

Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, May 5, 2016
6:00 p.m.

I. Call to Order

- A. Roll call
- B. Pledge of Allegiance
- C. Announcements by Presiding Officer

1. This meeting is being digitally recorded.
2. The next meeting of the Planning Commission will be May 12 at 6:30 p.m. in the Council Chamber.
3. The next regular meeting of the City Council will be May 19 at 6:00 p.m. in the Council Chamber.

II. Public Hearing

None

III. Public Comment

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

IV. Presentation

None

V. Consent Calendar

- A. Regular Meeting Minutes of April 24, 2016 (pg. 3-5)

VI. Written Communications

None

VII. Staff Reports

- A. Jackson County Deputy Sheriff Report
- B. Bills Paid Report, April 22, 2016 – April 26, 2016, \$5,511.04 (pg. 6)

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

VIII. Unfinished Business

- A. Discussion – Riparian Ordinance Language (pg. 7-18)

IX. New Business

- A. Resolution 16-13 – Council Directives for Fiscal Year 2016/2017 Budget (pg. 19-23)
- B. Discussion – Marijuana Grows Within City Limits (pg. 24)
- C. First Reading – Ordinance Declaring a Ban on Certain Types of Marijuana Activities and Referring to Electors in November (pg. 25-28)
- D. First Reading – Ordinance Imposing a Three Percent Tax on the Sale of Marijuana and Referring to Electors in November (pg. 29-31)

X. Public Comment on Non-Agenda Items

Public must state name and address and standing to discuss issue. Issues must have city-wide impact and not be personal issues.

XI. Council Comments

XII. Adjournment

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, April 21, 2016

CALL TO ORDER

Mayor Anderson called the Regular City Council Meeting to order at 6:05 p.m. in the City Council Chamber.

Council Present: Mayor Anderson, Councilor Ulrich, Councilor Sanderson, Councilor Burgess, and Councilor Mitchell

Staff Present: Aaron Prunty, City Administrator; Bonnie Pickett, Administrative Assistant

ANNOUNCEMENTS

The Mayor led the audience in the Pledge of Allegiance and made the announcements on the agenda.

PRESENTATION

Fire District 4 Update – Chief Rod Edwards discussed a recent grant received from the Department of Home Land Security enabling Fire District 4 to hire four full-time fire fighters. In addition to the grant, Fire District 4 has added a student fire fighter program. The program has allowed them to hire a student fire fighter for each shift.

CONSENT CALENDAR

Regular Meeting Minutes of April 7, 2016

Motion to Approve the Consent Calendar

Motion: Councilor Ulrich Second: Councilor Mitchell

All ayes. Motion carried 5-0

STAFF REPORTS

Deputy McGrath gave a brief overview of law enforcement activity in Shady Cove.

The City Administrator answered questions regarding the monthly budget report.

NEW BUSINESS

A. Resolution 16-09 – Budgeting for Water System Improvements

The City Administrator read the resolution in its entirety.

Motion to Approve Resolution 16-09 - Authorizing Staff to Budget for Capital Improvements for Water Systems

Motion: Councilor Sanderson Second: Councilor Mitchell

All ayes. Motion carried 5-0

B. Resolution 16-10 – Budgeting for an Additional Public Works Employee

The City Administrator read the resolution in its entirety.

Motion to Approve Resolution 16-10- Authorizing Staff to Budget for an Additional Public Works Employee

Motion: Councilor Ulrich Second: Councilor Sanderson
All ayes. Motion carried 5-0

C. Resolution 16-11 – Early Payoff of Sewer Loan

The City Administrator read the resolution in its entirety.

Motion to Approve Resolution 16-11 - Authorizing Staff to Budget for Pre-Payment of the OECD Loan

Motion: Councilor Mitchell Second: Councilor Ulrich
All ayes. Motion carried 5-0

D. Resolution 16-12 – Opposing the Jordon Cove Energy Project and Pacific Connector Gas Pipeline Project

The City Administrator read the resolution in its entirety.

Bob Barker requested the signed resolution be e-filed with FERC (Federal Energy Regulatory Commission).

Motion to Approve Resolution 16-12 – Opposing the Pacific Connector Liquefied Natural Gas Pipeline

Motion: Councilor Sanderson Second: Councilor Burgess
All ayes. Motion carried 5-0

PUBLIC COMMENTS

Richard Gasbar questioned if the Council is going to address the issue of the marijuana smell in Shady Cove.

Geri Worley questioned if there is a scheduled road clean-up for Hwy 62 in the future.

COUNCIL COMMENTS

Councilor Ulrich thanked the organizations present at the council meeting for being present.

Councilor Mitchell finds it encouraging that the City is working toward expanding the public works department.

Councilor Sanderson thanked Hiland water for their water update. He announced for Earth Day, Saturday April 23, the Park Committee will be working to make City Hall more beautiful.

ADJOURNMENT

There being no further business before the council, the Mayor adjourned the regular meeting at 7:10 p.m.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____

Date	Check	Payee	Description	Amount
04/26/2016	42511	American Planning Association	Oregon Chapter Membership	55.00
04/26/2016	42512	Jessie Bridgham	Professional Services	765.00
04/26/2016	42513	Postmaster	Sewer Billing	303.66
04/26/2016	42514	Reagles, Mitchell	Per Diem	55.00
04/26/2016	42515	RVCOG	Floodplain Maps	4,332.38
Grand Totals:				5,511.04



**City Council Agenda Item Summary
City of Shady Cove, Oregon**

Meeting Date: May 5, 2016

Prepared By: Aaron Prunty, City Administrator

Issue/Agenda Title: Discussion – Riparian Ordinance Language

Attachments: City of Shady Cove Riparian Ordinance

Issue Before the Council: This is a discussion item only, to confirm that the updated April 27, 2016 version of the ordinance reflects the council's recommended changes to the language.

Other Alternatives Considered: Council could make further amendments to the ordinance language.

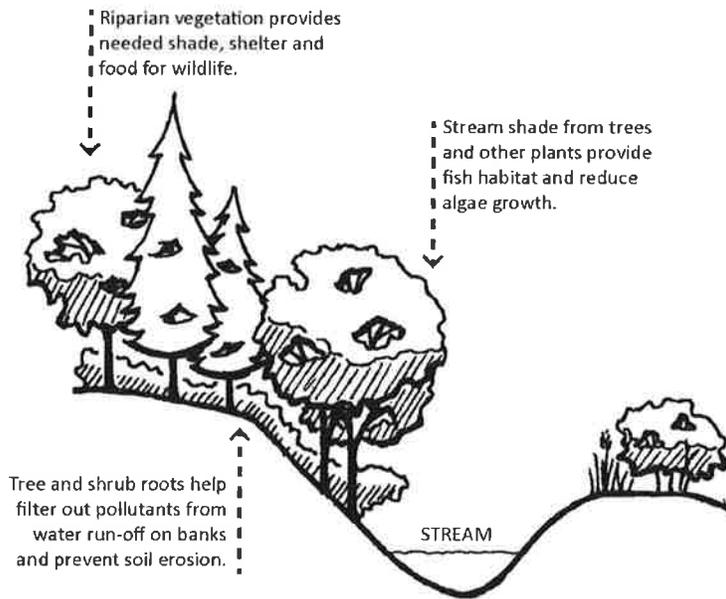
Staff Recommendation: Staff recommends Council confirm the language in the proposed ordinance has been appropriately addressed and that staff bring an ordinance to the next council meeting for a first reading.

Proposed Motion: None

City of Shady Cove Riparian Ordinance Ordinance XXX

Field Code Changed

[These regulations will be located in Chapter 155 of the Shady Cove Code of Ordinances. This will affect property inside city limits, along the Rogue River and its tributaries, including Red Lick and Indian Creeks.]



Section I. Riparian Conservation Corridor

(A) Purpose:

- 1) To implement the goals and policies of the Natural Resources Element of the Comprehensive Plan.
- 2) To protect and restore the City of Shady Cove water bodies and associated riparian areas.
- 3) To protect and restore the water quality through control of erosion and sedimentation, through flood management and thermal regulation (shading).

- 4) To protect and restore the natural aesthetic qualities of the resource recognizing these areas as community assets.
- 5) To protect and restore fish and wildlife habitat in and around the waterways and water bodies of the City.
- 6) To meet State requirements for Safe Harbor [OAR 660-023-0090] in lieu of the standard inventory ESEE process [OAR 660-023-0040 & 0050]
- 7) To comply with the requirements of the Endangered Species Act, the Clean Water Act, the Federal Emergency Management Agency's National Flood Insurance Program, Oregon Statewide Planning Goals 5, 6 and 7, and to comply with the Rogue Basin Total Maximum Daily Load (TMDL) implementation for Shady Cove.
- 8) To work in conjunction with the Flood Damage Prevention Ordinance; where the Riparian Ordinance and the Flood Damage Prevention Ordinance conflict, the most restrictive shall prevail.

(B) Where these Regulations Apply

These regulations apply to all areas within the city of Shady Cove located along the Rogue River and its tributaries, including Red Lick and Indian Creeks.

(C) When these Regulations Apply

- 1) Residential and Commercial site development
- 2) All Land Divisions
- 3) Removing, cutting, mowing, clearing, burning, or poisoning native vegetation. Non-native vegetation is exempt from the regulations, except that if it is removed, it must be replaced with native vegetation [refer to Attachment A]. Removal of other vegetation is prohibited, but limited management of that vegetation may be approved.
- 4) Changing topography or grading, in the corridor area.
- 5) Resource Enhancement projects
- 6) Dedications and Expansion of Right of Ways
- 7) All filling, grading, and excavating within the riparian corridor

Section II. Definitions & Riparian Corridors

(A) Definitions: The following definitions shall apply to Chapter 155 of the Shady Cove Code of Ordinances:

- 1) “Dangerous tree” means a dead, diseased, or other tree that poses an obvious health, safety, or welfare threat to persons or property.
- 2) “Development” is any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving excavation and drilling operations. Development does

not include signs, markers, direction aids, etc. placed by a public agency to serve the public.

- 3) "Fish-Bearing Stream" is a stream inhabited at any time of the year by anadromous or game fish species, or fish that are listed as threatened or endangered species under the federal or state Endangered Species Act.
- 4) "Fish habitat" means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.
- 5) "Grading" is any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades
- 6) "Impervious Surface" is any material which reduces and prevents absorption of storm water into previously undeveloped land.
- 7) "Lawns" consist of grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the growth of grasses and forbs (vegetation other than grasses). For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.
- 8) "Low Impact Development" involves minimizing or eliminating pollutants in storm water through natural processes and maintaining pre-development hydrologic characteristics, such as flow patterns, surface retention, and recharge rates.
- 9) "Mitigation" is a means of compensating for impacts to a riparian corridor including: restoration, creation, or enhancement. Some examples of riparian impact mitigation actions are replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed or where it has been degraded due to past practices.
- 10) "Natural Vegetation Line" is the point at which native vegetation grows on the river .
- 11) "Restoration of Riparian Areas" is to limit development, re-establish native vegetation and ensure the limitation of negative impacts to fish and wildlife and their habitat in and around waterways and water bodies within the city limits of Shady Cove.
- 12) "Riparian area" is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.
- 13) "Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.
- 14) "Riparian corridor boundary" is an imaginary line that is a certain distance upland from the natural vegetation line. If no natural vegetation line exists below the top of bank, then the boundary shall be measured upland from the top of each bank, for example, as specified in section (B) of this rule.
- 15) "Stream" is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.
- 16) "Structure" is a building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.
- 17) "Top of bank" shall mean the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate the upland. Where this cannot be determined, "top of bank" shall have the same meaning as "bankfull stage"

defined in OAR 141-085-0510(5), which is the two-year recurrence interval flood elevation.

- 18) "Water area" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.
- 19) "Water-dependent use" means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.
- 20) "Water-related" means uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

(B) Riparian Corridors

The following riparian corridors are established:

- 1) Because the Rogue River has an average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 feet upland from the natural vegetation line. If no natural vegetation line exists below the top of bank, then the boundary will be 75 feet upland from the top of each bank.
- 2) Where the riparian corridor includes all or portions of a significant wetland as identified in the Comprehensive Plan, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland. Shady Cove does not have a local wetlands inventory, but relies on the National Wetlands Inventory.
- 3) Along all fish-bearing streams, including Red Lick and Indian Creeks, with an average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet upland from natural vegetation line. If no natural vegetation line exists below the top of bank, then the boundary will be 75 feet upland -from the top of each bank.

Section III. Activities Within the Riparian Area

This section of the ordinance attempts to meet the riparian corridor goals by excluding new structures from the riparian buffer areas around fish-bearing streams and associated wetlands. Protection of the resource is also achieved by prohibiting vegetation removal or physical alteration except through enhancement of the buffer area. For cases of hardship, this section provides a procedure to reduce the riparian buffer. Alteration of the riparian area in such cases is offset by appropriate restoration or mitigation, as described in this section.

(A) Preexisting Activities in the Riparian Corridor

1. Any use, sign, or structure, and the maintenance thereof, lawfully existing on the date of adoption of the provisions herein, is permitted within a riparian corridor. Such use, sign, or structure may continue at a similar level and manner as existed

on the date of adoption of the provisions herein. **Preexisting uses existing fully or partially within the riparian corridor may be expanded, provided the expansion does not occur within the riparian corridor.**

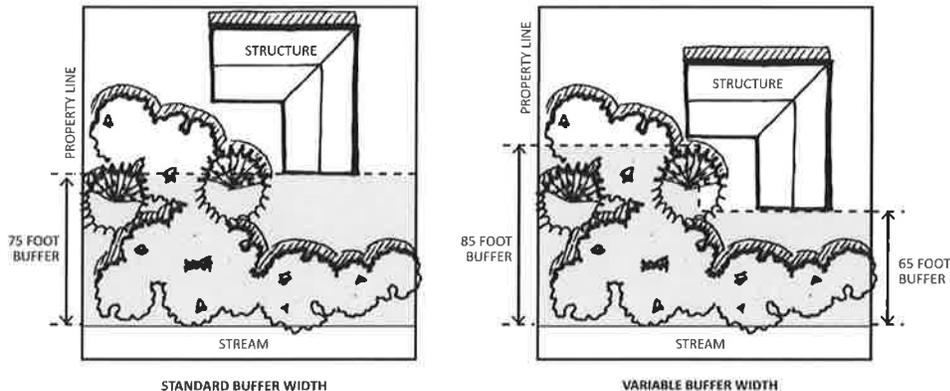
2. The maintenance, ~~and~~ alteration, and replacement of pre-existing landscaping is permitted within a riparian corridor as long as no additional riparian vegetation is disturbed. Any herbicide, pesticide, or fertilizer applications must strictly comply with the manufacturer's label and avoid saturation, drift, or runoff to water bodies. Maintenance trimming of existing trees ~~shall be kept at a minimum and is permitted, but~~ under no circumstances can the trimming maintenance be so severe as to compromise the tree's health, longevity, and resource functions.
3. The provisions of this section shall not be affected by any change in ownership of properties containing a riparian corridor.

(B) Allowed Activities in the Riparian Corridor:

The City may approve the following activities, and maintenance thereof, within a riparian corridor, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers. All plans for development and/or improvements within a riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

- 1) Streets, roads, and private paths,
- 2) Drainage facilities, utilities, and irrigation pumps;
- 3) Water-related and water-dependent uses;
- 4) Replacement of existing structures with structures in the same location ~~or up to a 10% increase from the footprint of the structure within the Rogue River riparian corridor that do not disturb additional riparian surface area. This adjustment does not apply to other streams. For purposes of this section, the most recent aerial photo prior to the effective date of this section shall be used to determine existing riparian surface area;~~
- 5) Expansion of existing structures in the riparian corridor that do not disturb additional riparian surface areas, including second story additions, cantilevered additions supported from the existing structure, and basement additions (subject to compliance with Chapter 151 – Floods).
- 6) Removal of non-native vegetation and replacement with native plant species **[refer to Attachment A for a list of non-invasive plants native to Oregon].**
- 7) Removal of vegetation necessary for the development of water-related or water-dependent uses.
- 8) Permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary established under subsection (II)(B) upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures including, stormwater controls that infiltrate stormwater and are characteristic of Low Impact Development or green infrastructure such as bioswales, rain gardens, and vegetated filter strips

[refer to Attachment B]. In no case shall alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor. This adjustment affects only the Rogue River riparian area; it is not permitted along tributaries.



- 9) Perimeter mowing and other cutting necessary for fire hazard prevention.
- 10) Except in emergency circumstances, the City shall review requests for removal of hazardous ~~dangerous~~ trees ~~that include a recommendation from the applicant's professional arborist. Hazardous trees are those that pose an obvious and immediate health, safety, or welfare threat to persons or property. Any~~All trees removed are required to be replaced (one for one) by like native species or alternate approved native species [refer to Attachment A for a list of non-invasive species native to Oregon]. The City shall conduct inspections or use other means to verify the trees are surviving. Those that do not survive must be replaced.
- 11) Stream bank stabilization and flood control structures that legally existed on the effective date of this ordinance may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the City Administrator and appropriate state and federal natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.
- 12) Stream restoration and enhancement activities that are approved by the Oregon Department of State Lands.
- 13) Maintenance and protection of the function of City utilities and transportation facilities located within riparian corridors.

(C) Prohibited Activities in the Riparian Corridor:

The following practices are prohibited within stream setback area, unless otherwise approved by the City and all applicable state and federal regulatory agencies:

- 1) Expansion of pre-existing non-native landscaping such as lawns;
- 2) Permanent alteration by placement of structures or impervious surfaces, except as allowed in Section (B);
- 3) Storage or dumping of herbicides, pesticides, fertilizers, solvents, fuels, or other hazardous or toxic materials or wastes;
- 4) Dumping, piling, or disposal of refuse (trash or garbage);
- 5) Channelizing, culverting, straightening, or otherwise modifying natural drainageways;
- 6) Dumping, piling, disposing, or composting of yard debris, fill, or other potentially harmful material, except for single-family residential composting which must be kept a minimum of ten feet from the top of bank;
- 7) All filling, grading, or excavating;
- 8) Application of herbicides, pesticides, or fertilizers, except as permitted under Section III (A), or as otherwise approved by the city and all applicable state and federal agencies for the protection of public safety and the enhancement or maintenance of the stormwater conveyance or flood control capacity;
- 9) Removing vegetation for the creation of fuelbreaks;
- 10) Dumping or disposal of yard debris, refuse or chemicals in the rivers or streams or in storm drains.

Exception: Parcels in riparian areas that were vacant prior to adoption of riparian regulations by the City of Shady Cove may be planted in lawns on a maximum of 50 percent of the riparian corridor along the Rogue River, subject to compliance with the floodplain development standards in Chapter 151. Grass may not be planted within 30 feet of the natural vegetation line.

Section IV. Development Review Procedures

Application Requirements -

A Riparian Development Permit shall be obtained prior to initiating development activities in any areas designated as a riparian area. An application for a Riparian Development Permit along with the required fee (as set by resolution) shall be submitted to the City Administrator on forms furnished by the City. ~~and approved prior to starting any development activities.~~
Information required: If structures (including hardscape) are involved, items A & B below are required prior to starting any development activity. Item C is required within 90 days of structure completion. If no structures are involved, then items A, B & C are required before starting any development activity.

(A) Site Plan

- 1) Top of Bank and natural vegetation line
- 2) Boundaries of the Riparian Corridor in the site
- 3) Existing improvements such as structures, buildings, utility lines, fences, etc.
- 4) Areas where riparian area has been previously disturbed
- 5) Areas where new disturbance in the riparian area is proposed
- 6) Outline of trees, shrubs and ground covers

(B) Construction Management Plan

Identify measures that will be taken during construction or mitigation work to protect the remaining resources at and near the construction site and a description of how the undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, stormwater managed, and construction equipment located and controlled and the timing of construction in relation to season.

(C) Landscape Plan

In addition to the construction management plan, a landscape plan ~~approved by the Oregon Department of Fish and Wildlife~~ will be required for newly disturbed areas in the riparian corridor prior to issuance of permits. The plan shall include the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), proposed riparian enhancement or restoration measures, proposed alterations of topography or drainage patterns, and existing uses on the property. The plan will be referred to the Oregon Department of Fish and Wildlife for recommendation.

(D) Completion

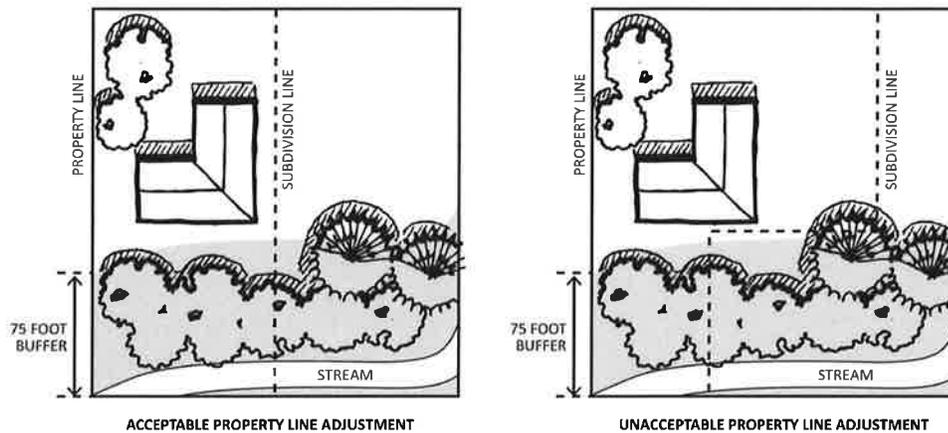
The property owner will advise the City administrator when the permitted work has been accomplished. The City Administrator and his/her designee will conduct a Type I review to determine if the work is consistent with the approved plans.

E) Expiration of Riparian Permit

A Riparian Permit shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing to the City Administrator or his/her designee and may be subject to review ~~and additional permit fees.~~

Section V. Property Line Adjustments and Subdivisions

Subdivisions, partitions, and property line adjustments must be designed so that the resulting lots or parcels can be developed in conformance with the provisions of this ordinance.



Section VI. Hardship Variances and Restoration Provisions

For any existing lot or parcel demonstrated to have been rendered not buildable by application of this ordinance, the property owner may apply for a Class C Variance (Section 154.419) under the following provisions:

Granting of a Variance requires findings that:

- A) The proposed development requires deviation from the riparian standards as set forth in this section; and
- B) Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

Section VII. Site Maintenance

The limitations imposed by this Section do not preclude the routine maintenance of structures and landscaped areas.

- 1) Maintenance and replacement of existing lawns, non-native riparian planted vegetation, or landscaping is allowed but shall not expand lawn areas or remove or damage any native nonhazardous/ dangerous tree.
- 2) The application of herbicides or other pesticides, and the application of fertilizers are subject to applicable state and federal regulations; and developed properties shall be subject to the restrictions set forth in the Shady Cove Code of Ordinances.
- 3) Where replanting is done, vegetation shall be replanted with native species or approved alternatives, with the exception of continued Agricultural Uses.

- 4) Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations [refer to Attachment C]. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and resource functions.
- 5) Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species [refer to Attachment A].
- 6) Disposal of yard waste or other organic materials, with the exception of downed trees, leaf litter from Riparian Vegetation, and mulch for allowed riparian plantings, is prohibited within riparian corridors.

Section VIII. Compliance With State And Federal Laws

Activities wholly or partially within the riparian corridor are subject to all applicable federal and state regulations. The following regulations commonly apply within the resource areas (Note: other regulations not listed may also apply; it is the property owner's responsibility to adhere to all applicable State and Federal regulations):

- 1) Oregon Department of State Lands permit requirements under the Removal- Fill Law.
- 2) U.S. Army Corps of Engineers permit for fill activities as required under Section 404 of the Clean Water Act.
- 3) Department of Environmental Quality permit requirements for stormwater under the Clean Water Act and state water quality regulations.
- 4) Oregon Department of Fish and Wildlife regulations may apply to development activities that could impact one of the sensitive, threatened, critical, or endangered species indigenous to the region.
- 5) Section 9 of the federal Endangered Species Act (ESA) prohibits any action that causes a "taking" of any species of endangered fish or wildlife listed as endangered without authorization from the listing agency.
- 6) National Flood Insurance Program regulations as they are enforced through the Flood Insurance Reform Act (FIRA). Refer to Chapter 151 of this Code for additional floodplain regulations.

Section IX. Enforcement

This chapter shall be enforced in accordance with Chapter V. Powers and Duties of Officers, Section 24. Municipal Court and Judge.

Section X. Appeals

The appeals process shall be the same as stated in Section 151.068 of the Shady Cove Code of Ordinances.

Section XI. Penalties

The penalties for violation of this chapter shall be the same as stated in Section 151.999 of the Shady Cove Code of Ordinances.



**City Council Agenda Item Summary
City of Shady Cove, Oregon**

Meeting Date: May 5, 2016

Prepared By: Aaron Prunty, City Administrator

Issue/Agenda Title: Resolution 16-13 – Council Directives for Fiscal Year 2016/2017 Budget

Attachments: Resolution 16-13 and Exhibit A

Issue Before the Council: There are certain assumptions that can be agreed upon prior to and during budget preparation. This resolution outlines some of the things that can be agreed upon prior to the first meeting of the budget committee. Normally council has an opportunity to discuss these prior to the budget being presented to the budget committee, but staff was not able to have these ready in time for the last council meeting.

Other Alternatives Considered: Council could make changes to the resolution or exhibit and those things can then be used as part of the budget process and committee meeting.

Staff Recommendation: Staff recommends Council adopt Resolution 16-13 as presented.

Proposed Motion:

“I MOVE TO APPROVE RESOLUTION 16-13, APPROVING COUNCIL DIRECTIVES FOR BUDGET PREPARATION FOR FISCAL YEAR 2016-2017.”

City of Shady Cove

Resolution No. 16-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE,
OREGON APPROVING COUNCIL DIRECTIVES FOR BUDGET PREPARATION FOR
FISCAL YEAR 2016-2017**

Whereas, the City of Shady Cove, Oregon, wishes to provide direction in budget preparation for Fiscal Year 2016-2017.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

The Shady Cove City Council Directives, as attached and labeled "Exhibit A", are hereby adopted.

Adopted by the City Council of the City of Shady Cove this 5th day of May, 2016.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:
Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____

Exhibit A

Council Directives
Fiscal Year 2016 - 2017 Budget

INCLUDED:

1. Budget Format
2. Recommended Guidelines and Assumptions
3. Salaries and Wages
4. Taxes Levied
5. Sewer loans repayment
6. Fixed contracts with the Sheriff and RVSS
7. Administrative Allocation from the Sewer and Street Funds to the General Fund

BUDGET FORMAT

1. All personnel are paid out of the General Fund with Administrative Allocations from the Sewer and Street Funds as appropriate.
2. All budget lines will be rounded to \$100.
3. All budget lines will have clarifying documentation.

RECOMMENDED GUIDELINES AND ASSUMPTIONS

1. Taxes necessary to balance the General Fund are based on the fixed rate of \$0.5474 per \$1,000 of assessed value of the City (\$248,545,984). That number reflects a 3% increase over the current assessed value.
2. Calculations for tax levies are based on 94% collection.
3. Salaries and wages reflect anticipated and negotiated increases and incentives, including a 1% increase on July 1 and bonus of 1.75% on November 1. Salaries have been rounded up to the nearest \$100.

ANNUAL SALARIES, WAGES AND BENEFITS

Position	Salary	Benefits*	Total	\$ Sewer	\$ Street
City Administrator	\$65,500	\$23,425	\$88,925	\$ 4,446	\$8,892
Admin Asst. (Debby)	\$47,000	\$20,024	\$67,024	\$ 3,331	\$3,331
Admin Asst. (Shelly)	\$36,600	\$18,505	\$55,105	\$33,008	\$2,751
Admin Asst. (Bonnie)	\$34,800	\$18,248	\$53,048	\$21,209	\$5,302

Maintenance 2	\$33,100	\$18,371	\$51,471	\$1,029	\$41,177
Maintenance 1	\$26,808	\$17,067	\$43,875	\$ 877	\$35,100
TOTAL	\$243,808	\$115,640	\$359,448		

SOCIAL SECURITY	7.65%
PERS	5.00%
WORKERS COMP	Clerical: .44% Maintenance. 1: 11%
LIFE INSURANCE	\$93.00. (coverage is \$10,000)
DISABLILITY	\$0.08/\$1,000 of wages
HEALTH INSURANCE	\$12,700

PROPERTY TAXES

Current assessed value: \$241,306,781 + 3% increase = \$248,545,984

General Fund

$\$248,545,984 \times 0.5474/1000 = \$136,054 \times .94\%$ (amount collected) = \$127,890

Wastewater

\$74,300 (annual loan payment)

WASTEWATER LOAN PAYMENTS

OECD: \$400,000, 25 years @ 5.52% Commenced 2000

Principal:	\$18,209
Interest:	\$11,499

USDA: \$2,346,000, 40 years @ 4.5% Commenced 2006

Principal:	\$34,065
Interest:	\$93,440

SRF/DEQ: \$997,503, 20 years @ 2.92% Commenced 2006

Principal:	\$54,450
Interest:	\$15,720
Loan Fee:	\$2,624

Washington Federal (formerly WEDBUSH) – DEBT 03 (refinance of original General Obligation Bond) 5 years remaining @ 2.62%

Principal: \$66,000
Interest: \$8,253

CONTRACTED SERVICES - FIXED ANNUAL AMOUNT

SHERIFF \$450,000
RVSS Operations: \$345,000
Capital Replacement: \$60,000

ADMINISTRATIVE ALLOCATION: FY 2015 - 2016

DESCRIPTION	SEWER %	STREETS %
City Administrator	5	10
Administrative Asst. (Debby)	5	5
Administrative Asst. (Shelly)	60	5
Administrative Asst. (Bonnie)	40	10
Maintenance 1	2	80
Auditor	50	10
CPA Bookkeeping Service	50	10
Legal Services	5	20
Insurance	42	22
Leased Storage Building	0	80
Software Support	60	10
City Hall Ops & Maintenance	10	5
Telephone		
Gas		
Electricity		
Refuse Disposal		
Building Repairs & Maintenance		
Equipment Maintenance		
Postage (excludes sewer billing)		
Office Supplies		
Copier Usage		
Copier Lease		
Security		



**City Council Agenda Item Summary
City of Shady Cove, Oregon**

Meeting Date: May 5, 2016

Prepared By: Aaron Prunty, City Administrator

Agenda Title: Discussion – Marijuana Grows Within City Limits

Attachment List: None

Issue Before the Council: Whether to limit marijuana growing to indoors, greenhouses, or implement other measure that may impact odor.

Key Facts and Information Summary: The City has received several complaints about the odor of marijuana, especially at certain times of the year.

Fiscal Notes: None.

Staff Recommendation: Staff recommends further discussion and direction, if the council wishes to implement any restrictions or prohibitions related to outdoor growing of marijuana, or implementing any other measures that may limit the odor of marijuana grows.

Proposed Motion: **None**



City Council Agenda Item Summary City of Shady Cove, Oregon

Meeting Date: May 5, 2016

Prepared By: Aaron Prunty, City Administrator

Agenda Title: First Reading – Ordinance Declaring a Ban on Certain Types of Marijuana Activities and Referring to Electors in November

Attachment List: Proposed Ordinance

Issue Before the Council: Whether to put to the electors/voters of the City of Shady Cove the issue of banning certain marijuana related activities.

Key Facts and Information Summary: The State of Oregon gives the Council the option to ban and refer to the November ballot certain marijuana related activities, including: medical marijuana dispensaries, medical marijuana processing sites, recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, and/or recreational marijuana retailers.

The Council has expressed an interest in placing the issue(s) on the November ballot and the first step in this process is an ordinance.

Staff needs direction as to which activities, if any or all, should be included in the ordinance and referred to the electors/voters in the City of Shady Cove.

Fiscal Notes: If the measure referred to the voters prohibits recreational marijuana activities, that City is not eligible to receive tax revenue collected on the retail sales.

Staff Recommendation: Staff recommends further discussion and direction as to which activities, if not all, the Council would like to refer to the electors in Shady Cove. The ordinance can be updated for the second reading.

Proposed Motion:

"I MOVE TO ACCEPT THE FIRST READING OF THIS ORDINANCE DECLARING A BAN ON (MEDICAL MARIJUANA DISPENSARIES, MEDICAL MARIJUANA PROCESSING SITES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND/OR RECREATIONAL MARIJUANA RETAILERS) REFERRING ORDINANCE; AND DECLARING AN EMERGENCY."

City of Shady Cove

Ordinance _____

AN ORDINANCE OF THE CITY OF SHADY COVE DECLARING A BAN ON {MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND/OR RECREATIONAL MARIJUANA RETAILERS}; REFERRING ORDINANCE; AND DECLARING AN EMERGENCY

Whereas, the Oregon Medical Marijuana Act, as amended by House Bill 3400 (2015) provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries; and

Whereas, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana; and

Whereas, section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city; and

Whereas, the City Council wants to refer the question of whether to prohibit{recreational marijuana producers, processors, wholesalers, and/or retailers, as well as medical marijuana processors and/or medical marijuana dispensaries} to the voters of the City of Shady Cove;

THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:

DEFINITIONS.

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

Marijuana processing site means an entity registered with the Oregon Health Authority to process marijuana.

Marijuana processor means an entity licensed by the Oregon Liquor Control Commission to process marijuana.

Marijuana producer means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

Marijuana wholesaler means an entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

Medical marijuana dispensary means an entity registered with the Oregon Health Authority to transfer marijuana.

BAN DECLARED. As described in section 134 of House Bill 3400 (2015), the City of Shady Cove hereby prohibits the establishment of the following in the area subject to the jurisdiction of the city **{select desired options from the list below}**:

- (a) Marijuana processing sites;
- (b) Medical marijuana dispensaries;
- (c) Marijuana producers;
- (d) Marijuana processors;
- (e) Marijuana wholesalers;
- (f) Marijuana retailers.

EXCEPTION. The prohibition set out in this ordinance does not apply to a marijuana processing site or medical marijuana dispensary that meets the conditions set out in subsections 6 or 7 of section 134, section 135, and section 136 of House Bill 3400 (2015).

REFERRAL. This ordinance shall be referred to the electors of the City of Shady Cove at the next statewide general election on November 8, 2016.

EMERGENCY. 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 on {date/passage}.

PASSED AND APPROVED by the City Council of the City of Shady Cove the ____ day of June 2016.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson	_____
Councilor Ulrich	_____
Councilor Sanderson	_____
Councilor Burgess	_____
Councilor Mitchell	_____

DRAFT



City Council Agenda Item Summary City of Shady Cove, Oregon

Meeting Date: May 5, 2016

Prepared By: Aaron Prunty, City Administrator

Agenda Title: First Reading – Ordinance Imposing a Three Percent Tax on the Sale of Marijuana and Referring to Electors in November

Attachment List: Proposed Ordinance

Issue Before the Council: Whether to put to the electors/voters of the City of Shady Cove the issue of taxing retail marijuana sales.

Key Facts and Information Summary: The State of Oregon gives the City of Shady Cove the option of taxing retail sales of marijuana, but it must be put to the voters on the November ballot.

The Council has expressed an interest in placing the issue(s) on the November ballot and the first step in this process is an ordinance. If the tax is approved, city staff will create the referring ordinance and ballot title.

Fiscal Notes: It is unknown the amount of revenue, but the state allows up to a maximum of three percent tax.

Staff Recommendation: Staff recommends further discussion and direction, if the council wishes to tax marijuana a refer the matter to the voters in November.

Proposed Motion:

"I MOVE TO ACCEPT THE FIRST READING OF THIS ORDINANCE IMPOSING A THREE PERCENT (3%) TAX ON THE SALE OF MARIJUANA."

City of Shady Cove

Ordinance _____

AN ORDINANCE OF THE CITY OF SHADY COVE IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE

Whereas, section 34a of House Bill 3400 (2015) provides that a City Council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

Whereas, the City Council wants to impose a tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the City.

THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:

DEFINITIONS.

Marijuana item has the meaning given that term in Oregon Laws 2015, chapter 614, section 1.

Marijuana retailer means a person who sells marijuana items to a consumer in this state.

Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

TAX IMPOSED. As described in section 34a of House Bill 3400 (2015), the City of Shady Cove hereby imposes a tax of three percent on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city.

COLLECTION. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items.

REFERRAL. This ordinance shall be referred to the electors of the City of Shady Cove at the next statewide general election on November 8, 2016.

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PASSED AND APPROVED by the City Council of the City of Shady Cove the ____ day of June 2016.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson
Councilor Burgess
Councilor Mitchell
Councilor Sanderson
Councilor Ulrich

DRAFT