GLADSTONE CITY COUNCIL
REGULAR MEETING/EXECUTIVE SESSION
CITY HALL COUNCIL CHAMBERS
September 22, 2015 – 6:30 PM

CALL TO ORDER
ROLL CALL
FLAG SALUTE

AGENDA ADDITIONS OR CORRECTIONS

BUSINESS FROM THE AUDIENCE
Visitors: Presentations not scheduled on the Agenda are limited to three (3) minutes. Longer presentations should be submitted to the Assistant City Administrator two weeks prior to the Tuesday City Council meeting. Cards are available in the back of the room for anyone who wishes to comment on an item on the Regular Agenda.

CONSENT AGENDA

1. **Approval of Minutes – August 18, 2015 and September 8, 2015 Council Meetings**
2. **Approval of Temporary Use of Annual OLCC Liquor License – Latus Motors**
3. **Monthly Report for August 2015**

CORRESPONDENCE - None

REGULAR AGENDA
Citizens will be allowed to address City Council regarding any item listed below for up to three (3) minutes. The Mayor will have discretion to further limit testimony in order to ensure all items on the agenda are addressed during the meeting.

4. **Ordinance 1458 – Allow The City Administrator to Adopt & Amend Administrative Polices and Rules**
5. **Public Hearing - Ordinance 1459 – Amending Title 17 of the GMC to Repeal Chapter 17.61 and Adopt a New Chapter 17.61 – Wireless Communications Facilities**
6. **Ordinance 1460 – Water Curtailment Plan**
7. **Ordinance 1461 - Water Curtailment Regulations**
8. **Public Hearing - Ordinance 1462 – Adding Chapter 9.10 to the GMC Prohibiting the Establishment of Marijuana Facilities**

DISCUSSION ITEMS

Town Hall for Oct. 22nd (no attachments)

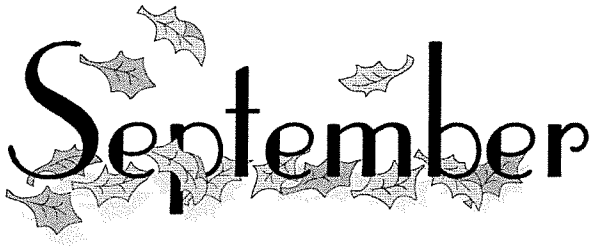
BUSINESS CARRIED FORWARD - Update
   a. **Update of Council Goals**

BUSINESS FROM THE AUDIENCE – This is the second opportunity for the Audience to address Council on any item not on the Agenda.

BUSINESS FROM THE COUNCIL

ADJOURN

EXECUTIVE SESSION–ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (no attachments)



CONSENT AGENDA

GLADSTONE CITY COUNCIL SPECIAL MEETING MINUTES of August 18, 2015

Meeting was called to order at 5:00 PM.

ROLL CALL:
Councilor Mersereau, Councilor Johnson, Councilor Sieckmann, Councilor McMahon, Councilor Reisner, and Mayor Jacobellis.

ABSENT:
Councilor Turner

STAFF:
Ross Schultz, Interim City Administrator; Jolene Morishita, Assistant City Administrator; Heather Martin, City Attorney (via telephone).

REGULAR AGENDA:

1. Approval of a motion to certify the Attached Explanatory statement for the Ballot title passed by Council at its regular meeting on August 11, 2015 – Item #8 A Ballot Title and Caption Authorizing the City to Begin a Project Over $1,000,000.

   Interim City Administrator Schultz explained that this should have been with the Ballot Title during the last Council session. None of the information is new. *Councilor Sieckmann made a motion to approve and certify the Explanatory Statement for the Ballot title. Motion was seconded by Councilor Mersereau.*

   Discussion: Councilor Sieckmann would like to see a bullet point toward the top that says no new fees or taxes will be associated with this project. Mr. Schultz explained that it is stated on the last page, but he will also include it in the explanatory statement, before the summary. *Councilor Sieckmann made a motion to amend the document as per Mr. Schultz's recommendation. Motion was seconded by Councilor Mersereau.* There was no discussion. *Motion passed unanimously.*

   No further discussion regarding the motion to approve and certify the Explanatory Statement for the Ballot title, as amended. *Motion passed unanimously.*

DISCUSSION:

Assistant City Administrator Morishita wanted to alert the Council of future work session and executive session topics. She had also received a suggestion that when there are five o'clock meetings that food be brought in for the Council. It was agreed to continue as is, but the idea could be revisited in the future if requested.

Mayor Jacobellis wanted to discuss the business license fees and rental property fees and if they should go into a special fund. Mr. Schultz said that could be another work session topic.

There was a discussion regarding the future Town Hall.

ADJOURN:
Meeting adjourned.

Approved by the Mayor this _____ day of _____, 2015.

ATTEST:

_____ _____

Dominick Jacobellis, Mayor Jolene Morishita, Assistant City Administrator

GLADSTONE CITY COUNCIL MEETING MINUTES of September 8, 2015

Meeting was called to order at 6:40 PM.

ROLL CALL:
Councilor Sieckmann, Councilor Mersereau, Councilor Johnson, Councilor Turner, Councilor McMahon, Councilor Reisner, and Mayor Jacobellis.

ABSENT:
None.

STAFF:
Ross Schultz, Interim City Administrator; Jolene Morishita, Assistant City Administrator; Paul Elsner, City Attorney.

AGENDA ADDITIONS OR CORRECTIONS:

1. Swearing-in of the newest police officer right after the agenda additions or corrections.
2. Move #7, Clackamas River Water Providers, out of Correspondence and into Discussion.
3. #11 – Public Hearing – Ordinance 1459: pull that from the agenda because City Attorney David Doughman was not able to attend the meeting.
4. Move City Manager's Work Schedule to regular agenda, item #12.
5. Item #13 will be added as the result of the executive session.

SWEARING-IN OF NEW POLICE OFFICER:

Interim Police Chief Jeff Jolley introduced Carl Bell, an experienced police officer. Officer Bell was sworn in by Judge Beloof.

METRO PRESENTATION:

Carlotta Collette said that the Metro Council met today and the recommendation from the advisory committee was to award the Community Planning and Development grant that the City applied for, plus some additional funds for technical assistance. She said everyone thought it was a great proposal.

Ms. Collette went over the purpose of Metro and gave an update on the process and recommendations that have been made. The Urban Growth Report said they will probably not need any more land unless there is a huge growth spurt, and for the first time since the 1980's they will probably not be recommending an expansion of the Urban Growth Boundary. The final report will be available for review in October and a final decision made in November. Ms. Collette went over various projects in the area, including Willamette Falls.

BUSINESS FROM THE AUDIENCE:

None.

CONSENT AGENDA:

1. Approval of minutes from June 15, 2015 and August 11, 2015 Council meetings.
2. Approval of 2015 System Development Charges
3. Project List September 1, 2015
4. Budget Committee Appointment

5. Monthly Report for July 2015
6. Payment of August Claims

Councilor Reisner asked to pull Item #2. Councilor Mersereau asked to pull Item #3. *Councilor McMahon made a motion to approve Items 1, 4, 5, & 6 of the Consent Agenda. Motion seconded by Councilor Johnson.* There was no discussion. *Motion passed unanimously.*

2. Approval of 2015 System Development Charges.
   Councilor Reisner had a question regarding increasing charges to build up funds for the future. Interim City Administrator Schultz said that a better time to address increases would be after the Master Plans are adopted. City Attorney Elsner explained the technicalities. *Councilor Reisner made a motion to approve the 2015 System Development Charges. Motion seconded by Councilor McMahon.* There was no discussion. *Motion passed unanimously.*

3. Project List September 1, 2015.
   Councilor Mersereau said that he supports the items that Interim City Administrator Schultz has added to the list because they will help develop the things they are trying to accomplish. *Councilor Mersereau made a motion to approve the project list as it stands. Motion was seconded by Councilor Johnson.* Discussion: Councilor Sieckmann had a question regarding the 2011 Library IGA – "may wait for results for civic building projects to finalize". Mr. Schultz clarified that the IGA has been drafted and there are things dependent on cost of building, so we need to know where we're going to build the library and how much it's going to cost before we can finalize the IGA with the County. *Motion passed unanimously.*

REGULAR AGENDA:

8. Resolution 1062 – Approval of Delegated Authority to Staff for Certain Expenditures.
   Councilor McMahon had two corrections. Councilor Mersereau suggested having both "City Manager and City Administrator" titles included. City Attorney Elsner explained that the title of City Manager does not exist until it is changed in the City Charter. Councilor Johnson asked if there is a standard purchase order system that is used by every department. Assistant City Administrator Morishita said that there is a standard purchase order, but not necessarily a standard that is used. Councilor Johnson had a question regarding possible unauthorized purchases and Mr. Schultz assured him that all purchase orders would be approved by the Assistant City Administrator. Councilor Sieckmann asked if the dollar amounts for budgeted and un-budgeted expenses are typical of a city our size. Interim City Administrator Schultz said they are more typical of a city slightly larger than ours, but he feels they are reasonable. Councilor Reisner asked about the status of the bid purchase policy. Mr. Schultz said that this doesn't apply to bid purchases. City Attorney Elsner clarified that this pertains to authorizing expenditures, not the manner in which something is purchased. Councilor Reisner feels that the dollar amounts are too large. *Councilor Mersereau made a motion to adopt Resolution 1062. Motion was seconded by Councilor Turner.* Discussion: Councilor Reisner feels the dollar amounts should be cut in half. Councilor Turner would like to see a check and balance system for the un-budgeted expenditures. Councilor Sieckmann would like a guarantee that the purchasing policy will be followed by everyone. Councilor McMahon feels that it's up to the city administrators to oversee purchases, and he thinks the dollar amounts are fine. Councilor Johnson feels that enforcing the purchasing policy is a good idea. Mr. Schultz said that it is now taken care of. *Motion passed 6 – 1 (Councilor Reisner with a nay vote).*

9. Motion to direct staff to hire Sisul Engineering for the Staff review of the Oatfield/Webster Property.
Interim City Administrator Schultz explained that if the City wants to sell the property that any requirements regarding public right-of-way will be taken care of beforehand. *Councilor Sieckmann made a motion to approve the staff recommendation. Motion was seconded by Councilor McMahon.* Discussion: Councilor Johnson had a concern regarding the possibility of mining for gravel. Interim City Administrator Schultz said he could remove that section. Mayor Jacobellis feels that it should be left in because there could be some additional value in the property. Councilor Johnson also wanted to clarify that this is not park land or open space – it is commercial property. Councilor Sieckmann also feels that the mining section should be left in. He would also like to see a timeframe for completion included. *Motion passed unanimously.*

10. Ordinance 1458 – Allow the City Administrator to Adopt and Amend Administrative Policies and Rules.
Interim City Administrator Schultz explained that this would allow the City Administrator to set administrative policies regarding personnel and policies that are required to run the day-to-day operations in order to be consistent. *Councilor Reisner made a motion to set this over until next month in order to get a staff report that will answer some of his questions. Motion was seconded by Councilor Johnson.* Discussion: Councilor Reisner said it was difficult to read and he had a lot of questions. Interim City Administrator Schultz said he would go over it with Councilor Reisner and answer his questions. Councilor Mersereau feels that it made good sense and that it's a good way to go. Councilor Sieckmann feels that the process is good and that it's important for our administrators to set policy for their employees. *Motion passed unanimously.*

12. City Manager Work Schedule.
Interim City Administrator Schultz explained that the staff report shows that his schedule will change from five days per week to four days per week (Monday through Thursday) and that he would be compensated at 4/5 of what his contract stated. *Councilor Johnson made a motion to accept the change of work days for the Interim City Administrator from five days per week to four days per week. Motion was seconded by Councilor Reisner.* There was no discussion. *Motion passed unanimously.*

13. Authorize the Interim City Administrator to Execute on behalf of the City the Settlement Agreement discussed in Executive Session between the City and A.G. Specialty Foods.
Councilor Johnson made the motion to authorize the agreement. Motion was seconded by Councilor Reisner. There was no discussion. *Motion passed unanimously.*

DISCUSSION ITEMS:

7. Clackamas River Water Providers.
Interim City Administrator Schultz explained that the correspondence pertains to starting the process of taking over the water line that Lake Oswego/Tigard are currently abandoning. The current plan was to fill the line with grout and make it completely unusable. The Water Consortium would like the City to give them the rights to all of the Lake Oswego infrastructure so they can repurpose it and use it for emergency services. Councilor Sieckmann wanted to make note of the dates – the letter was dated February 6th and the response date was supposed to be March 31st. He feels we need to have more information before moving forward. Councilor Mersereau feels it's a good idea to have a fall back. Councilor Johnson is attending the next

Clackamas River Water Providers meeting and will address the concerns raised by Councilor Sieckmann and others. There was a discussion regarding chlorinated water.

Draft Water Curtailment Ordinance.
Interim City Administrator Schultz said that he spoke with the Emergency Manager for Clackamas County and the sense is that drought is not going to be a concern this year, but everyone is concerned about planning for next year should we not receive sufficient snow pack this winter. Councilor Sieckmann feels the "emergency" language should be removed if this comes before the Council in the near future and "City" should be added to "Administrator".

There was a discussion regarding water billing in regards to rental properties. The City would like to make the property owner responsible for paying the water bill as opposed to the renter. Assistant City Administrator Morishita explained how the low income subsidy works. She will email additional information to the Council.

Charter Review Committee Formation.
Councilor Johnson feels that nine is a good number, including up to three Council members. Mayor Jacobellis feels this should be a topic at the Town Hall event.

Town Hall for October 14th or October 21st.
Interim City Administrator Schultz asked for suggestions/comments regarding location, topics to cover, etc. There was discussion regarding format, location, etc. City Attorney Elsner went over some of the guidelines related to elections. State of the City, Charter Committee, and the Library will be the topics of discussion. Mr. Schultz will work with Councilors Turner, Mersereau and Mayor Jacobellis to finalize the agenda.

BUSINESS CARRIED FORWARD:

a. Update of Council Goals – there was no update.

BUSINESS FROM THE AUDIENCE:

None.

BUSINESS FROM THE COUNCIL:

Councilor Sieckmann: He feels we need to look at what went wrong the last time the Oatfield/Webster property was sold and he will do the research. He suggested that Interim City Administrator Schultz examine the department head employee review process.

Councilor Reisner: He questioned the fact that Sisul Engineering seems to be our fall back firm for anything related to engineering – are we doing things right? Mr. Schultz said that would be something that the new City Administrator could give insight on.

Councilor Turner: She wanted to thank Interim City Administrator Schultz and Assistant City Administrator Morishita for all their help in getting her organized and providing her with information.

ADJOURN:

Meeting adjourned.

Approved by the Mayor this _____ day of _____, 2015.

ATTEST:

_____ _____

Dominick Jacobellis, Mayor Jolene Morishita, Assistant City Administrator

September 8, 2015

Hello City of Gladstone,

We are hoping to get your approval for OLCC temporary Beer service permit for Latus Motors. They will be having an event on Sunday September 27th 2015 from 11am to 5pm. They will be selling Hot Dogs and Hamburgers. If you have any questions please feel free to contact me with any questions you may have.

Thank You,

Jeff Plew
Duke's country Bar & Grill
PO Box 3027 | Portland, Oregon 97208
C: 503-516-5361
jeffp@venturehre.com

Approved
Lt. J. Jolley
#52820 9/9/15

OREGON LIQUOR CONTROL COMMISSION

APPLICATION FOR TEMPORARY USE OF AN ANNUAL LICENSE

- **FULL ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**
  Allows an Oregon Full On-Premises Sales Licensee to sell wine, cider, malt beverages, and distilled spirits for drinking on the special event licensed premises. There is no license fee.
- **LIMITED ON-PREMISES SALES LICENSE TEMPORARY USE APPLICATION**
  Allows an Oregon Limited On-Premises Sales Licensee to sell wine, cider, and malt beverages for drinking on the special event licensed premises. There is no license fee.

Process Time: OLCC needs your completed application to us in sufficient time to approve it. Sufficient time is typically 1 to 3 weeks before the first event date listed in #11 below (some events may need extra processing time).OLCC may refuse to process your application if it is not submitted in sufficient time for the OLCC to investigate it.

License Days: In #11 below, you may apply for a maximum of **seven** license days per application form. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.

1. My **annual** license is a: ☒ FULL ON-PREMISES ☐ LIMITED ON-PREMISES
2. Licensee Name (please print): Concept Entertainment - Two LLC **3.** E-Mail: jeffp@venturehre.com
4. Trade Name of Business: Dukes Hometown Bar & Grill **5.** Fax: 503-760-1400
6. Street Address of **Annual** Business: 14601 SE Division St. **7.** City/ZIP: Portland, 97236
8. Contact Person: Jeff Plew **9.** Contact Phone: 503-516-5361
10. Event Name: Men's Prostate Cancer run
11. Date(s) of event (no more than **seven** days): 9/27/2015
12. Start/End hours of alcohol service: 11 ☐ AM ☐ PM to 5 ☐ AM ☒ PM
13. Address of **Special Event** Licensed Area: Latus Motors, 870 E. Berkeley (Street) Gladstone, 97027 (City/Zip)
14. Is the event outdoors? ☒ Yes ☐ No

    14a. If no, in what area(s) of the building is the event located? _____

    14b. If yes, submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.
15. List the primary activities within the licensed area: Small Beer Garden with BBQ
16. Will minors and alcohol be allowed together in the same area? ☐ Yes ☒ No
17. What is the expected attendance per day in the licensed area (where alcohol will be sold or consumed)? 150

PLAN TO MANAGE THE SPECIAL EVENT LICENSED AREA: If your answer to #17 is 501 or more, **in addition to** your answers to questions 18, 19, and 20, you will need to complete the **OLCC's Plan to Manage Special Events form,** unless the OLCC exempts you from this requirement.

18. Describe your plan to prevent problems and violations.

    One OLCC licensed employee working the beer garden, checking ID, serving and monitoring the area. Licensed employee will follow the cut-off laws with the respect of the Visibility Intoxicated Person (VIP) removing any alocholic beverages and having food and non-alochoclic beverages available to the VIP. We will provide cab service if necessary.

19. Describe your plan to prevent minors from gaining access to alcoholic beverages and from gaining access to any portion of the licensed premises prohibited to minors.

One OLCC licensed employee and one DPPST licensed employee will checking ID, serving and monitoring the area.

20. Describe your plan to manage alcohol consumption by adults.

One OLCC licensed employee and one DPPST licensed employee will checking ID, serving and monitoring the area.

21. List name(s) and service permit number(s) of **alcohol manager(s)** on-duty and in the licensed area:

Jeff Plew OLCC permit # , D.O.B. [illegible]

LIQUOR LIABILITY INSURANCE: If the licensed area is open to the public and **expected attendance is 301** or more per day in the licensed area, you must have at least $300,000 of liquor liability insurance coverage (ORS 471.168).

22. Insurance Company: First Insurance Funding **23.** Policy #: _____ **24.** Expiration Date: 7/1/2016

25. Name of insurance agent: Fourier Group **26.** Agent's phone number: 503-251-2255

FOOD SERVICE: See the attached sheet for an explanation of this requirement.

27. If you will **NOT** provide distilled spirits, name at least two different substantial food items that you will provide:

① BBQ Hamburgers / Chips ② BBQ Hot Dogs / Chips

28. If you are a Full On-Premises Sales Licensee and will provide distilled spirits, name at least five different substantial food items that you will provide:

① _____ ② _____ ③ _____ ④ _____ ⑤ _____

GOVERNMENT RECOMMENDATION: You must obtain a recommendation from the local city or county named in #29 below before submitting this application to the OLCC.

29. Name the city if the event address is within a city's limits or name the county if the event address is outside the city's limits: Gladstone, Oregon

I affirm that I am authorized to sign this application on behalf of the applicant.

30. Licensee Name (please print): Dan Lenzen

31. LICENSEE SIGNATURE: [signature] **32.** Date: 9/8/2015

CITY OR COUNTY USE ONLY

The city/county named in #29 above recommends:

☐ Grant ☐ Acknowledge ☐ Deny (attach written explanation of deny recommendation)

City/County Signature: _____ Date: _____

FORM TO OLCC: This license is valid only when signed by an OLCC representative. Submit this form to the OLCC office regulating the county in which your special event will happen.

OLCC USE ONLY

License is: ☐ Approved ☐ Denied

OLCC Signature: _____ Date: _____

FOOD REQUIREMENTS FOR TEMPORARY USE OF AN ANNUAL LICENSE

WHAT AMOUNT OF FOOD MUST I PROVIDE?

- **Two *different* food items:** A Full On-Premises Sales Licensee **NOT** providing distilled spirits at the event and a Limited On-Premises Sales Licensee must provide at all times and in all areas where alcohol service is available at least two different substantial food items.
- **Five *different substantial* food items:** A Full On-Premises Sales Licensee providing distilled spirits at the event must provide at all times and in all areas where alcohol service is available at least five different substantial food items.

WHAT IS A *SUBSTANTIAL* FOOD ITEM?

This is a food item that is typically served as a main course or entrée. Some examples are fish, steak, chicken, pasta, pizza, and sandwiches. Side dishes, appetizer items, dessert items, and snack items such as popcorn, peanuts, chips and crackers do not qualify as substantial food items.

WHAT DOES *DIFFERENT* MEAN?

Different means substantial food items that the OLCC determines differ in their primary ingredients or method of preparation. For example, a turkey sandwich differs from a salami sandwich, a beef burger differs from a turkey burger, and fried chicken differs from baked chicken. Different sizes of the same item are not considered different.

IS THERE AN EXCEPTION TO PROVIDING THE TWO OR FIVE DIFFERENT SUBSTANTIAL FOOD ITEMS?

The OLCC must determine that the clearly dominant emphasis is food service at all times in the area where alcohol service is available in order for you to provide only one substantial food item if you are **not** providing distilled spirits or one to four different substantial food items if you are a Full On-Premises Sales Licensee providing distilled spirits. The OLCC will work with you to make this determination prior to approving your application.

WHAT DOES IT MEAN TO PROVIDE FOOD SERVICE *AT ALL TIMES AND IN ALL AREAS WHERE ALCOHOL SERVICE IS AVAILABLE*?

Patrons must be able to obtain food service inside the special event licensed area. You may use either of the following two methods to provide food service:

- Within all areas where alcohol service is available, have the minimum required food items available for patrons at all times; or
- Within all areas where alcohol service is available, have a menu of the minimum required food items (plus any other items you may choose to include) available for patrons at all times and be able to provide the food items in the area if a patron chooses to order food. The food items could be kept at a location other than the area where the alcohol is served; however, you must be able to provide the food items to the patron in the area where alcohol service is available.

IS PROVIDING TASTINGS OF ALCOHOL CONSIDERED PROVIDING ALCOHOL SERVICE?

Yes, providing tastings of alcohol is considered providing alcohol service; therefore, the food requirements must be met.

CAN I USE FOOD PROVIDED BY A CONTRACTOR OR CONTRACTORS TO MEET THE FOOD REQUIREMENT?

Yes, the food service may be provided by someone other than you; however, even if food service is provided by a contractor, you are fully responsible for compliance with the food requirements. You may sell or serve alcohol only when food service that meets the requirement is provided to patrons at all times and in all areas where alcohol service is available.

WHO CAN THE CONTRACT FOR THE FOOD SERVICE BE WITH?

The contract can be between:

- You (the OLCC licensee) and the food service contractor; or
- The organizer of the event and the food service contractor.

DOES THE FOOD SERVICE CONTRACT NEED TO BE IN WRITING?

No, the food service contract does not need to be in writing; however, you may sell or serve alcohol only when food service that meets the requirement is provided to patrons at all times and in all areas where alcohol service is available.

14601 SE Division St.
Portland, Oregon 97236
503-760-1400

Subject Plan to manage the special event for September 27, 2015

#17 Describe your plan to prevent problems and violations

- Beer Garden area will be enclosed with a 4ft temporary fencing/barrier with one entrance. One DPSST cert security employee check all ID 30 years and younger. Two OLCC service permitted bartender/servers will be working and serving and monitoring all customers in area. No minors will be permitted inside the Beer Garden and No Beverages will be permitted outside Beer Garden area.

#18 Describe your plan to prevent minors gaining access to alcoholic beverages and gaining access to any portion of the licensed premises prohibited to minors

- Beer Garden area will be enclosed with a 4ft temporary with one entrance with a one DPSST cert security employee check all ID 30 years and younger. No minors will be permitted inside the Beer Garden

- The types of identification that will be accepted these types of identification must include the person's name, address, date of birth, photo, physical description, and signature, or they are not acceptable on their own.

- The five acceptable kinds of proof of age identification are:
  - A valid USA state-issued DRIVERS LICENSE, with a photo.
  - A valid OREGON D.M.V. IDENTIFICATION card, with a photo.
  - A valid state-issued IDENTIFICATION (ID) CARD*
  - A valid U.S. MILITARY IDENTIFICATION (ID) card*with address.
  - A valid PASSPORT

#19 Describe your plan to manage alcohol consumption by adults.

- One OLCC service permitted bartender/server will be serving and monitoring all customers in area. They will follow the cut off law, remove any alcoholic beverages, and have food and beverage for visibility intoxicated quest. We will provide cab service if needed. Can Beer of different colors will be used for Beer and Cider.

Please let me know if you have or need anymore information
Thank You,
Jeff
Cell 503-516-5361
Email jeffp@ceghospitality.com

OREGON LIQUOR CONTROL COMMISSION

IDENTIFYING A SPECIAL EVENT LICENSED AREA

The OLCC is prohibited from licensing an area that does not have defined boundaries.

Please complete items 1 – 5 and then use the box below to draw the licensed area.

1. Applicant Name (please print): CONCOPT ENTERTAINMENT – TWO LLC

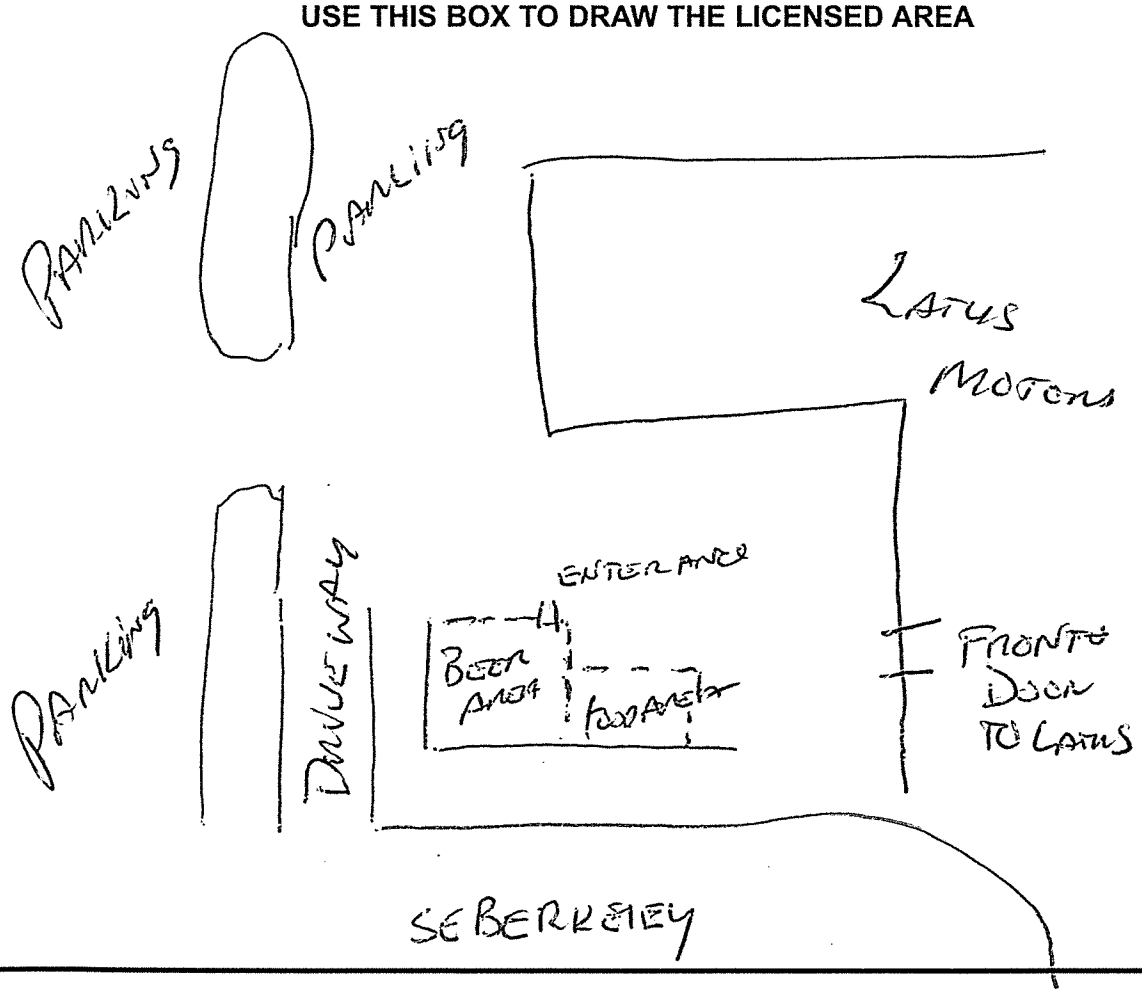
2. Event Street Address: 670 E BERKELEY (LATUS MOTORS)

3. City/County: GLADSTONE, CLACKAMAS COUNTY

4. Date(s) of Event: 9/27/2015

5. Please list and describe what barrier(s) will be used to define the boundaries of the licensed area. For example: "A 6 foot high wooden fence." 4 FT TEMP FENCE AROUND BEER AREA ONE ENTERANCE

USE THIS BOX TO DRAW THE LICENSED AREA



Monthly Report For

Other Funds for the Month of August 2015

2

Department	Year To Date Actual	Year To Date Budget	Annual Budget	Annual Forecast	Annual Variance Bet.(Wrse)
Sewer PS	35,481	44,842	269,051	212,889	56,162
Sewer MS	196,884	299,164	1,794,986	1,181,305	613,681
Sewer Cap.	228	213,390	1,280,338	1,365	1,278,973
XFERS	-	4,365	26,188	25,452	736
Contingency	-	-	-	-	-
Total	232,593	561,761	3,370,563	1,421,011	1,949,552
Water Fund PS	49,826	60,282	361,691	298,954	62,737
Water Fund MS	86,956	107,722	646,331	521,734	124,597
Water Fund Cap.	49,253	228,829	1,372,974	295,518	1,077,456
XFERS	-	34,016	204,097	203,385	712
Contingency	-	-	-	-	-
Total	186,034	430,849	2,585,093	1,319,591	1,265,502
Street Fund PS	30,667	30,612	183,669	184,000	(331)
Strret Fund MS	31,686	54,542	327,250	190,113	137,137
Street Fund Cap	115,944	79,951	479,707	695,666	(215,959)
XFERS	-	10,082	60,493	-	60,493
Contingency	-	-	-	-	-
Total	178,297	175,187	1,051,119	1,069,779	(18,660)
Police Levy PS	62,941	57,789	346,731	377,645	(30,914)
Police Levy MS	20,417	20,667	124,000	122,504	1,496
Police Levy Capital	-	833	5,000	-	5,000
XFERS	-	2,284	13,705	-	13,705
Contingency	-	59,696	358,178	-	358,178
Total	83,358	141,269	847,614	500,148	347,466
Fire Emrgency Fund PS	23,662	22,488	134,926	141,972	(7,046)
Fire Emrg. MS	1,099	3,333	20,000	6,593	13,408
Fire Emrg. Cap	-	42,000	252,000	-	252,000
XFERS	-	960	5,760	5,592	168
Contingency	-	20,221	121,327	-	121,327
Total	24,761	89,002	534,013	154,157	379,856
State Rev. PS	-	-	-	-	-
State Rev. MS	-	-	-	-	-
State Rev. Cap	-	149,059	894,356	-	894,356
XFERS	-	17,500	105,000	5,592	99,408
Contingency	-	-	-	-	-
Total	-	166,559	999,356	5,592	993,764

All Funds Summary

Personal Srvces	799,789	895,501	5,373,005	4,798,733	574,272
Material & Services	706,425	792,444	4,754,662	4,238,548	516,114
Capital	229,984	956,416	5,738,498	1,379,902	4,358,596
XFERS	-	69,207	415,243	240,021	175,222
Contingency	-	146,584	879,505	-	879,505
	$ 1,736,197.0	$ 2,860,152.2	$ 17,160,913	$ 10,657,203.1	$ 6,503,709.9
URD	-	961,812	5,770,874	-	5,770,874
Total City	$ 1,736,197.02	$ 3,821,965	$ 22,931,787	$ 10,657,203	12,274,584

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Monthly Report For

General Fund for the Month of August 2015

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Department	Year To Date Actual	Year To Date Budget	Annual Budget	Annual Forecast	Annual Variance Bet.(Wrse)
GA Personal Svcs	69,675	100,011	600,065	418,051	182,014
GA M & S	218,006	103,000	618,000	1,308,033	(690,033)
Total	$ 287,681	$ 203,011	$1,218,065	$1,726,084	$ (508,019)
Court PS	17,208	20,147	120,883	103,246	17,637
Court MS	13,950	21,717	130,300	83,697	46,603
Total	31,157	41,864	251,183	186,943	64,240
Police PS	258,139	308,006	1,848,033	1,548,832	299,201
Police MS	54,758	43,685	262,110	328,548	(66,438)
Police Cap.	36,610	16,667	100,000	219,660	(119,660)
Total	349,507	368,357	2,210,143	2,097,040	113,103
Fire PS	87,698	92,375	554,249	526,189	28,060
Fire MS	45,139	62,500	375,000	270,835	104,165
Fire Cap.	3,886	130,667	784,000	23,316	760,684
Total	136,723	285,542	1,713,249	820,340	892,909
Parks Dept. PS	24,240	27,245	163,467	145,437	18,030
Parks Dept. MS	15,696	29,717	178,300	94,176	84,124
Parks Dept. Cap.	24,063	69,371	416,228	144,377	271,851
Total	63,998	126,333	757,995	383,990	374,005
Recreation PS	15,349	4,560	27,361	92,095	(64,734)
Recreation MS	1,504	5,383	32,300	9,021	23,279
Total	16,853	9,944	59,661	101,116	(41,455)
Senior Center PS	36,531	37,452	224,714	219,188	5,526
Senioe Center MS	3,596	4,783	28,700	21,576	7,124
Senior Center Cap.	-	25,649	153,895	-	153,895
Total	40,127	67,885	407,309	240,764	166,546
Library PS	88,372	89,694	538,165	530,234	7,931
Library MS	16,736	36,231	217,385	100,414	116,971
Library Cap.	-	-	-	-	-
Total	105,108	125,925	755,550	630,647	124,903
Library Contingency	-	-	-	-	-
General Fund		-		-	
GF PS	597,212	679,490	4,076,937	3,583,273	493,664
GF MS	369,383	307,016	1,842,095	2,216,299	(374,204)
GF Cap	64,559	242,354	1,454,123	387,353	1,066,770
Total	1,031,154	1,228,859	7,373,155	6,186,925	1,186,230
GF Contingency	-	66,667	400,000	-	400,000
Total	$ 1,031,154	$1,295,526	$7,773,155	$6,186,925	$1,586,230

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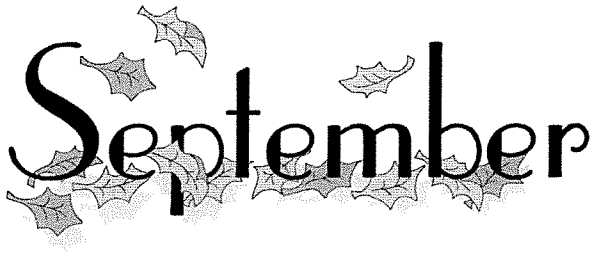

REGULAR AGENDA

TO: Ross Schultz

FROM: Jolene Morishita

DATE: August 31, 2015

RE: Administrative Process

Mr. Schultz:

You informed me that you intended to request a change of the approval process, which currently involves Council, for all administrative policies. As such, you requested that I prepare a process that would be followed, by all departments when an administrative policy would change. The following is my suggested process and has been vetted by all Department Managers.

- Notify City Administrator via written staff report
- Inform Management Team
- Obtain Legal Review of Policy (if needed)
- Inform Union (if appropriate)
- Signed by City Administrator
- Update Policy
- Send out written notification to involved parties

ORDINANCE NO. 1458

AN ORDINANCE AMENDING CHAPTER 2.36 AND CHAPTER 2.12 OF THE GLADSTONE MUNICIPAL CODE TO THE ALLOW THE CITY ADMINISTRATOR TO ADOPT AND AMEND ADMINISTRATIVE POLICIES AND RULES

WHEREAS, the City Administrator is the administrative head of the City's government;

WHEREAS, most jurisdiction across the State of Oregon grant the City Administrator or City Manager the power to adopt and amend administrative policies;

WHEREAS, the City Administrator is currently tasked with administrating the personnel rules and exercising control and supervision of all activities, departments and offices, with several exceptions; and

WHEREAS, in the interest of efficiency, the City wishes to grant the City Administrator the power to adopt and amend all administrative policies and rules, unless otherwise stated.

NOW, THEREFORE, the Common Council of the City of Gladstone ordains as follows:

Section 1. The current provision of Section 2.36.030, subsection (1) of the Gladstone Municipal Code is hereby amended to read as follows. New language appears as underlined text; deleted language appears as ~~strikethrough~~ text

2.36.030 Rules – Adoption, administration, and amendment.

(1) Personnel rules shall be adopted, administered, and amended by the City Administrator ~~by resolution of the City Council~~.
(2) The rules shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related activities.
(3) All appointments and promotions shall be made in accordance with the personnel rules without regard to sex, race, color, age, religion, political affiliation, national origin, physical handicap, or marital status; and, furthermore, shall be based on merit and fitness.

Section 2. Delete Gladstone Municipal Code section 2.36.040

~~2.36.040 Rules – Administration~~

~~The City Administrator shall be responsible for:~~

~~(1) Administering all the provisions of this Chapter and of the personnel rules not specifically reserved to the City Council;~~
~~(2) Preparing or causing to be prepared and recommending to the City Council personnel rules and revisions and amendments to such rules.~~

Section 3. The current provision of Section 2.12.030 of the Gladstone Municipal Code is hereby amended to include the following:

(8) Adopt and amend administrative policies and rules, unless Council specifically provides otherwise.

Section 4. Except as herein amended, Chapters 2.36 and Chapter 2.12 of the Gladstone Municipal Code shall remain in full force and effect.

Section 5. This Ordinance takes effect 30 days from its adoption.

Adopted by the Common Council for the City of Gladstone this ____ day of September, 2015.

ATTEST:

Dominick Jacobellis, Mayor	Jolene Morishita, Assistant City Administrator

Beery Elsner & Hammond LLP

MEMORANDUM

TO: Honorable Dominick Jacobellis
Gladstone City Councilors

FROM: David Doughman, City Attorney's Office

SUBJECT: Wireless Telecommunications Facility Ordinance

DATE: September 1, 2015

At its September 8, 2015 meeting, the Gladstone City Council will hold a hearing regarding the attached ordinance. The ordinance is an update to Gladstone's development code and replaces an existing set of regulations governing wireless telecommunication facilities (e.g. cell towers, antennae, etc.).

The council previously asked the Gladstone Planning Commission to consider an update to GMC Chapter 17.61 in the wake of a Verizon proposal to increase the height of a utility pole near downtown to accommodate additional wireless facilities. The PC held three work sessions and held a hearing at its meeting in August. The PC had some excellent comments and provided significant input on the update. The attached ordinance contains all of the PC's edits and the PC recommends the council adopt it.

The ordinance is based upon a City of Salem ordinance that Salem recently adopted with assistance from our office. The federal government is primarily responsible for regulating wireless telecommunications facilities. Local regulations may not prohibit, or have the effect of prohibiting, telecommunications companies from providing telecommunications services. As such, a city may not prohibit wireless facilities outright.

This update creates a priority scheme as to where new facilities should go. The ordinance favors collocation over building new towers and poles. In essence, a telecom provider will have a relatively easy time collocating new facilities on existing buildings, structures, towers and utility poles. Conversely, a telecom provider will have a more difficult time building a new tower or raising the height of an existing tower or pole unless it can demonstrate that it cannot collocate its facilities or that it cannot provide service without building a new structure.

RECOMMENDATION: Hold a public hearing on the ordinance, close the hearing and adopt the ordinance.

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Portland OR 97201-5106
www.gov-law.com

ORDINANCE NO. 1459

AN ORDINANCE AMENDING TITLE 17 OF THE GLADSTONE MUNICIPAL CODE TO REPEAL CHAPTER 17.61 AND ADOPT A NEW CHAPTER 17.61

THE CITY OF GLADSTONE ORDAINS AS FOLLOWS:

Section 1. Chapter 17.61 (Wireless telecommunication Facility) of the Gladstone Municipal Code is repealed in its entirety and replaced with the following:

Chapter 17.61 WIRELESS COMMUNICATIONS FACILITIES

17.61.010. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained, and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

(1) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;

(2) The careful consideration of the topography, natural features, and historical significance in potential wireless communications facility sites;

(3) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;

(4) The encouragement of the location of new support towers and related equipment in non-residential zones;

(5) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities;

(6) The provision of wireless communication services through facilities with minimal visual impact.

17.61.020. Definitions. Unless the context specifically requires, as used in this Chapter, the following terms mean:

(1) Amateur radio. The licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license granted from the Federal Communications Commission. Amateur radio is also commonly referred to as "ham radio."

(2) Antenna. Any pole, panel rod, reflection disc, or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or support towers.

(3) Array. A grouping of two or more antennas on a single support structure, support tower, or utility structure.

(4) Auxiliary support equipment. All equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

(5) Base station. Radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics. A base station includes a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station and encompasses such equipment in any technological configuration, including distributed antennas systems and small cells.

(6) Capacity. The ability of the wireless communications network to process existing wireless service demands.

(7) Collocation. The mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(8) Existing facility. A wireless communication facility that was lawfully in place at the time a complete application is submitted.

(9) Guy pole. A pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

(10) High voltage transmission lines. Either power lines with capacity for transmitting electricity of 33,000 volts or greater, or a skipped pole between high voltage transmission lines.

(11) Lattice tower. A support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(12) Monopole. A support tower which consists of a single pole sunk into the ground and/or attached to a foundation.

(13) Original structure. A lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.

(14) Owner. The person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person's or entity's agent.

(15) Replacement structure. A utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy, or support poles in the rights-of-way or on private property.

(16) Residential building. A building used for household living or group living, regardless of zone. For the purposes of this definition:

(a) Residential building does not include *a* mixed use building;

(b) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;

(c) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling

is occupied by a group of people who do not meet the definition of family, or both. Group Living facilities generally include common facilities that are shared by residents, including, but not limited to, facilities for dining, social and recreational activities, and laundry.

(17) Right-of-way. The space upon, above, below, in, along, across, over, or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, and interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.

(18) Screening. To obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.

(19) Siting. The location, construction, collocation, modification, or installation of a wireless communications facility.

(20) Skipped pole.

(a) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or

(b) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.

(21) Substantially change the physical dimensions.

(a) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(b) The mounting of a proposed antenna involving the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(c) The mounting of a proposed antenna involving the addition of an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(d) The mounting of the proposed antenna involving excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility easements currently related to the site.

(22) Support structure. A building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

(23) Support tower. A freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including,

but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers. To the greatest extent possible, support towers must be non-reflective and must be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(24) Temporary wireless communications facility. Any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

(25) Utility structure. Any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(26) Wireless communications. Any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

(27) Wireless communications facility. Any un-staffed facility for the transmission and/or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

17.61.030. General Rule; Collocation and Siting Priority.

(1) Siting Permit Required.

(a) Except as provided in paragraph (b) of this subsection, no wireless communications facility may be sited in the City without a siting permit having first been obtained.

(b) **Exemptions.** A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a property.

(B) All devices and associated equipment that do not require a license from the Federal Communications Commission.

(C) Ordinary maintenance or repair of a wireless communications facility.

(D) Modification of an existing support tower or base station for the collocation of or attachment of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to 47 U.S.C. § 1455, and notwithstanding any provision of this Chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station, that the applicant requesting a modification or expansion of a support tower or base

station establishes by substantial evidence that the requested separation between antennas is the minimum necessary to avoid interference, and, to the extent feasible, that the additional equipment or modified equipment shall maintain the appearance and design of the original facility, including, but not limited to, color, screening, landscaping, stealth or camouflage design, mounting configuration, and architectural treatment. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this Chapter.

(E) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(2) Collocation Required. All wireless communications facilities located within right-of-way shall be collocated or attached to replacement utility structures. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same structure or jeopardize the physical integrity of the structure upon which collocation will be made, consent cannot be obtained for the collocation on a structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives.

(3) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

(a) First priority: collocation or attachment of an antenna or antenna array on a support tower, support structure, or utility structure with existing antenna or antenna arrays owned, operated or managed by at least two different owners;

(b) Second priority: collocation or attachment of an antenna or antenna array on a support tower, support structure, or utility structure with either no existing antenna or antenna arrays or no more than one existing antenna or antenna arrays;

(c) Third priority: replacement of a utility structure for the purpose of attachment of an antenna or antenna array;

(d) Fourth priority: substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;

(e) Fifth priority: construction of a new support tower.

17.61.040. Wireless Communications Facility Siting Permits.

(1) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.

(2) Classes. There are three classes of wireless communications facilities siting permits.

(a) A Class 1 Permit is a permit for a first or second priority siting.

(b) A Class 2 Permit is a permit for a third priority siting.

(c) A Class 3 Permit is a permit for a fourth priority siting or fifth priority siting.

(3) Procedure Type.

(a) Class 1 Permit. Review of an application for a Class 1 Permit is subject to the Type I city administrator procedure under GMC Chapter 17.94. It is ministerial in

nature and is not subject to the notice provisions of 17.94.050(3).

(b) Class 2 Permit. Review of an application for a Class 2 Permit is subject to the Type II city administrator procedure under GMC Chapter 17.94.

(c) Class 3 Permit. Review of an application for a Class 3 Permit is subject to the Type III planning commission procedure under GMC Chapter 17.94.

(4) Submittal Requirements.

(a) All Applications. In addition to the application submittal requirements required by GMC Title 17, Division VII, an application for a Class 1, Class 2, or Class 3 Permit shall include:

(A) The location of the siting, according to the siting priorities set forth in 17.61.030(3), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site is not feasible.

(B) A site plan that includes:

(i) Description of the proposed wireless communications facility's design and dimensions.

(ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in GMC Chapter 8.12, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

(b) Class 1 Applications. In addition to the submittal requirements under paragraph (a) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer's certification that the support structure, utility structure, or support tower will safely handle the load created by the attachment or collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by 17.61.030(3). If collocation or attachment on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(c) Class 2 Applications. In addition to the submittal requirements under paragraph (a) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer's certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is at least as wide as that required by any applicable safety standards adopted by the Oregon Public

Utility Commission or the minimum necessary to accommodate attachment on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by 17.61.030(3). If collocation or attachment on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(D) Coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

(E) Color simulations of the wireless communications facility after construction.

(d) Class 3 Applications. In addition to the submittal requirements under paragraph (a) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer's certification that the support tower will safely handle the load created by the proposed antennas and any future attached or collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.

(B) For new support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure, or by attachment on a replacement utility structure for one or more of the following reasons:

(i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;

(ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;

(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;

(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible.

(C) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 17.61.050(3).

(D) The number and type of antennas that the support tower is designed to accommodate.

(E) A signed statement of compliance from the owner of the wireless

communications facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(F) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 17.61.090(5), the graphic simulation shall include the proposed design. To the greatest extent possible, support towers must be non-reflective and must be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(G) Coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

(5) **Criteria.** A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(a) **For Class 1 Applications:**

(A) The proposed collocation or attachment of an antenna or antenna array meets the standards in this Chapter.

(B) For collocation or attachment of an antenna or antenna array in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(b) **For Class 2 Applications:**

(A) The proposed utility structure meets the standards in this Chapter.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.

(c) **For Class 3 Applications:**

(A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design, and operating characteristics of the wireless communications facility.

(B) The support tower will not be located in the right-of-way.

(C) If the proposal is to construct a new support tower:

(i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.

(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity, including in-building coverage; and

(iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

17.61.050. Siting Standards.

(1) **Class 1.** The attachment or collocation on support towers, utility structures and support structures shall comply with the following siting standards:

(a) **Outside Right-of-Way.**

(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new support tower, utility structure, or support structure.

(b) **Inside Right-of-Way.**

(A) All wireless communications facilities located within right-of-way shall be collocated or attached to a replacement utility structure.

(B) Wireless communications facilities proposed to be sited within right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use.

(i) First priority: freeway;

(ii) Second priority: major arterials;

(iii) Third priority: minor arterials;

(iv) Fourth priority: collectors;

(v) Fifth priority: local streets.

(2) **Class 2.** The replacement of a utility structure shall comply with the following siting standards:

(a) **Inside Right-of-Way.**

(A) All wireless communications facilities located within right-of-way shall be collocated or attached to a replacement utility structure.

(B) Wireless communications facilities proposed to be sited within right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use.

(i) First priority: freeway;

(ii) Second priority: major arterials;

(iii) Third priority: minor arterials;

(iv) Fourth priority: collectors;

(v) Fifth priority: local streets.

(3) **Class 3.** The construction of a new support tower, replacement of an existing support tower, or substantial increase in the size of an existing support tower shall comply with the following siting standards:

(a) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an

overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new or substantially changed support tower and future attached or collocated facilities on the proposed tower.

(b) New support towers may not be sited within the C1 zones; in a historic district; or on property that has been designated as a historic resource under federal, state, or local law.

(c) The location of the support tower minimizes visual impacts to residential zones to the maximum extent feasible, through the effective use of setbacks, height, bulk, and landscaping or other screening techniques.

(d) The support tower is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.

(e) No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by attachment on a replacement utility structure.

17.61.060. Antenna Development Standards.

(1) Antennas on Support Towers. Antennas attached to a support tower shall comply with the following development standards:

(a) Height. Antennas attached to a support tower shall be no higher than fifteen feet above the top of the support tower.

(b) Surface and Coloration. Antennas attached to a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.

(c) Mounting. Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(2) Antennas on Existing Buildings.

(a) Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

(A) Height:

(i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or

(ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

(B) Screening: Antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(b) Whip antennas located on the roof of a building shall comply with the following development standards:

(A) Height. Whip antennas shall extend no higher than fifteen feet above the building.

(B) Surface and Coloration. Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(c) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:

(A) Height. Antennas shall extend no higher than ten feet above the point of attachment to the building.

(B) Screening, Surface, and Coloration.

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

(aa) Flush-mounted and painted the same color as the exterior of the building; or

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(3) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

(a) Height. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(b) Surface and Coloration. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(c) Mounting. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(4) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

(a) Physical integrity. The antennas shall not jeopardize the utility structure's physical integrity.

(b) Guy poles. Antennas shall not be located on guy poles.

(c) Height.

(A) Utility structures outside right-of-way. Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) Utility structures in right-of-way.

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a

freeway or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street, or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

(aa) Fifteen feet above the top of a utility structure located on a freeway or major arterial;

(bb) Ten feet above the top of a utility structure on a minor arterial; or

(cc) Five feet above a utility structure located on a collector street or local street.

(d) Mounting. Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than three feet in length from the structure.

(e) Surface and Coloration. To the greatest extent possible, antennas must be non-reflective and must be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment, unless the City permits otherwise.

(f) Lighting. Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

17.61.070. Auxiliary Support Equipment Development Standards.

(1) Screening.

(a) Equipment Associated with Support Towers. Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 17.61.090(3). The City may require an applicant to plant trees, shrubs or otherwise provide landscaping on or near the fence or wall in order to ensure the fence or wall blends harmoniously into the surrounding environment.

(b) Equipment Associated with Antennas on Existing Buildings. Auxiliary support equipment shall be located within or on top of the building or screened from the right-of-way and adjacent properties to the greatest extent practicable. Examples: within an underground vault, behind landscaping or a sight-obscuring fence, within an architectural element, or concealed to resemble a natural object such as a boulder.

(c) Equipment Associated with Antennas on Support Structures Other than Existing Buildings. Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure's footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(d) Equipment Associated with Antennas on Utility Structures.

(A) Equipment installed in right-of-way. Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

(B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) Equipment attached to a utility structure. Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

(i) Project no more than eighteen inches from the surface of the utility structure;

(ii) Be less than or equal to twenty-four inches in height;

(iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

(2) Setbacks. Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards in the underlying zone.

(3) Vision Clearance. Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.

(4) External cables and wires. All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

(5) Coloration.

(a) Equipment Associated with Support Towers and Support Structures. All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment, unless the City permits otherwise.

(b) Equipment Associated with Utility Structures. Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment, unless the City permits otherwise.

(6) Lighting. Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level, and shall be shielded to prevent direct light from falling on adjacent properties.

(7) Undergrounding Required. Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic

resource or in right-of-way where all other utilities are required to be placed underground shall be placed underground.

(8) Backup Power. Backup power for any wireless communication facility may not produce noise that is audible beyond the boundary of the property on which the backup power resides and may not produce any carbon emissions, unless the applicant demonstrates that these limitations will effectively prohibit the provision of wireless communications services.

17.61.080. Replacement Utility Structure Development Standards.

(1) Height.

(a) Outside Right-of-Way.

(A) Outside right-of-way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device, and antennae does not exceed the maximum height for a structure in the zone.

(B) Skipped poles. Outside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of a replacement structure, antenna mounting device, and antennae does not exceed the maximum height for a structure in the zone.

(b) Inside Right-of-Way.

(A) Inside right-of-way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device, and antennae is no greater than:

(i) Seventy-eight feet for a replacement structure located on a freeway;

(ii) Seventy-three feet for a replacement structure on a major arterial;

(iii) Sixty-three feet for a replacement structure on a minor arterial; or

(iv) Fifty-three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(2) Width.

(a) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(3) Surface and Coloration. A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(4) **External cables and wires.** All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(5) **Lighting.** Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted. (Ord No. 24-13)

17.61.090. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(1) **Height.**

(a) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 703-1.

TABLE 703-1

Maximum Support Tower Height by Zone	
Zone	**Maximum Height**
R-7.2	50 ft.
R-5	50 ft.
MR	70 ft.
C-1	Not applicable*
C-2	70 ft.
C-3	70 ft.
OP	70 ft.
LI	80 ft.
OS	35 ft.

* New support towers are not allowed in the C-1 zone pursuant to 17.61.050(3)(b).

(b) A support tower located three hundred feet or less from an R-7.2, R-5, MR or C-1 zone shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(2) **Setbacks.** The base of a support tower shall be set back as follows:

(a) In the LI, the base of the support tower shall be set back a minimum of fifteen feet from all property lines and a minimum of one hundred feet from all property zoned residential or OS.

(b) In all zones other than the LI, residential zones, and the OS zone, the base of the support tower shall be set back a minimum of thirty feet from all property lines and a minimum of one hundred feet from all property zoned residential or OS.

(c) In all residential zones, the base of the support tower shall be set back a minimum of 100 feet from all property zoned residential or OS, and 30 feet from all other property.

(d) In all zones, the six foot high sight-obscuring perimeter fence required below shall be set back a minimum of ten feet from all property lines.

(3) **Screening.** Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the outside perimeter except as required to provide access to the facility. The landscaped area shall at least be planted with two plant units per twenty square feet of yard area. The landscaping must conform to GMC Chapter 17.46 and the City may require an applicant to provide additional landscaping on or near the fence or wall in order to ensure the fence or wall blends harmoniously into the surrounding environment.

(4) **Surface and Coloration.** Support towers shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment, unless the City permits otherwise.

(5) **Design Standards.** The following additional design standards shall apply to support towers in a residential zone or the OS zone and to support towers located within three hundred feet of a residential zone or the OS zone:

(a) The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.

(b) The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.

(c) The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.

(d) To the greatest extent possible, the antennas shall not be easily recognizable.

(6) **External cables and wires.** All external cables and wires shall be placed in conduit or painted to match the support tower.

(7) **Lighting.** Unless required by the FAA, the Oregon Aeronautics Division or the City, support towers shall not be lighted.

(8) **Collocation.**

(a) Support towers eighty feet in height shall be designed to provide for attachment or collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.

(b) Support towers between fifty feet and eighty feet in height shall be designed to provide for attachment or collocation of at least one future antenna system, in a manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support tower.

(9) **Access.**

(a) Where a support tower is adjacent to a local street and a collector or arterial street, access to the support tower shall be from the local street, subject to all applicable access standards.

(b) Access to the support tower shall be oriented away from existing dwellings, and any property zoned residential or OS.

17.61.100. Conditions. Every wireless communications facility siting permit shall be subject to the following conditions:

(1) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(2) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

(3) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.

(4) All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is

associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.

(5) Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as the city may require.

(6) Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the city.

(7) After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the city, in accordance with public works construction standards.

(8) Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.

(9) All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.

(10) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.

(11) Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in GMC Chapter 8.12.

17.61.110. Wireless Communications Facilities Adjustment.

(1) Applicability. Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless an adjustment has been granted pursuant to this Chapter.

(2) Procedure Type. A wireless communications facility adjustment is a Type II procedure.

(3) Submittal Requirements. In addition to the submittal requirements for a Type II application under Title 17, Division VII, an application for a wireless communications facility adjustment shall include:

(a) A written statement demonstrating how the adjustment would meet the criteria.

(b) A site plan that includes:

(A) Description of the proposed siting's design and dimensions, as it would appear with and without the adjustment.

(B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the adjustment.

(C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the adjustment.

(4) **Criteria.** An application for a wireless communications facility adjustment shall be granted if the following criteria are met:

(a) The adjustment is consistent with the purpose of the development standard for which the adjustment is sought.

(b) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(c) The owner demonstrates the existence of either of the following:

(A) **Gap in Service.**

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

(ii) The gap can only be filled through an adjustment in one or more of the standards in this Chapter; and

(iii) The adjustment is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.

(B) **Minimization of Impacts.** The adjustment would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;

(ii) Better preservation of views or view corridors;

(iii) A decrease in negative impacts on property values; or

(iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

17.61.120. Special Provisions

(1) **Temporary facilities.** In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit, unless the Planning Commission approves otherwise after holding a public hearing.

(2) **Third-party review and associated fees.**

(a) The City shall obtain the services of a third party consultant to review and evaluate evidence offered as part of an application submitted under this Chapter for the following applications:

(A) A new support tower in or within 300 feet of a residential zone or the OS zone;

(B) An adjustment to exceed the maximum height of a support tower in or within 300 feet of a residential zone or the OS zone; or

(C) An adjustment to reduce the minimum setback of a support tower on a property zoned residential or OS.

(b) The City may, but is not required to, obtain the services of a third party consultant to review and evaluate evidence offered as part of an application submitted under this Chapter for an adjustment or for a new support tower in or within 300 feet of a public zone, mixed-use zone, or overlay zone.

(c) The City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to perform third-party review under this section.

(3) **Issuance of Building Permit.** No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

(4) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion, or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

(5) **Removal for discontinuance of service.** Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in GMC Chapter 8.04. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

(6) **Relocation.**

(a) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

(b) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

(c) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.

(d) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

(e) **Measurements.** Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF GLADSTONE THIS ___ DAY OF _____, 2015.

ATTEST:

_____	_____
Dominick Jacobellis Mayor	Jolene Morishita Assistant City Administrator

City of Gladstone
Staff Report

Report Date: September 15, 2015
Meeting Date: September 22, 2015
To: City Council
From: Jolene Morishita

AGENDA ITEM
Approval of updated water curtailment ordinance language.

History/Background
Subject was discussed in the Council meeting on September 8, 2015. Although it does not appear a drought is going to be a concern this year, everyone is concerned about planning for next year should we not receive sufficient snow pack this winter.

Proposal
Approve water curtailment language in the event of a future drought so the City is prepared.

Options
Council may acknowledge or deny the request.

Cost Impact
None

Recommended Staff Action
Staff recommends Council approval.

Department Head Signature_____ Date 9/15/2015

City Administrator Signature_____ Date 9/15/2015

ORDINANCE NO. 1460

AN ORDINANCE ADOPTING A WATER CURTAILMENT PLAN FOR THE CITY OF GLADSTONE

WHEREAS, it is critical that the City's water supply be preserved in times of real or potential threats to such water supply; and

WHEREAS, changing weather conditions and increased drought conditions have led several local jurisdictions to implement both voluntary and mandatory measures, as needed, to reduce water usage to ensure an adequate supply for future needs; and

WHEREAS, it is appropriate to adopt a Water Curtailment Plan to provide for the City's response to an actual or potential diminished water supply and to prohibit certain non-essential uses of City-supplied water;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF GLADSTONE ORDAINS AS FOLLOWS:

Section 1. Short Title. This Ordinance may be referred to as the "City of Gladstone Water Curtailment Ordinance" or the "Water Curtailment Plan".

Section 2. Delegation of Authority. The City Council of the City of Gladstone delegates authority for implementation of this Ordinance and declaration of the various stages of alerts to the City Administrator or designate, hereinafter referred to as the "City Administrator". This Water Curtailment Plan is self-executing without further action by the City Council.

Section 3. Stage One Alert – Alert for a Potential Water Supply Shortage. The Stage One Alert is activated when the City Administrator determines that a potential for a water shortage exists. The City may provide notification to water customers and residents through notices on utility bills, news releases to the media and/or other methods. Under Stage One, the City Administrator has the authority to activate some or all of the *voluntary* curtailment measures listed below:

A. Institute a voluntary restricted watering schedule based on odd/even address numbers for residential and business customers. The voluntary schedule shall apply to all residential and commercial lawn watering and other non-essential water uses, with exception as specified by the City Administrator. Customers will be asked to restrict watering to the early morning and evening hours to avoid loss due to evaporation.

B. Disseminate informational brochures on conservation methods.

C. Activate conservation hotline with information on the current supply situation, voluntary measures, and conservation tips.

D. Develop a combination of media outreach through newspaper advertisements, social media, website postings, public service announcements and other methods.

E. Provide specific notification to major water users asking for voluntary reductions in use and/or deferring non-essential use to off-peak hours. For commercial and industrial users that have developed water shortage contingency plans, provide specific notification at each stage of curtailment and ask that they implement a corresponding action.

F. The City Parks Department shall operate its irrigation system to achieve maximum efficiency.

G. City uses of water hydrant and water line flushing will be limited to essential needs.

Section 4. Stage Two – Water Supply Shortage. Stage Two is activated when the City Administrator determines that a water shortage exists. The City will notify water customers and residents through major media sources to voluntarily curtail all non- essential water use. In the event a problem is local, the City will distribute information to affected customers. The City will regularly provide updates on the water situation to the media until Stage Two is cancelled. Under Stage Two, the City Administrator has the authority to activate some or all the measures listed below until the City Administrator determines that the capacity to deliver adequate supplies of water is restored:

A. All Stage One measures will be implemented as appropriate.

B. Customers will be asked to *voluntarily* restrict all lawn watering and other non-essential uses of water as specified below:

1. No watering or irrigating of lawns, grass or turf unless it is:
   i. New lawn, grass, or turf that has been seeded or sodded after March 1 and before November 1 of the calendar year;
   ii. Exempted athletic fields frequently used for organized play. Exemptions for athletic fields must be received in writing from the City Administrator;
   iii. Golf course tees and greens; and,
   iv. Park and recreation areas of a particular significance and value to the community, as approved by the City Administrator.
2. No use of City supplied water to wash sidewalks, walkways, streets, driveways, parking lots, or other hard surfaced areas, except where necessary for public health or safety.
3. No uses of City supplied water for washing vehicles, except for commercial carwashes using a system to recirculate and reuse water.

C. For parks supplied by City water, the Parks Department shall limit non-essential water use and/or irrigate only during off-peak hours as specified by the City Administrator.

D. Hydrant and water main flushing will be done to ensure water quality and for other emergencies only.

E. The City will notify all fire districts using City water of the Stage Two alert and the request to refrain from any training activities using City water.

Section 5. Stage Three – Critical Water Supply Shortage. Stage Three is activated when the City Administrator determines that there is a critical water supply shortage that threatens the ability of the City to deliver essential water supplies to its

customers. In the event a problem is local, the City will distribute information directly to affected water customers and residents. The City Administrator shall immediately notify the Mayor and the City Council of the situation and submit a report at the next available meeting of the Council. The City will notify all media of the situation and update the media regularly on the water supply status. Under Stage Three, the City Administrator has the authority to activate the *mandatory restrictions* and other measures listed below:

A. All Stage One curtailment measures shall be implemented as appropriate according to the City Administrator.

B. Upon declaration of a Stage Three critical water supply shortage by the City Administrator, the following *mandatory* restrictions on use of City supplied water will be implemented:

1. No watering or irrigating of lawns, grass or turf is allowed.
2. No use of water shall be allowed to fill swimming pools.
3. No use of water shall be allowed to wash sidewalks, walkways, streets, driveways, parking lots or other hard surfaced areas, except where approved by the City Administrator as necessary for public health or safety.
4. No use of water shall be allowed to wash vehicles, including all commercial carwashes.
5. Hydrant and water main flushing shall be done to ensure water quality, and for other emergencies only.
6. No City supplied water shall be used for fire district training activities.

C. Water waste prohibitions set forth in this Section will be strictly enforced. Violators may be cited pursuant to Chapter 1.08 of the Gladstone Municipal Code, and water service may be interrupted for repeat violations as set forth in City Code.

Section 6. Savings Clause. Should any section or portion of this Ordinance be held unlawful or unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections and portions of this Ordinance shall remain in full force and effect.

Section 7. Effective Date. This Ordinance takes effect 30 days from its adoption.

Adopted by the Common Council for the City of Gladstone this ____ day of _____, 2015.

ATTEST:

_____ _____

Dominick Jacobellis, Mayor Jolene Morishita, Assistant City Administrator

ORDINANCE NO. 1461

AN ORDINANCE ADDING A NEW CHAPTER 13.22 ("WATER CURTAILMENT REGULATIONS") TO THE GLADSTONE MUNICIPAL CODE REGARDING PROHIBITIONS ON WATER USAGE UNDER CERTAIN CONDITIONS

WHEREAS, it is critical that the City of Gladstone's water supply be preserved in times of real or potential threats to the water supply; and

WHEREAS, several jurisdictions across the State of Oregon have implemented "water curtailment" plans and provisions to address possible and actual water shortages, especially so in light of changing weather patterns leading to increased drought and/or near drought conditions across the state; and

WHERAS, the Gladstone City Council adopted a "Water Curtailment Plan" (the "Plan") on September 22, 2015, which encourages voluntary compliance by Gladstone water users to reduce water usage during the first two stages of that Plan; and

WHEREAS, the third stage of the Plan implements non-voluntary, mandatory compliance by Gladstone water users and residents, and these mandatory measures are best implemented with clear and objective code provisions; and

WHEREAS, the Council finds that a new Chapter 13.22 ("Water Curtailment Regulations") should be added to the Gladstone Municipal Code to ensure compliance with mandatory water curtailment regulations, to add penalties for violations thereof, and to ensure appropriate enforcement mechanisms;

NOW, THEREFORE, the Common Council of the City of Gladstone ordains as follows:

Section 1. A new Chapter 13.22 (Water Curtailment Regulations) is hereby added to the Gladstone Municipal Code relating to water use restrictions under certain conditions. The text of the new Chapter 13.22 is set forth in "Exhibit A," attached hereto and incorporated herein.

Section 2. Except as herein amended, Title 13 of the Gladstone Municipal Code remains in full force and effect.

Section 3. This Ordinance takes effect 30 days from its adoption.

Adopted by the Common Council for the City of Gladstone this ____ day of _____, 2015.

ATTEST:

_____ _____

Dominick Jacobellis, Mayor Jolene Morishita, Assistant City Administrator

ORDINANCE 1461
Exhibit A

CHAPTER 13.22 WATER CURTAILMENT REGULATIONS

13.22.010. Water Waste Prohibited.

(1) It is unlawful to allow waste of City water by knowingly or negligently causing, authorizing or permitting such water to escape from its intended beneficial use into any river, creek, natural watercourse, depression, lake, reservoir, storm sewer, street, highway, road, or ditch.

(2) For the purpose of this section:

(a) "waste" means the use of water in excess of the reasonable volume necessary to meet the beneficial use; and

(b) "beneficial use" means the reasonable efficient use of water.

13.22.020. Water Curtailment Authority.

(1) When the City Administrator determines that a critical water supply shortage threatens the ability of the City to deliver essential water to its customers, the City Administrator may activate emergency measures in compliance with the entitled "Water Curtailment Plan" adopted by the Council on September 22, 2015 and on file with the City Recorder.

(2) Upon declaration of a stage three critical water supply shortage by the City Administrator:

(a) No person may water or irrigate lawns, grass or turf unless it is:

(A) New lawn, grass, or turf that has been seeded or sodded after March 1 and before November 1 of the calendar year in which any restrictions are imposed, and in such cases it may be watered only as necessary until established;
(B) Athletic fields frequently used for organized play;
(C) Golf course tees and greens; and,
(D) Park and recreation areas of a particular significance and value to the community as approved by the City Administrator.

(b) No use of City supplied water shall be allowed to clean, fill or maintain levels in decorative fountains.

(c) No use of City supplied water shall be allowed to fill swimming pools or other pools with a capacity in excess of 100 gallons, provided, however, that water may be added to swimming pools to replace volume lost due to evaporation and normal loss due to usage.

(d) No use of City supplied water shall be allowed to wash sidewalks, walkways, streets, driveways, parking lots, or other hard surfaced areas except where necessary for public health or safety.

(e) No use of City supplied water shall be allowed to wash vehicles.

13.22.030. Penalties and enforcement.
The penalties for violations of this chapter are in addition to, not in lieu of, other penalties, remedies or surcharges established by this chapter.

(1) Warning
Each violation will first receive a warning. The letter of warning will be in writing, specify the violation.

(2) Citation
After the resident has received a warning letter, any subsequent violation will be a civil infraction pursuant to the Gladstone Municipal Code and shall be punished as set forth in Chapter 1.08 of the Municipal Code and subsection (3) below.

(3) Penalties for violations.
(a) First violation: warning letter.
(b) Second violation for the same type: Class C infraction.
(c) Third violation of the same type: Class B infraction.
(d) Fourth and any subsequent violation of the same type: Class A infraction.

13.22.030. Withholding of Water Service.
(1) In the event that a citation is issued during the period of activated emergency measures for a violation of this chapter, and the City Administrator determines that a second violation has occurred after the date of the citation and during the same emergency curtailment period, the City Administrator may, in addition to any other authorized penalties:
(a) Install a flow restrictor on the street side of the water meter; or
(b) Terminate water service.

(2) If the City installs a flow restrictor, then before normal service will be restored, the water customer must pay a flow restrictor installation and removal charge of $100.

BEH ATTORNEYS AT LAW | Beery Elsner & Hammond LLP

MEMORANDUM

TO: Honorable Dominick Jacobellis
Gladstone City Councilors

FROM: David Doughman, City Attorney's Office

SUBJECT: Marijuana Prohibition Ordinance

DATE: September 15, 2015

The Gladstone City Council will consider adoption of Ordinance No. 1462 at its September 22, 2015 meeting. This ordinance would prohibit, in accordance with *state* law, a variety of marijuana-related activities, including medical and recreational marijuana dispensaries and sales. This ordinance would apply in addition to the city's current prohibition of any business that does not comply with the U.S. Controlled Substances Act (Ordinance No. 1446). The council may consider the adoption of Ordinance No. 1462 as the "suspenders" to the "belt" that is Ordinance No. 1446. The ordinance contains an emergency clause and it will be effective upon passage.

Background

As an initial matter, it is important to keep in mind two facts. First, although the voters approved Measure 91 legalizing recreational marijuana last November, neither Measure 91 nor any of the bills approved by the legislature this past session combined the recreational and medical marijuana programs. Accordingly, there will be two separate marijuana-related programs in Oregon: recreational and medical. Second, within each program, there are multiple types of "marijuana facilities" that the council may desire to regulate/ban. Under the medical program, there are growers, processors and dispensaries. Under the recreational program there are growers, processors, wholesalers and dispensaries. Ordinance No. 1462 proposes to ban all of the marijuana facilities that HB 3400 permits the city to ban.

Banning Marijuana Related Facilities Within City Limits

HB 3400, which Governor Brown has already signed, expressly permits the city to prohibit within city limits every type of marijuana facility described above except medical marijuana grow sites. Under section 134 of the Bill, the city may by ordinance prohibit the establishment of any of the other marijuana facilities, but such an ordinance *must be presented to and approved by the voters at the next statewide general election* (November 2016). If the council passes such an ordinance, it must submit it to OHA and OLCC, which will then cease providing licenses to any of the prohibited facilities. This "moratorium" will remain in effect until the voters approve or reject the ordinance in November 2016.

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BEH

The ordinance will not apply to any marijuana facility that is registered with the state before the date on which the council adopts the ordinance if the facility has also completed the city's land use application process. I don't believe the city has any such facilities currently in place.

Taxing Marijuana

HB 3400 also changes the city's ability to tax marijuana. Importantly, the law prohibits a city from taxing marijuana or receiving any of the state shared revenues from marijuana taxation if the city has prohibited any of the facilities listed above. This may not be of any concern to the council, but it is a consequence of passing a ban that the council should recognize before moving forward.

Should the council not desire to ban any of the facilities listed above, the city would be eligible to receive shared revenues from the state's marijuana tax and would be authorized to impose a city tax of up to 3%, but such tax must also be approved by the city's voters at the next statewide general election (November 2016). To that end, the tax on marijuana already adopted by the city is probably invalid, and the city would need to re-adopt the tax and present it to the voters for approval (if it decides to tax rather than ban marijuana facilities).

The council will find additional information regarding the Oregon Legislature's actions concerning marijuana at the League of Oregon Cities website: http://bit.ly/1FdfWGT

RECOMMENDATION: hold a public hearing and adopt the first and second readings of Ordinance No. 1462

ORDINANCE NO. 1462

AN ORDINANCE ADDING CHAPTER 9.10 TO TITLE NINE OF THE GLADSTONE MUNICIPAL CODE PROHIBITING THE ESTABLISHMENT OF MARIJUANA FACILITIES WITHIN THE CITY AND DECLARING AN EMERGENCY.

WHEREAS, House Bill 3460 (2013) requires medical marijuana dispensaries to register with the Oregon Health Authority and establishes rules for the State of Oregon's regulation of medical marijuana dispensaries;

WHEREAS, Senate Bill 1531 (2014), placed additional restrictions on medical marijuana dispensaries and expressly permitted cities to impose a temporary moratorium on the operation of registered medical marijuana facilities within city limits;

WHEREAS, Ballot Measure 91, which Oregon voters approved in November 2014, permits the manufacturing, distribution, sale, possession and use of recreational marijuana in Oregon;

WHEREAS, House Bill 3400 (2015) expressly permits local jurisdictions to prohibit the establishment of "marijuana facilities" within their jurisdictional limits and the City of Gladstone desires to impose such limits pursuant to this authority;

WHEREAS, the city believes House Bill 3400 is not the only source of authority for the city to prohibit the establishment of marijuana facilities;

WHEREAS, the city is not repealing Ordinance No. 1446 by adopting this ordinance; and

WHEREAS, the city finds that the public health, safety and general welfare of the city, its residents and its visitors necessitates and requires the adoption of this ordinance prohibiting the establishment and operation of marijuana facilities within city limits and for it to take effect immediately upon its adoption.

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

Section 1. Chapter 9.10 – Prohibition on Marijuana Facilities – is added to Title Nine of the Gladstone Municipal Code to read as follows:

<u>Chapter 9.10 – Prohibition on Marijuana Facilities.</u>

A. Prohibition. No person, business or entity may establish a marijuana facility within city limits. The establishment, maintenance, or operation of a marijuana facility by a person, business or any other entity within the city in violation of this chapter is declared to be a public nuisance.

B. Definitions. In accordance with HB 3400, a "marijuana facility" includes:
   1. Marijuana processing sites registered with the Oregon Health Authority;
   2. Medical marijuana dispensaries registered with the Oregon Health Authority;
   3. Marijuana producers licensed by the Oregon Liquor Control Commission;
   4. Marijuana processors licensed by the Oregon Liquor Control Commission;

5. Marijuana wholesalers licensed by the Oregon Liquor Control Commission; and
6. Marijuana retailers licensed by the Oregon Liquor Control Commission.

C. Violations and Enforcement.

1. The establishment, maintenance or operation of a marijuana facility by a person, business or any other entity within the city in violation of the requirements of this chapter will be subject to any and all enforcement remedies available to the city under law and/or the Gladstone Municipal Code including but not limited to enforcement pursuant to Chapter 8.04 of the Gladstone Municipal Code and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction.
2. The city may abate a nuisance under this chapter either pursuant to Chapter 8.04 of the Gladstone Municipal Code or it may pursue any other remedies available to it, including but not limited to an action seeking declaratory relief and/or injunctive relief.
3. If the city brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its municipal court for the enforcement of this chapter, the city shall be entitled to the award of its reasonable attorney fees in the event it is the prevailing party.

Section 2. In accordance with HB 3400, staff is directed to provide a copy of this ordinance to the Oregon Health Authority and to the Oregon Liquor Control Commission in a form and manner that those entities may require.

Section 3. In accordance with HB 3400, staff is directed to submit this ordinance to the electors of the city for approval at the next statewide general election in November 2016.

Section 4. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on September 22, 2015.

THIS ORDINANCE IS ADOPTED BY THE GLADSTONE CITY COUNCIL, IS APPROVED BY THE MAYOR AND IS EFFECTIVE THIS _____ DAY OF _____, 2015.

ATTEST:

_____ _____

Dominick Jacobellis, Mayor Jolene Morishita, Assistant City Administrator