medical Marijuana Facilities**

**SUMMARY AND BACKGROUND:**

*For brevity the previous reports on these topics is not included again this month. For lengthy background on the topics please refer to the October 2016 Agenda Report.*

The first official public hearing on the proposed zoning ordinance amendments was held last month. The minor proposed changes discussed then have been incorporated. We still have to have another public hearing now that the changes have officially been written into an ordinance for adoption. After the public hearing, if no additional changes are proposed, we can have the first reading of both ordinances.

**REQUESTED MOTION/ACTION:**

**Take testimony in the public hearing. If no changes are proposed, a motion for the first reading is included in Section 9 of the Agenda.**

**ORDINANCE NO. 660**

**AN ORDINANCE AMENDING ORDINANCE 634, THE GOLD BEACH ZONING ORDINANCE  
PROVIDING PROVISIONS FOR ACCESSORY DWELLING UNITS AND "TINY HOUSES"**

**WHEREAS,** The Gold Beach City Council received several citizen requests to review the current zoning regulations to allow for "tiny houses" within the City; and

**WHEREAS,** The Council tasked the Planning Commission with reviewing the possibility of permitting "tiny houses" and

**WHEREAS,** The Planning Commission held several work sessions and presented the Council with their recommendations for provisions for "tiny houses" in addition to accessory dwelling units (ADUs); and

**WHEREAS,** The Planning Commission made the following specific findings related to "tiny houses" and ADUs which are incorporated into the proposed zoning code amendment:

"Tiny Houses" and Accessory Dwelling Units:

- a) Create new housing units while respecting the look, scale, and feel of the single-family and multi-family dwelling development patterns;
- b) Offer housing choices with less average space per person;
- c) Offer housing options to provide for changing family needs, smaller or larger households, multigenerational housing, or reduction in overall housing costs;
- d) Offer additional housing options for seniors, persons with disabilities, veterans, or financially disadvantaged individuals.

**Section 1.** The following sections of the Gold Beach Zoning Ordinance are hereby amended:

Section 1.030 Definitions

Residential Zone (1-R)

Section 2.020 Uses Permitted Outright

Section 2.040 Lot Size

Section 2.060 Height of Buildings

Residential Zone (2-R)

Section 2.120 Uses Permitted Outright

Section 2.130 Conditional Uses Permitted

Section 2.140 Lot Size

Section 2.160 Height of Buildings

Residential Zone (3-R)

Section 2.220 Uses Permitted Outright

***Ordinance 660***

*Amending Ordinance 634 Zoning Ordinance*

*Page 1 of 15*

Section 2.240 Lot Size  
Section 2.260 Height of Buildings  
Commercial Zone (4-C)  
Section 2.330 Conditional Uses Permitted  
Section 2.350 Height of Buildings  
ARTICLE III Supplementary Provisions  
Section 3.040 Accessory Dwelling Unit (ADU) Standards  
Section 3.045 Manufactured Homes in Residential Zones

## AMENDMENTS TO GBZO TO ALLOW FOR ACCESSORY DWELLING UNITS (ADUs) & TINY HOUSES

Regular type is existing language to remain unchanged

***Bold Italic is new language to be added or amended***

~~Strikethrough~~ is language to be removed

### ADD to Section 1.030 DEFINITIONS

***ACCESSORY DWELLING UNIT (ADU) means a smaller secondary home on the same lot as a primary dwelling having a total square footage of 200'-600' square feet. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities. There are two types of ADUs:***

- 1) "Garden" or "Granny" cottages which are detached structures (e.g. conversion of existing detached garage or accessory structure).***
- 2) Accessory suites or "mother-in-law" apartments which are attached or part of the primary dwelling (e.g. converted living space, apartments over garages, basements or attics; additions to existing dwellings, or any combination thereof).***

***TINY HOUSE means a single-family dwelling of conventional or modular construction which is 200'-600' square feet which are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities.***

***Tiny Houses are subject to the following siting standards:***

- 1) Must be sited on a legally created parcel and are subject to the setback requirements of the underlying zone.***
- 2) Must be connected to an approved domestic water source and connected to city sewer service o, if outside a city served sewer area, a DEQ approved and installed septic system.***
- 3) If the structure is of modular construction the siting standards of Section 3.045 (2, 3, & 4) shall apply to the placement of the dwelling.***

## ARTICLE II. Use Zones

### Residential Zone (1-R)

#### Section 2.010. Purpose of Classification.

The 1-R zone is designated to be applied to residential areas where housing is typically single-family and duplex residences.

#### Section 2.020. Uses Permitted Outright.

In a 1-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling, ~~or a~~ manufactured home **or TINY HOUSE which complies with the requirements set forth in Section 3.045.**
2. Duplex
3. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
4. **PERSONAL** Farming where ~~building site~~ **PARCEL** is one (1) acre or more, but not including livestock.
5. Home Occupations subject to the general standards listed in Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. Registered or certified family child care home pursuant to ORS 657A.440.
8. **Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

#### Section 2.030. Conditional Uses Permitted.

In a 1-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall or community building.

2. Public use facility or public utility, including but not limited to fire stations and parks.(1)
3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
6. Planned Unit Development in compliance with Article V.
7. Wind generators (1).
8. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
9. Use of an existing dwelling unit as a vacation rental dwelling. (4) (and Section 6.050 & 6.051).

**Section 2.040.        Lot size.**

Except as provided in Sections 4.040 and 4.050 in a 1-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the state and county requirements for water supply and sewage disposal.
2. The minimum lot area shall be five thousand (5,000) square feet when both a public water and sewage system are available.
3. ***Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses.***
4. The minimum average lot width shall be fifty (50) feet.

**Section 2.050.        Set-Back Requirements.**

Except as provided in Section 4.010 and 4.030 in a 1-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

**Section 2.060. Height of Buildings.**

1. Except as provided in Section 4.020 in a 1-R zone, no building shall exceed twenty-five (25) feet in height. ***Height of ADUs and Tiny Houses are subject to subsection 2 below.***
2. ***ADUs and Tiny Houses shall not exceed fifteen (15) feet in height.***

**Residential Zone (2-R)**

**Section 2.110. Purpose of Classification.**

The 2-R zone is designed to be applied to residential areas and recognizes the trend toward homes of other than conventional construction.

**Section 2.120. Uses Permitted Outright.**

In a 2-R zone, the following uses and their accessory uses shall be permitted outright:

1. Single-family dwelling, ~~or a~~ manufactured or mobile home ***or TINY HOUSE which complies with the requirements set forth in Section 3.045.***
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Duplex
4. Home Occupations meeting the general standards of Section 3.050.
5. A Residential Home as defined in ORS 197.660(2).
6. Registered or certified family child care home pursuant to ORS 657A.440.

**7. Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

**Section 2.130. Conditional Uses Permitted.**

In a 2-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Mobile or manufactured home park subject to compliance with local building code requirements. (2)
2. Place of worship, school, grange hall, or community building.
3. Public use facility such as a fire station or park.
4. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
5. Utility facility, including substation or pumping station or private generator. (1)
6. Communications transmitter, receiver, antenna or tower. (1)
7. Planned Unit Development on a lot not less than one (1) acre, in compliance with Article V.
8. Wind generators (1).
9. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling as a vacation rental dwelling. ~~(3)~~ (4) (and Section 6.050 & 6.051)
11. One manufactured home or mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. (5)
12. Private horse stable where the lot or parcel is one acre or more in size but not including the renting or boarding of horses for profit.

13. Where the lot is one acre or more in size, **PERSONAL** farming, including the keeping of livestock for noncommercial use.

**Section 2.140.            Lot Size.**

Except as provided in Sections 4.040 and 4.050 in a 2-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by a public water or sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
2. When both a public water and sewage system are available:
  - (a) For uses other than a mobile home park, the minimum lot area shall be five-thousand (5,000) square feet.
  - (b) For mobile or manufactured home park, the minimum shall be eight thousand (8,000) square feet or two thousand (2,000) square feet per home space whichever is greater.
3. ***Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses.***
4. The minimum average width shall be fifty (50) feet.

**Section 2.150.            Set-back Requirements.**

Except as provided in Section 4.010 and 4.030 in a 2-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

**Section 2.160. Height of Buildings.**

1. Except as provided in Section 4.020 in a 2-R zone, no building shall exceed twenty-five (25) feet in height. ***Height of ADUs and Tiny Houses are subject to subsection 2 below.***
2. ***ADUs and Tiny Houses shall not exceed fifteen (15) feet in height.***

**Residential Zone (3-R)**

**Section 2.210. Purpose of Classification.**

The 3-R zone is designed to be applied to residential areas where housing demands may justify a higher density.

**Section 2.220. Uses Permitted Outright.**

In a 3-R zone, the following uses and their accessory uses are permitted outright:

1. Detached single-family dwelling, attached single-family dwellings (townhouses), duplex, or multi-family dwelling, ***or TINY HOUSE which complies with the requirements set forth in Section 3.045.***
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Manufactured home which complies with the requirements set forth in section 3.045.
4. ***PERSONAL*** Farming where ~~building site~~ ***PARCEL*** is one (1) acre or more, but not including livestock.
5. Home Occupations subject to the general standards of Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. A Residential Facility as defined in ORS 197.660(1)
8. Registered or certified family child care home pursuant to ORS 657A.440.

**9. Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

**Section 2.230. Conditional Uses Permitted.**

In a 3-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall, or community building.
2. Public use facility such as a fire station or park.
3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
6. Planned Unit Development on a lot not less than one (1) acre in compliance with Article V.
7. Hospital, sanitarium, retirement home, medical or dental clinic.
8. Wind generators (1).
9. Home occupations subject to the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling unit as a vacation rental dwelling. (4) (and Section 6.050 & 6.051)

**Section 2.240. Lot Size.**

Except as provided in Sections 4.040 and 4.050 in a 3-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the requirements established by

the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.

2. When both a public water supply and sewage disposal system are available the minimum lot area shall be four-thousand (4000) square feet.
3. ***Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses.***
4. The average lot width shall be a minimum of fifty (50) feet.

**Section 2.250. Set-Back Requirements.**

Except as provided in Section 4.010 and 4.030 in a 3-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

**Section 2.260. Height of Buildings.**

1. Except as provided in Section 4.020 in a 3-R zone no building shall exceed thirty-five (35) feet in height. ***Height of ADUs and Tiny Houses are subject to subsection 2 below.***
2. ***ADUs and Tiny Houses shall not exceed fifteen (15) feet in height.***

**Commercial Zone (4-C)**

**Section 2.310. Purpose of Classification.**

The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

**Section 2.320. Uses Permitted Outright.**

1. The 4-C zone is designated to be applied to areas such as community shopping centers and business districts that cater to the needs of nearby residential areas.
1. Hotel, motel, vacation rental, or bed and breakfast inn.
2. Club or lodge hall.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Retail or service establishment.
5. Automobile service station.
6. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
7. Building material storage yard.
8. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
9. Wholesale trucking and storage establishment.
10. Park, playground, fire station, library or museum.
11. Office buildings.
12. Place of worship or school.
13. Recreational vehicle park.
14. Machine shop or cabinet shop.
15. Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except: tire retreading or vulcanizing shop, and manufacturing plants-- including lumber and plywood mills
16. Airport related buildings if located within the airport property. See airport overlay section
17. Dwelling unit(s) may be located in a building devoted primarily to a non-residential use.

**PERMITTED USES WITHIN EXISTING SINGLE-FAMILY/MULTIFAMILY DWELLINGS:**

18. Home Occupations subject to the general standards of Section 3.050.
19. A Residential Home as defined in ORS 197.660(2).
20. A Residential Facility as defined in ORS 197.660(1)
21. Registered or certified family child care home pursuant to ORS 657A.440.

**Section 2.330.            Conditional Uses Permitted.**

In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

2. Single family dwelling or **TINY HOUSE which complies with the requirements set forth in Section 3.045.**
3. Multiple family dwelling.
4. Planned Unit Development on a lot of at least one (1) acre in area and in compliance with Article V.
5. Utility facility; including substation, pumping station or private generator. (1)
6. Communications transmitter, receiver, antenna or tower. (1)
5. Wind generator (1).
7. Mobile or portable office.
8. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.
9. **Accessory Dwelling Unit subject to the specific standards listed in Section 3.040**

**Section 2.340.            Lot Size.**

Except as provided in Sections 4.040 and 4.050 in a 4-C zone:

The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

**Section 2.350.            Height of Buildings.**

1. Except as provided in Section 4.020 in a 4-C zone, no building shall exceed thirty-five (35) feet in height. ***Height of ADUs and Tiny Houses are subject to subsection 2 below.***
2. ***ADUs and Tiny Houses shall not exceed fifteen (15) feet in height.***

**Section 3.040            Accessory Dwelling Unit (ADU) Standards**

***Purpose. Accessory Dwelling Units (ADU) shall be permitted to provide the following:***

- e) ***Create new housing units while respecting the look, scale, and feel of the single-family and multi-family dwelling development patterns;***
- f) ***Offer housing choices with less average space per person;***
- g) ***Offer housing options to provide for changing family needs, smaller or larger households, multigenerational housing, or reduction in overall housing costs;***
- h) ***Offer additional housing options for seniors, persons with disabilities, veterans, or financially disadvantaged individuals.***

***Specific ADU siting standards***

- 1) ***ADUs shall be accessory to an existing single-family, duplex, or multi-family dwelling; and***
- 2) ***ADUs shall meet the setback requirements of the underlying zone; and***
- 3) ***ADUs shall be 200'-600' square feet in size; and***
- 4) ***ADUs shall not be used for vacation rental dwellings or rentals of less than 30 day increments and may not be advertised as such; and***

Section 3.045. Manufactured Homes in Residential Zones.

A manufactured home placed on an individual lot in a Residential zone shall comply with the following provisions:

1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. **This standard does not apply to "tiny houses" or accessory dwelling units (ADUs).**
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed by a perimeter wall of concrete or grouted and filled concrete blocks such that no more than 16 inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 16 inch limitation shall not apply. However if these requirements conflict with the City of Gold Beach Flood Damage Prevention Ordinance (Ordinance 422) the requirements of Ordinance 422 shall apply.
3. The manufactured home shall have a pitched roof, with a nominal slope of three feet in height for each 12 feet in width.
4. The manufactured home shall have exterior siding and roofing which is comparable to the predominant materials used on surrounding dwellings.

*END OF PROPOSED AMENDMENTS*

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Section 2. All other sections and provisions of Ordinances 634 are unaltered and remain in effect.

Section 3. General Savings Provision and Continuity of Existing Provisions.

This code shall not affect the rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this Code. The provisions of this Code that are the same in substance as code or ordinance provisions that are in effect immediately before this Code becomes effective shall be construed as restatements and continuations of the prior provisions.

**Passed and Adopted** by the City Council of the City of Gold Beach, Oregon, State of Oregon, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Karl Popoff, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Fritts, City Administrator

First Reading: November 14, 2014

Ayes    Nays

Second Reading: December 12, 2016

Ayes    Nays

**ORDINANCE NO. 661**

**AN ORDINANCE AMENDING ORDINANCE 634, THE GOLD BEACH ZONING ORDINANCE PROVIDING PROVISIONS FOR RECREATIONAL AND MEDICAL MARIJUANA DISPENSARIES WITHIN THE COMMERCIAL (4-C) AND INDUSTRIAL (5-I) ZONES**

**WHEREAS,** In 1998 the voters of the state of Oregon originally approved Measure 67 commonly known as the Oregon Medical Marijuana Act; and

**WHEREAS,** In 2014 the voters of the state of Oregon approved Measure 91 which provided for personal growing, possession, and use of limited amounts of non-medical recreational marijuana; and

**WHEREAS,** The state legislature made changes to both laws in 2015 and provided a framework for reasonable time, manner, and place restrictions by local jurisdictions on medical and recreational marijuana growers, processors, dispensaries and retailers; and

**WHEREAS,** The City Council, after several public hearings and workshops, has determined reasonable time, manner, and place restrictions shall be incorporated into the City Zoning Ordinance #634, specifically within the Commercial and Industrial zones.

**Section 1.** The following sections of the Gold Beach Zoning Ordinance are hereby amended:

Section 1.030 Definitions

Commercial Zone (4-C)

Section 2.330 Conditional Uses Permitted

Industrial Zone (5-I)

Section 2.430 Conditional Uses Permitted

ARTICLE III Supplementary Provisions

Section 3.050 Home Occupations

ARTICLE VI Conditional Uses

10. Medical or Recreational Marijuana Uses

**AMENDMENTS TO GBZO TO ALLOW FOR Medical and Recreational Marijuana Uses within the Commercial and Industrial Zones**

Regular type is existing language to remain unchanged

***Bold Italic is new language to be added or amended***

~~Strikethrough~~ is language to be removed

**Add to Section 1.030 Definitions:**

**Marijuana.** *the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.*

**Marijuana Facility.** *A Medical Marijuana Grow Site, a Medical Marijuana Processing Site, a Medical Marijuana Dispensary, a Recreational Marijuana Producer, a Recreational Marijuana Processor, a Recreational Marijuana Wholesaler or a Recreational Marijuana Retailer.*

**Medical Marijuana Dispensary.** *A medical marijuana dispensary registered with the Oregon Health Authority pursuant to ORS 475B.450.*

**Medical Marijuana Grow Site.** *A medical marijuana grow site registered with the Oregon Health Authority pursuant to ORS 475B.420.*

**Medical Marijuana Processing Site.** *A medical marijuana processing site registered with the Oregon Health Authority pursuant ORS 475B.435.*

**Recreational Marijuana Processor.** *A recreational marijuana processor licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.090.*

**Recreational Marijuana Producer.** *A recreational marijuana producer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.070.*

**Recreational Marijuana Retailer.** *A recreational marijuana retailer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.110.*

**Recreational Marijuana Wholesaler.** *A recreational marijuana wholesaler licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.100.*

**Commercial Zone (4-C)**

**Section 2.310.** Purpose of Classification.

The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

**Section 2.320.** Uses Permitted Outright.

The 4-C zone is designated to be applied to areas such as community shopping centers and business districts that cater to the needs of nearby residential areas.

1. Hotel, motel, vacation rental, or bed and breakfast inn.
2. Club or lodge hall.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Retail or service establishment.
5. Automobile service station.
6. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
7. Building material storage yard.
8. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
9. Wholesale trucking and storage establishment.
10. Park, playground, fire station, library or museum.
11. Office buildings.
12. Place of worship or school.
13. Recreational vehicle park.
14. Machine shop or cabinet shop.
15. Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except: tire retreading or vulcanizing shop, and manufacturing plants-- including lumber and plywood mills
16. Airport related buildings if located within the airport property. See airport overlay section
17. Dwelling unit(s) may be located in a building devoted primarily to a non-residential use.

PERMITTED USES WITHIN EXISTING SINGLE-FAMILY/MULTIFAMILY DWELLINGS:

18. Home Occupations subject to the general standards of Section 3.050.
19. A Residential Home as defined in ORS 197.660(2).
20. A Residential Facility as defined in ORS 197.660(1)
21. Registered or certified family child care home pursuant to ORS 657A.440.

Section 2.330. Conditional Uses Permitted.

In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Single family dwelling.
2. Multiple family dwelling.
3. Planned Unit Development on a lot of at least one (1) acre in area and in compliance with Article V.
4. Utility facility; including substation, pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
5. Wind generator (1).
6. Mobile or portable office.
7. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.
- 8. Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (10) )**
- 9. Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (10) )**

**10. Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (10) )**

Section 2.340. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 4-C zone:

The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

Section 2.350. Height of Buildings.

Except as provided in Section 4.020 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

Industrial Zone (5-I)

Section 2.410. Purpose of Classification.

The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

Section 2.420. Uses Permitted Outright.

In a 5-I zone, the following uses and their accessory uses are permitted outright:

1. Retail or service establishment.
2. Automobile service station.
3. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
4. Building material storage yard.
5. Plumbing, electrical, or paint contractor's storage, repair or sales shop.

6. Tire retreading or vulcanizing shop.
7. Wholesale trucking and storage establishment.
8. Machine shop or cabinet shop.
9. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 2.430.
10. Utility facility, including substation or pumping station.
11. Communications transmitter, receiver, antenna or tower.

Section 2.430. Conditional Uses Permitted.

In a 5-I zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Manufacturing plant, including lumber and plywood mills.
2. Airport or heliport.
3. Place of worship or school.
4. Park, playground, fire station, library or museum.
5. Planned Unit Development on a lot of at least three (3) acres in area and in compliance with Article V.
6. Wind generators (1).
7. Recreational vehicle park or campground
8. Mobile or portable office.
9. ***Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (10) )***

**10. Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (10) )**

**11. Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (10) )**

Section 2.440. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 5-I zone, the minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, compliance with the off-street parking ordinance shall be required. must be conformed with.

Section 2.450. Height of Building.

Except as provided in Section 4.020 in a 5-I zone, no building shall exceed thirty-five (35) feet in height; however, buildings up to fifty (50) feet in height may be allowed as a conditional use.

Section 3.050. Home Occupations.

Definition: Home occupation means any business or professional activity engaged in for the production of income by a resident of a dwelling or dwelling unit as a subordinate use of the building and its premises, and in conformance with the standards listed below. Such term does not include the lease or rental of a dwelling unit or the rental of guest rooms on the same premises.

***Marijuana Facility as defined in Section 1.030, and any accessory use to a marijuana facility, is expressly prohibited as a Home Occupation.***

**10. Medical or Recreational Marijuana Uses**

- a) The facility shall be registered and licensed through the State of Oregon and shall comply with all state regulations regarding medical or recreational marijuana facilities, depending on its type of state registration.**
- b) The facility shall be located 1000' or more feet from the exterior boundary line of parcel containing any public, private, or religious based school for students under the age of 18. This specifically includes state certified/licensed daycare facilities, charter schools, and state certified/licensed home schools.**
- c) The facility shall not be located with 1000' of a building containing another marijuana business.**
- d) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.**
- e) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.**
- f) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.**
- g) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers.**
- h) Production of oil based products or distilling of oil shall only be permitted within the Industrial (5-I) zone. Review and inspection of the facility and proposed uses by the Fire Chief shall be required prior to the commencement of business.**

END OF PROPOSED AMENDMENTS

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Section 2. All other sections and provisions of Ordinances 634 are unaltered and remain in effect.

Section 3. General Savings Provision and Continuity of Existing Provisions.

This code shall not affect the rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this Code. The provisions of this Code that are the same in substance as code or ordinance provisions that are in effect immediately before this Code becomes effective shall be construed as restatements and continuations of the prior provisions.

**Passed and Adopted** by the City Council of the City of Gold Beach, Oregon, State of Oregon, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Karl Popoff, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Fritts, City Administrator

First Reading: November 14, 2014

Ayes    Nays

Second Reading: December 12, 2016

Ayes    Nays



# **ORDINANCES & RESOLUTIONS**



**SECTION 9.**

**Ordinances & Resolutions**

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**

Agenda Item No. **9. a.**

Council Meeting Date: November 14, 2016

**TITLE:** First Reading Ordinance 660, amending zoning ordinance providing provisions for “tiny houses” and accessory dwelling units (ADUs)

**SUMMARY AND BACKGROUND:**

Public Hearing was earlier on the agenda. If the proposed ordinance is acceptable we can do the first reading this evening. If the motion is made and approved, I will make the first reading by title only into the record.

**NEEDED ACTION:**

**A motion to adopt Ordinance 660 and approve the first reading by title only**

**SUGGESTED MOTION:** I make the motion that the Council adopts Ordinance 660, an ordinance amending Ordinance 634, the Gold Beach Zoning Ordinance providing provisions for accessory dwelling units and “tiny houses”, and approving the first reading by title only.



**SECTION 9.  
Ordinances & Resolutions**

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**

Agenda Item No. 9. b.  
Council Meeting Date: November 14, 2016

**TITLE: First Reading Ordinance 661, amending zoning ordinance providing provisions for regulating recreational and medical marijuana facilities**

**SUMMARY AND BACKGROUND:**

Public Hearing was earlier on the agenda. If the proposed ordinance is acceptable we can do the first reading this evening. If the motion is made and approved, I will make the first reading by title only into the record.

**NEEDED ACTION:**

**A motion to adopt Ordinance 661 and approve the first reading by title only**

**SUGGESTED MOTION: I make the motion that the Council adopts Ordinance 661, an ordinance amending Ordinance 634, the Gold Beach Zoning Ordinance providing provisions for recreational and medical marijuana dispensaries within the Commercial and Industrial zones, and approving the first reading by title only.**



**SECTION 9.**

**Ordinances & Resolutions**

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**

Agenda Item No. **9. c.**

Council Meeting Date: November 14, 2016

**TITLE: Resolution R1617-04 authorizing an interfund loan between the  
General Fund-Fire Department and the Sewer Reserve Fund**

**SUMMARY AND BACKGROUND:**

The loan between the Fire Department and the Sewer Reserve was approved during this year's budget process but I noticed when I went to pay the invoice for the Self-Contained Breathing Apparatus (SCBA) when it arrived that we did not make the formal loan resolution.

**NEEDED ACTION:**

**A motion to adopt the resolution authorizing the interfund loan**

**SUGGESTED MOTION: I make the motion that the Council adopt Resolution R1617-04, a resolution authorizing an interfund loan between the General Fund-Fire Department and the Sewer Reserve Fund.**

**RESOLUTION R1617-04**

**A RESOLUTION AUTHORIZING AN INTERFUND LOAN BETWEEN THE GENERAL FUND-FIRE DEPARTMENT AND THE SEWER RESERVE FUND**

**WHEREAS**, the City Fire Department is in need of new Self Contained Breathing Apparatus (SCBA) for the department fire fighters; and

**WHEREAS**, the cost of the units exceeds yearly fire department funds available for equipment purchase; and

**WHEREAS**, the Council and Budget Committee has determined that it is fiscally responsible to purchase the SCBA equipment at one time rather than a few each year to ensure equipment compatibility and fire fighter safety; and

**WHEREAS**, ORS 294.468 permits interfund loans contingent upon adopting a ordinance or resolution to authorize the loan; and

**WHEREAS**, the Sewer Reserve Fund has sufficient liquid assets to loan to the General Fund-Fire Department the funds to purchase the SCBA equipment immediately and current interest rates on savings reserves is less than 0.25%.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Gold Beach City Council hereby authorizes an interfund loan of \$120, 000 between the Sewer Reserve Fund and the General Fund-Fire Department to be paid back in ten (10) annual installments with an interest rate of 3%. The first payment will be due in FY 2016-2017 and payable December 1, 2016, and every December 1<sup>st</sup> thereafter until paid in full. A Loan amortization schedule is attached as EXHIBIT A.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 14<sup>th</sup> DAY OF NOVEMBER, 2016.

APPROVED BY:

\_\_\_\_\_  
Karl Popoff, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Fritts, City Administrator/Recorder

**EXHIBIT A TO RESOLUTION R1617-04**

**FIRE DEPT SCBA LOAN FROM SEWER RESERVE**

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	Enter values
Loan amount	\$ 120,000.00
Annual interest rate	3.000%
Loan period in years	10
Start date of loan	12/1/2016
Annual payment	\$ 12,165.62
Number of payments	10
Total interest	\$ 1,656.18
Total cost of loan	\$ 121,656.18

No.	Payment Date	Beginning Balance	Payment	Principal	Interest	Ending Balance
1	12/1/2016	\$ 120,000.00	\$ 12,165.62	\$ 11,865.62	\$ 300.00	\$ 108,134.38
2	12/1/2017	\$ 108,134.38	\$ 12,165.62	\$ 11,895.28	\$ 270.34	\$ 96,239.10
3	12/1/2018	\$ 96,239.10	\$ 12,165.62	\$ 11,925.02	\$ 240.60	\$ 84,314.08
4	12/1/2019	\$ 84,314.08	\$ 12,165.62	\$ 11,954.83	\$ 210.79	\$ 72,359.25
5	12/1/2020	\$ 72,359.25	\$ 12,165.62	\$ 11,984.72	\$ 180.90	\$ 60,374.53
6	12/1/2021	\$ 60,374.53	\$ 12,165.62	\$ 12,014.68	\$ 150.94	\$ 48,359.85
7	12/1/2022	\$ 48,359.85	\$ 12,165.62	\$ 12,044.72	\$ 120.90	\$ 36,315.13
8	12/1/2023	\$ 36,315.13	\$ 12,165.62	\$ 12,074.83	\$ 90.79	\$ 24,240.30
9	12/1/2024	\$ 24,240.30	\$ 12,165.62	\$ 12,105.02	\$ 60.60	\$ 12,135.28
10	12/1/2025	\$ 12,135.28	\$ 12,165.62	\$ 12,135.28	\$ 30.34	\$ 0.00



# **MISC. ITEMS**

**INCLUDING POLICY DISCUSSIONS &  
DETERMINATIONS**



**MISC ITEMS** (including policy discussions & determinations)

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**

Agenda Item No. **10 a.**  
Council Meeting Date: November 14, 2016

**TITLE: November Election Update and MJ Tax Info**

**SUMMARY AND BACKGROUND:**

First, congratulations from me and all of the city staff to the Mayor and Councilors Brennan and Brand. We are glad you are on board for another 4 years of hard work! We appreciate all you do for our village in your “spare” (HA!) time. We know it is often a thankless job, but you really are appreciated. We will have the official certified results at the next council meeting. Legal Counsel Lauren Sommers sends her congratulations as well.

Second, the marijuana tax ordinance passed by the voters so that will go into effect the first of the year. We don’t currently have any retailers, etc. but we are ready! I’m attaching some info from the League. Lauren is already reviewing the draft IGA from the Department of Revenue. She feels the best and easy way to collect the tax is through the state (much like the cigarette and liquor taxes) so why reinvent the wheel? If you have any questions we can discuss them at the meeting.

**REQUESTED ACTION:**

None, FYI only.



1201 Court Street NE, Suite 200 • Salem, Oregon 97301  
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863  
[www.orcities.org](http://www.orcities.org)

To: League of Oregon Cities Members  
From: Wendy Johnson, Intergovernmental Relations Associate  
Date: November 4, 2016  
RE: Marijuana Tax Collection Agreement FAQ

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A copy of a model Marijuana Tax Collection Agreement provided by the Oregon Department of Revenue (DOR) is available on the League's website under "[Marijuana Resources](#)" in the A-Z Index. This is an optional intergovernmental agreement (IGA) that cities may choose to enter into with the DOR if the city elects to have the DOR collect and enforce their local marijuana tax. The option of state administration of the local tax was sought by the League during the 2016 session for efficiency, and to address concerns related to public safety and banking. This Frequently Asked Questions (FAQ) memo is intended to further explain and highlight the following six key components of the IGA.

#### **1. Timing of Payments from the State (paragraph 4)**

Under the agreement, local governments will receive payment of local marijuana taxes from the DOR each quarter; however, the quarterly payment will not be for the quarter that just finished, but the quarter before that. The delayed payment will occur due to the time retailers have to pay the taxes and file their returns, and the time DOR needs to process the payments and returns. Specifically, retailers must file a return each quarter and make payments each month. The terms of the IGA provide that DOR will make payment within 60 days AFTER the quarterly return due date.

Example: The first quarter for 2017 runs from January 1 to March 31. The tax return for that first quarter is due to the DOR on May 1 (30 days after the quarter). The tax payments to the DOR are due February 28, March 31, and May 1 for the tax collected for the corresponding previous month. The DOR will send tax payments to the local government within 60 days after the return due date of May 1, and thus payment to local government is due by June 30. This is three months after the end of the first quarter, March 31.

The DOR is in discussions with the Oregon Department of Administrative Services (DAS), but Paragraph 4 (last sentence) would permit the DOR to have DAS send the actual quarterly local marijuana tax payments to local governments. This payment may or not be made along with the state shared revenue payments of the state marijuana tax. The DAS already has the infrastructure to do the payments and mailings, etc. since they handle several other state shared revenue payments (for example, liquor and cigarette). The state is working out details, but don't be surprised that you may be working with DAS and not the DOR on the actual local marijuana tax payments.

## **2. Cost to Local Governments for DOR to Collect and Enforce (paragraphs 5 and 6)**

The legalization of recreational marijuana and the taxation of the product is still very new to the state and costs for tax administration have not been adequately calculated since the program is still evolving. Thus, for ease of administration, the IGA simply provides for 4 percent of local tax revenues to be withheld each month by the DOR to approximate the state's costs. Then, once a year, the DOR will figure out their actual costs and use the three fees described in paragraph 5(a) to (c) to calculate each local government's share of the costs. The DOR recognizes local governments would like more specificity on what the costs will be before signing an agreement, but details simply are not available yet. The draft IGA has been improved a great deal over recent months. Specifically, paragraph 5(g) was recently added to make it clear that the DOR will only recover costs to administer the local marijuana tax. In addition, more details and limits on the administrative service fee and the business fee were added to the IGA. Cities may consider adjusting their ordinances to help offset the DOR fees. For example, license fees for retailers could be adjusted. See the League's Model Ordinances, Appendix E, available under "Marijuana Resources" in the League's online A-Z index.

## **3. Interest and penalties for late payment (paragraphs 1(d) and 2)**

The DOR will collect interest and penalties for local governments on local marijuana taxes, following the same method and using the same rates as they do for the state marijuana tax. Beginning in 2017, the interest rate will be 5 percent (annual) or 0.4167 percent (monthly). In addition, there are 5, 20, and 100 percent penalties that escalate over time for failing to file or failing to pay. Local governments may need to revise their local ordinances, notices, etc. if the interest and penalties conflict with the state provisions. The IGA specifically provides that the DOR will not collect additional penalties or fees that a city may assess. (See paragraph 1(d)). See also page 2 of the Oregon Quarterly Marijuana Tax Return that discusses late filing and penalties, available here: [https://www.oregon.gov/DOR/forms/FormsPubs/marijuana-tax-return\\_610-001\\_2016.pdf](https://www.oregon.gov/DOR/forms/FormsPubs/marijuana-tax-return_610-001_2016.pdf)

## **4. Start Date of Agreement (paragraph 16)**

Approximately 100 cities have local marijuana taxes on the November 8 ballot. Election results will not generally be certified until December 8, and both the DOR and taxpayers need some lead time to start this new tax collection. With this in mind, the IGA provides that for those local governments that sign the agreement by the deadline, collection and enforcement by

the DOR would begin January 1, 2017. Local governments need to sign and submit the agreement by January 15, 2017 for the DOR to collect for the first quarter of 2017. (See paragraph 16, last sentence). Signing in November or December 2016 is encouraged in order to assist the DOR in preparation. The DOR is permitting signing the agreement after the first quarter starts (until January 15) because payment for January taxes is not due until February 28. Cities that sign after the January 15 deadline would have start dates of the next applicable quarter. Cities may need to amend their ordinance if the ordinance included information about where, how, and when the tax must be remitted that conflicts with the IGA.

#### **5. Confidentiality (paragraph 15)**

Marijuana tax information is largely confidential. ORS 314.835 provides that “particulars” in reports and returns of local taxes collected pursuant to ORS 305.620 (the provision permitting the DOR collection through an intergovernmental agreement) are confidential. “Particulars” are defined in statute. The IGA references this statute and provides limited employee access and use in paragraph 15. The League’s model ordinance also contains a confidentiality provision. See the League’s Model Ordinances, Appendix E, available under “Marijuana Resources” in the League’s online A-Z index. Cities will need to follow the confidentiality protocols carefully. Note also that the DOR has alerted the League that published financials and proposed budgets may need to have local marijuana tax revenues combined with other revenues if a city has such few retailers such that individual retailer information would be inadvertently disclosed. Questions should be directed to the DOR.

#### **6. City’s Responsibilities (paragraphs 10-12)**

Cities that enter into the model IGA would have the following key responsibilities:

1. Shall provide the DOR with a **list of the local taxpayers** (licensed marijuana retailers) in their jurisdiction within 60 days of signing the agreement, and then update the list each quarter. (Note: the DOR will receive taxpayer information from OLCC on marijuana retailers too, but the list from the cities will help with boundary issues and provide a double-check.)
2. Shall provide the DOR with a **list of zip codes** in their taxing jurisdiction within 60 days of signing the agreement. (This will particularly help with boundary issues, e.g. incorporated or unincorporated locations, and provide a double-check as well.)
3. Shall **review reports and reconciliations each quarter** and promptly notify the DOR of any perceived errors or omissions.
4. Shall **maintain its records** under Oregon public records laws and provide records upon request. (This would include business registration records primarily.)
5. Shall **provide a copy of the ordinance** that imposes the local marijuana tax to the DOR along with the signed agreement. Cities also must provide the DOR with updates on ordinance changes.

**This document is not a substitute for legal advice.** City councils considering using the Oregon Department of Revenue to collect local marijuana taxes should not rely solely on this memo or League sample ordinances. Any city council considering any form of regulation or taxing of marijuana should consult with its city attorney regarding the advantages, disadvantages, risks and limitations of any given approach.

Legal counsel can also assist a city in preparing an ordinance that is consistent with state law, local procedures, existing ordinances and a city's charter, and advise on what process is needed to adopt the ordinance.

The memo is intended to be a starting point, not an ending point, for any jurisdiction considering entering into an agreement with the Oregon Department of Revenue.



**SECTION 10.**

**MISC ITEMS** (including policy discussions & determinations)

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**

Agenda Item No. **10 b.**  
Council Meeting Date: November 14, 2016

**TITLE: Chamber “Of the Year” Nominations**

**SUMMARY AND BACKGROUND:**

It’s been several years since the last Chamber of Commerce “Of the Year” Awards (I want to say our very own Councilor Brennan’s Arch Rock Brewery won the last Business of the Year Award!) The Chamber has put out the call this year for nominations for the following awards: Business of the Year, Non-Profit of the Year, Citizen of the Year, and Volunteer of the Year. I am including the forms they sent me and we will also be posting these on our website and will have copies available at the front counter. So please fill some out and encourage your friends and neighbors as well. Nominees need not be Chamber members, and nominators don’t have to live within the City—these are Central Curry nominations.

**REQUESTED ACTION:**

None, FYI only.



**Business of the Year  
Nomination Information  
2016**

The Gold Beach Business of the Year will be selected from among written nominations submitted. Nominations may be submitted by the businesses themselves or by any other interested party. Selection of the finalists and winner will be done by a sub-committee of the Gold Beach Chamber of Commerce Board of Directors with consultation from Chamber members as the sub-committee deems appropriate and/or necessary.

**Mandatory criteria which must be met to be considered:**

- The nominated business must have a physical presence within the Central Curry County area, defined roughly as Arizona Beach to the north, Pistol River to the south, and the Agness area to the east.
- It is NOT necessary for the nominated business to be a Gold Beach Chamber of Commerce member.

**Attributes to be judged:**

(It is not necessary for a business to have all the following attributes to be considered. These are guidelines for purposes of giving the selections committee the most complete information possible upon which to base a decision.)

- Successful business contribution to the overall community.
- Business growth: can be physically, financially, in diversity or in numbers of employees, etc.
- Employee relations activities, i.e. recognition programs, morale activities, benefits, etc.
- Employee volunteer program(s).
- Building improvement(s) and/or maintenance for visual appeal within the community.
- Youth and/or school involvement.
- Mentoring activities; apprenticeships; shadowing program(s).
- Financial contributions to the community, i.e. sponsorships, direct or indirect financial support, etc.

Other areas in which the nominee excels may also be considered. The nomination form has space to include other information that is pertinent to the nomination process. Conversely, not all areas listed above will apply to all nominated business and may be left blank on the form.

**Business of the Year  
Nomination Form  
2016**

**Attributes to be judged:**

(It is not necessary for a business to have all the following attributes to be considered. These are guidelines for purposes of giving the selections committee the most complete information possible upon which to base a decision.)

- Successful business contribution to the overall community.
- Business growth: can be physically, financially, in diversity or in numbers of employees, etc.
- Employee relations activities, i.e. recognition programs, morale activities, benefits, etc.
- Employee volunteer program(s).
- Building improvement(s) and/or maintenance for visual appeal within the community.
- Youth and/or school involvement.
- Mentoring activities; apprenticeships; shadowing program(s).
- Financial contributions to the community, i.e. sponsorships, direct or indirect financial support, etc.

**Nominee Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

E-mail address/web site: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

**Form submitted by (optional):**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Answer only those questions that apply to the nominee. Unanswered questions will NOT have a negative effect on the nomination. If more room is needed, use the back of the form and/or a separate piece of paper. Please note on the additional paper the question number being extended. The final decision will be made based on all of the information provided.

Submit forms to the Gold Beach Chamber of Commerce office located at 29795 Ellensburg Avenue, suite 105. PO Box 489, Gold Beach, OR 97444. Mailed forms must reach the office by the deadline below. Forms may be dropped off between 9:00 a.m. and 4:00 p.m.





**Non-Profit of the Year  
Nomination Information  
2016**

The Gold Beach Non-Profit of the Year will be selected from among written nominations submitted. The nomination process will be open to all who wish to nominate candidates, with the exception that self-nominations will not be accepted. Selection of the finalists and winner will be done by a sub-committee of the Gold Beach Chamber of Commerce Board of Directors with consultation from Chamber members as the sub-committee deems appropriate and/or necessary.

**Mandatory criteria which must be met to be considered:**

- The nominated organization must have a physical presence within the Central Curry County area, defined roughly as Arizona Beach to the north, Pistol River to the south, and the Agness area to the east.
- It is NOT necessary for the nominated organization to be a Gold Beach Chamber of Commerce member.

**Attributes to be judged:**

(It is not necessary for an organization to have all the following attributes to be considered. These are guidelines for purposes of giving the selections committee the most complete information possible upon which to base a decision.)

- Successful contribution to the overall community.
- Organization growth: can be physically, financially, in diversity or in numbers of employees, etc.
- Employee relations activities, i.e. recognition programs, morale activities, benefits, etc.
- Employee volunteer program(s).
- Building improvement(s) and/or maintenance for visual appeal within the community.
- Youth and/or school involvement.
- Mentoring activities; apprenticeships; shadowing program(s).
- Financial contributions to the community, i.e. sponsorships, direct or indirect financial support, etc.

Other areas in which the nominee excels may also be considered. The nomination form has space to include other information that is pertinent to the nomination process. Conversely, not all areas listed above will apply to all nominated business and may be left blank on the form.

**Non-Profit of the Year  
Nomination Form  
2016**

**Attributes to be judged:**

(It is not necessary for a non-profit organization to have all the following attributes to be considered. These are guidelines for purposes of giving the selections committee the most complete information possible upon which to base a decision.)

- Successful contribution to the overall community.
- Organization growth: can be physically, financially, in diversity or in numbers of employees, etc.
- Employee relations activities, i.e. recognition programs, morale activities, benefits, etc.
- Employee volunteer program(s).
- Building improvement(s) and/or maintenance for visual appeal within the community.
- Youth and/or school involvement.
- Mentoring activities; apprenticeships; shadowing program(s).
- Financial contributions to the community, i.e. sponsorships, direct or indirect financial support, etc.

**Nominee Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

E-mail address/web site: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

**Form submitted by (optional):**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Answer only those questions that apply to the nominee. Unanswered questions will NOT have a negative effect on the nomination. If more room is needed, use the back of the form and/or a separate piece of paper. Please note on the additional paper the question number being extended. The final decision will be based on all of the information provided.





**Citizen of the Year  
Nomination Information  
2016**

The Gold Beach Citizen of the Year will be selected from among written nominations submitted. Nominations may be submitted by any interested party. Selection of the finalists and winner will be done by a sub-committee of the Gold Beach Chamber of Commerce Board of Directors with consultation from Chamber members as the sub-committee deems appropriate and/or necessary.

**Mandatory criteria which must be met to be considered:**

- The nominated person must be a resident (at least part-time) within the Central Curry County area, defined roughly as Arizona Beach to the north, Pistol River to the south, and the Agness area to the east.
- The nominee can be a volunteer, elected official, or paid person or private citizen who provides "above and beyond" service of a civic nature to the community as a whole.

**Attributes to be judged:**

(It is not necessary for a nominee to have all the following attributes to be considered. These are guidelines for purposes of giving the selections committee the most complete information possible upon which to base a decision.)

- Civic activities can be local or extend beyond local confines, to national or even international levels.
- Civic participation on boards, etc. and its impact on the community.
- Personal/professional accomplishments.
- Initiation of programs or ideas for community betterment.
- Demonstration of an exceptional or exemplary attitude.
- Abilities/skills used to contribute to the project or community.
- Overall contribution to the community, i.e. volunteered time, financial contribution, or any other support.

Other areas in which the nominee excels may also be considered. The nomination form has space to include other information that is pertinent to the nomination process. Conversely, not all areas listed above will apply to all nominated individuals and may be left blank on the form.

# Citizen of the Year Nomination Form 2016

**Attributes to be judged:**

(It is not necessary for a nominee to have all the following attributes to be considered. These are guidelines for purposes of giving the selections committee the most complete information possible upon which to base a decision.)

- Civic activities can be local or extend beyond local confines, national or even international levels.
- Civic participation on boards, etc. and its impact on the community.
- Personal/professional accomplishments.
- Initiation of programs or ideas for community betterment.
- Demonstration of an exceptional or exemplary attitude.
- Abilities/skills used to contribute to the project or community.
- Overall contribution to the community, i.e. volunteered time, financial contribution, or any other support.

**Nominee Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

E-mail address/web site: \_\_\_\_\_

Occupation: \_\_\_\_\_

**Form submitted by (optional):**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Answer only those questions that apply to the nominee. Unanswered questions will NOT have a negative effect on the nomination. If more room is needed, use the back of the form and/or a separate piece of paper. Please note on the additional paper the question number being extended. The final decision will be made based on all of the information provided.

Submit forms to the Gold Beach Chamber of Commerce office located at 29795 Ellensburg Avenue, Suite 105. PO Box 489, Gold Beach, OR 97444. Mailed forms must reach the office by the deadline below. Forms may be dropped off between 9:00a.m. and 4:00p.m.

**Deadline for submission of forms:  
December 30, 2016 3:00p.m.**

1. List boards, committees, and/or civic organizations with which nominee is active. Describe the impact to the community created by nominee's service on these boards, committees, and/or civic organizations.
2. List nominee's personal or professional accomplishments.
3. Describe programs or ideas initiated by the nominee for the betterment of the community.
4. Describe the nominee's overall contribution to the community in terms of amounts of volunteered time, financial/materials contribution, and/or any other support.
5. Please provide any additional information that the selection committee should know about the nominee. Also attach any letters of recommendation or other third party information that the selection committee might consider.

Thank you for nominating a Gold Beach community member for Citizen of the Year for 2016! All nominations will be carefully considered by the selection committee. If you require further information for the completion of this form or other additional assistance, please call the Gold Beach Chamber of Commerce at 247-0923.



## **Volunteer of the Year Nomination Information 2016**

The Gold Beach Volunteer of the Year will be selected from among written nominations submitted. Any interested party may submit nominations. Selection of the finalists and winner will be done by a sub-committee of the Gold Beach Chamber of Commerce Board of Directors with consultation from Chamber members as the sub-committee deems appropriate and /or necessary.

### **Mandatory criteria which must be met to be considered:**

- The nominated person must be a resident (at least part-time) within the Central Curry County area, defined roughly as Arizona Beach to the north, Pistol River to the south, and the Agness area to the east.
- The nominee must use unpaid time to perform the activities for which he or she is being nominated. The nominee may be reimbursed for any expenses associated with the volunteer activities.

### **Attributes to be judged:**

(It is not necessary for a nominee to have all of the following attributes to be considered. These are guidelines for purposes of giving selection committee the most complete information possible upon which to base a decision.)

- Volunteer activity can be with one or more groups, organizations, or activities.
- Total number of hours as volunteer will be considered.
- Activity's overall benefit to community and/or group
- Initiation of ideas or programs that benefit the community.
- Value of abilities/skills contributed.
- Extending "above and beyond the call of duty."
- Exceptional and/or exemplary attitude.

Other areas in which the nominee excels may also be considered. The nomination form has space to include other information as pertinent to the nomination process. Conversely, not all areas listed above will apply to all nominated individuals and may be left blank on the form.

# Volunteer of the Year Nomination Form 2016

**Attributes to be judged:**

(It is not necessary for a nominee to have all of the following attributes to be considered. These are guidelines for purposes of giving selection committee the most complete information possible upon which to base a decision.)

- Volunteer activity can be with one or more groups, organizations, or activities.
- Total number of hours as volunteer will be considered.
- Activity's overall benefit to community and/or group
- Initiation of ideas or programs that benefit the community.
- Value of abilities/skills contributed.
- Extending "above and beyond the call of duty."
- Exceptional and/or exemplary attitude.

Nominee Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

E-mail address/web site: \_\_\_\_\_

Form submitted by (optional):

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Answer only those questions that apply to the nominee. Unanswered questions will NOT have a negative effect on the nomination. If more room is needed, use the back of the form and/or a separate piece of paper. Please note on the additional paper the question number being extended. The final decision will be based on all of the information provided.

Submit forms to the Gold Beach Chamber of Commerce office located at 29795 Ellensburg Avenue Suite 105, PO Box 489, Gold Beach, OR 97444. Mailed forms must reach the office by the deadline below. Forms may be dropped off between 9:00a.m. and 4:00p.m.

**Deadline for submission of forms:  
December 30<sup>th</sup>, 2016 3:00p.m.**

1. List group(s), organization(s), and/or activities with which volunteer nominee is active.
  
2. List numbers of hours (approximately) donated to each group, organization, or activity that nominee has contributed in the year 2015.
  
3. Describe the overall benefit to the community and/or group of the volunteer's activity. Please describe the skills and abilities used to perform these services.
  
4. Detail programs or ideas initiated by the volunteer that benefit the community or group.
  
5. Please provide any additional information that the selection committee should know about the nominee. Also, attach any letters of recommendation or other third party information that the committee might consider.

Thank you for nominating a Gold Beach community member for Volunteer of the Year for 2016! All nominations will be carefully considered by the selection committee. If you require further information for the completion of this form or other additional assistance, please call the Gold Beach Chamber of Commerce at 247-0923.

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**

Agenda Item No. 10 c.  
Council Meeting Date: November 14, 2016

**TITLE: Status of Dispatch IGA negotiations**

**SUMMARY AND BACKGROUND:**

I will provide an update at the meeting



**REQUESTED ACTION:**

None, FYI only.