



**PLANNING COMMISSION REGULAR SESSION AGENDA**  
**Monday, April 11, 2016 - 7:00 PM**  
**City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365**

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The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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**1. CALL TO ORDER AND ROLL CALL**

**2. APPROVAL OF MINUTES**

**2.A. Approval of the Planning Commission regular session meeting minutes of March 28, 2016.**

[Draft PC Regular Session Mtg Minutes 3-28-16.pdf](#)

**3. CITIZENS/PUBLIC COMMENT**

*A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.*

**4. ACTION ITEMS**

## 5. PUBLIC HEARINGS

- 5.A. File 2-CUP-16: A request submitted by Courtney Davis (Newport Real Estate, LLC, property owner) per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for approval of a conditional use permit in order to open a medical and/or recreational marijuana dispensary at 837 SW Bay Blvd (Assessor's Map 11-11-08-CA, Tax Lot 02201). The subject property is located in a W-2/"Water-Related" zone, where uses permitted outright in a C-2 zone are allowed following the issuance of a conditional use permit.

[File 2-CUP-16 Staff Report with Attachments.pdf](#)

## 6. NEW BUSINESS

- 6.A. League of Oregon Cities workshop on Land Use Planning @ Newport City Hall on April 21st from 9:00 a.m. to 4:00 p.m.

[Land Use Planning Workshop.pdf](#)

- 6.B. Reminder of Volunteer Dinner on April 19th at 6:00 p.m. at the Oregon Coast Aquarium.

## 7. UNFINISHED BUSINESS

## 8. DIRECTOR COMMENTS

## 9. ADJOURNMENT

**Draft MINUTES**  
**City of Newport Planning Commission**  
**Regular Session**  
**Newport City Hall Council Chambers**  
**Monday, March 28, 2016**

**Commissioners Present:** Jim Patrick, Rod Croteau, Lee Hardy, Bob Berman, Mike Franklin, and Bill Branigan.

**City Staff Present:** Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Hardy, Berman, Croteau, Patrick, Franklin, and Branigan were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission work session and regular session meeting minutes of March 14, 2016.

Berman noted a correction he felt needed to be made to some wording on the first page of the work session minutes. **MOTION** was made by Commissioner Berman, seconded by Commissioner Branigan, to approve the Planning Commission work session minutes as amended. The motion carried unanimously in a voice vote. **MOTION** was made by Commissioner Berman, seconded by Commissioner Franklin, to approve the regular session minutes as presented. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** No public comments.

4. **Action Items.** No action items.

5. **Public Hearings.** Chair Patrick opened the public hearing portion of the meeting at 7:04 p.m. by reading the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Berman and Croteau declared site visits to the reservoir property. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File No. 4-CP-14:** Revisions to the Goals and Policies section of the Public Facilities Element of the Newport Comprehensive Plan to provide policy direction on how the City should utilize Local Improvement Districts as a source of funding capital infrastructure projects. The Commission will forward a recommendation on this matter to the City Council.

Patrick opened the hearing for File No. 4-CP-14 at 7:05 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that at a prior meeting the Commission had a chance to look at the draft ordinance along with policy language for this item. He made some corrections based on the Commissioner's feedback at that time. He noted that this is something the Commission has been working on for a while. He said it's kind of a retooling of the City's Local Improvement District (LID) code. He said what the Commissioners have before them tonight are new policies that provide the City Council some direction as to how to approach forming Local Improvement Districts, when it should be a priority in terms of including LIDs as a piece of the funding puzzle, considerations for when the Council should initiate LIDs and some of the factors there, and some policy direction with respect to handling petitions to form LIDs. Tokos noted that we've had a consultant by the name of FCS Group working on this under a grant funded by ODOT and DLCD through a transportation growth management (TGM) program. This is the culmination of that work. He noted that there are a number of other documents that they have been working on that the Commission has had a chance to look at in the past. The draft code is included, but is not before the Commission for action because it's not a land use code, and it's not policies that are going into the Comprehensive Plan. So, the code itself will just go to the Council as an amendment to the Municipal Code. He said that the Commissioners are welcome to pass on any observation that they would like to share with respect to that, and he will be happy to share those with the Council. He said there's also a couple of other pieces of information; a strategies document that the Commission has had a chance to see, a FAQ flyer that we'll have available to the public,

and an Excel spreadsheet model that will be very useful for us for calculating out what an LID would actually look like on the ground; what the cost would be for each owner based on a myriad of factors that we can program into the spreadsheet. He said what the Commission has tonight is a draft ordinance that would add a Policy 6 to the Goals and Policies section of the Public Facilities element of our Comprehensive Plan and is really directed at providing some guidance for how the City should be approaching and handling Local Improvement Districts.

Croteau had a question on page 6 of Attachment "B" related to part B of 12.05.030 where it speaks about a declaration in case of emergency requires the unanimous vote of the City Council. He asked if we intentionally set the bar that high; that's fairly high. Tokos said he believes that was intentional. The other question Croteau had was on page 21 where it deals with appeals. It references ORS 34.010 to 34.102. He asked if that's limited to appeals on LIDS, or is that a general means of resolving conflicts with this sort of legislation. He wondered if we need to specify anything more than just an ORS number. Tokos said he hasn't looked at this particular language probably since it was originally drafted. His suspicion is that that Statute is specific to appeals of Local Improvement Districts because it's not a land use appeal, which is covered under different Statutes. He thinks it's pretty targeted to LIDs; but he can certainly take a look at it. He asked what Croteau's concern would be. Croteau said only if it needed further specification. He was curious whether it was very specific or not. Tokos said his sense is that it is specific; and he can confirm that before it goes to Council. Patrick said if it is an appeal, it might be nice to pull into our code what the structure of that appeal is rather than referring people to go off to the ORS and figure out how you're supposed to appeal this. Tokos will take a look at that and see if we can't be more specific about it in the code. His suspicion is that when we do that, and it's an appeal of the Council decision, you're talking about something that's going to Circuit Court. Patrick said it would be nice even if it just outlined how we're doing it. Tokos said that's a good point. We can put some language in there to at least provide some clarity what those provisions refer to.

Berman noted a typo in the third line down on page 18 of Attachment "B" under 12.05.075 that starts on the previous page. He said that it should be either "the" assessment or "any" assessment. On that same page, under item C, he wondered what the rationale is for the different percentage increments depending on where the money is coming from; one is rate plus 2%, and the other one is rate plus 3%. He asked if that's standard language. Tokos said his suspicion is that this was pulled by the consultant from other comparable LID codes. When he reads the language, it strikes him that the additional 3% is just because of the exposure of self-financing. He said that would be the rationale to have 3% as opposed to 2%, because of the self-financing nature of that approach. He suspects FCS pulled this from other codes and was using it as model language. Berman said it seems more logical to have whatever the cost is plus "x" percent, regardless of where it comes from. Patrick said it's apples and oranges. In one case you're using a rate of interest that's paid to you when you had your money in the bank, 3%. The other is 2% on top of what interest you had to pay. He said the 3% is going to be a lot lower than the 2% rate. You don't want to lend your money out; you're setting it to a savings rate, not to a lending rate. If it's a lending rate, it would be one thing; but it's not, it's a savings rate. Croteau agreed that they are different.

Berman's next question was on the next paragraph, item D. He asked if it's customary for the Council to have to adopt a resolution just to essentially foreclose on somebody that's a year overdue; the Finance Department can't just take those kinds of actions? Hardy said that's an enforcement action; so she doesn't think the Finance Director has that authority. Tokos said that he doesn't have an answer whether or not that's been structured differently in other context such as the payment of utility fees or something like that. He would have to look into that. Berman asked, if he hasn't paid his utility bill in over a year, does the Council have to say that he's in default. Tokos thought that by and large the City Council has the ability to structure the code in the manner that it sees fit. This language could have been codified such that if payments haven't been paid within one year of due date, the total amount due will automatically be due and payable. Berman said if you're trying to allow some discretion by the Council, and they have to take positive action to have that come due and payable; it seems like an administrative burden on the Council. Tokos said you could view it that way. Another way to view it is that staff would be compelled to share that information with the Council; and it's a way for the Council to be kept apprised of the delinquent accounts. You can handle that administratively as well. This is saying administratively, Finance Director, any time you have an account that is delinquent more than twelve months, you provide it on a roster and document it with the Council as a consent item or some sort of report. This certainly is a way to make sure it gets in front of the City Council, and they would take some affirmative action. He said the one thing that's a little bit different with LIDs than with utilities is that he could see a circumstance where there's a developer-initiated LID where the Council may want to provide some flexibility if they feel that at the end of the day that means they are going to get paid, and it's not going to go belly-up. He can't think of all circumstances, but he could think of some circumstances where based on an economic

downturn or whatever, the Council may want to carry something with some amendments as opposed to force it as payable. Because if they force it and the person defaults, the City could be left with the property and if it's in bad shape, that may not be enough to cover the debt. He said that would be one way this language as structured gives the Council the flexibility of an alternative approach if they think it's appropriate. Berman agreed that's a rationale for doing it this way. Tokos said on the flip side, if the Council started seeing those things on a regular basis and were uncomfortable with it, we adjust the code. Patrick agreed we could change it if they don't like it.

Berman asked, what if somebody just simply walks away from their property; say there was a total loss in a fire, and they didn't have adequate insurance, and they say the land is near a landslide anyway, so they just move away. Tokos said we lien the property. Berman said the City would probably just end up eating it. Tokos said if they walk away, the property gets foreclosed, it gets sold; and then the proceeds are used to pay off the liens and other encumbrances on the property. So, the City would get something out of it. He said the strategy we were taking was let's at least for residential properties target LIDs so they don't exceed 10% of the assessed value. We don't want them to be so large that the exposure to the owner is such that they're at risk of default because it's too much of a burden for them to pay. He said or, on the flip side, if it's developer-initiated, that it's no more than 50% of the assessed value so that the City's not hanging out there if the developer can't pull it off. We also have language in here for when we fund an LID and it's done through some sort of phased borrow; and we'll probably roll it in with our program borrows against our utility fees that we use for water, sewer, and storm drainage type capital projects. We'd probably bundle it so it's more efficient for us. When we do the LID ones, they would be their own independent element, and we would want to make sure there's enough reserve in there to account for odd circumstances such as what Berman brought up, which is somebody loses their home because of a fire and didn't have adequate insurance and had to walk away from that particular property. Patrick said most of the time even with 10%, you'll get your land cost covered. Berman asked if anyone had a sense of what that land cost to improvement ratio typically is. Tokos said that will vary considerably. We have lots of properties here where the land is considerably more valuable than the improvements. He said one of the things we talked about on the economic development side is when your land to improvement value is considerably lower such that your land is considerably more valuable than the improvement, that tends to be a commercial property that's ripe for redevelopment.

Berman noted that in the third paragraph on page 2 of Attachment "B" it has numbers 1 and 2; and at the end of number 2 there's the word "and" that shouldn't be there. Tokos said he would get that fixed. He said that he needs to go back through the code one more time thoroughly to make sure there's nothing else like that.

Franklin noted on Attachment "A", Ordinance No. 2093, on the second page under number 9 bullet point c in the second line the letter "t" is missing in the word street. Tokos said he's actually seeing the "t" on his copy. He thinks that it's either a copying issue or sometimes that "draft" watermark covers it up. He will make sure that's clean; especially when that "draft" comes off.

Hardy said that she still takes issue with the use of the term "benefited properties." Although, she thanked Tokos for "the term benefited properties means properties that are expected to be enhanced." She said properties don't benefit, people do. Those who experience benefits have a cost on the other side. She said, let's not obscure the fact that this enhancement is going to cost these people something. She said if you're taking a look at who really benefits from an LID, it's typically not just the neighborhood. Her feeling is that the entire municipality benefits in terms of enhanced public safety and welfare and enhanced overall consistency of value. She said what you have in this town is a mixture of older and newer neighborhoods that have been acquired or developed at different times. She thinks that issue of whether it really is a citywide benefit versus a localized benefit needs to be carefully handled with each LID that may come up. Tokos said that's a fair point. He thinks that spreadsheet model is going to come in handy in giving us the capacity to do that reasonably; to be able to adjust the different approaches to the assessment and also the different percentages of contribution. He said Hardy's point is well-taken; particularly with respect to street improvements because they are more visible. He thinks not quite as much with say septic conversions to sewer; although there's certainly a broader general health benefit to decommissioning those. That's a little harder to quantify. There's a little bit more direct benefit to property owners there. Storm drainage and streets are visible improvements that improve the overall quality of the neighborhood, which clearly has a broader public benefit. Hardy said, which improves the consistency of the value of the entire town. Tokos said his suspicion is that by capping it and really targeting LIDs at no more than 10% of the assessed value, by and large for any kind of a street project we're going to be bringing in a substantial number of other funds to the table. So, it's just a piece of the puzzle. The ones where he thinks the LIDs would be the primary funder would be those small sewer ones.

Patrick closed the public hearing at 7:24 p.m. There was no deliberation.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Berman, to recommend adoption of the amendments described in File No. 4-CP-14. The motion carried unanimously in a voice vote.

**B. File No. 1-AX-14/2-Z-14:** Consideration of requests to 1) annex approximately 320 acres of real property (currently identified as Tax Lots 201, 600 & 900 of Assessor's Tax Map 10-11-33 and Tax Lot 100 of Map 10-11-34 and adjoining portions of the Big Creek Road right-of-way within the existing Urban Growth Boundary) into the city limits; 2) amend the City of Newport Zoning Map to establish a P-1/"Public Structures" zoning designation for the subject property; 3) withdraw said territory from the Newport Rural Fire Protection District and the Lincoln County Library District. The Commission will forward a recommendation on this matter to the City Council.

Patrick opened the hearing for File No. 1-AX-14/2-Z-14 at 7:25 p.m. by reading the summary of the file from the agenda. He called for the staff report. Tokos noted that before the Commission was the file record for the reservoir annexation. He said this is something that had been in the works for some time. We went through a full UGB expansion for a little bit larger piece. That process was a multi-year process; it had to go through the City, the County, and ultimately had to be acknowledged by the State. We then embarked on annexing just the City-owned properties within the expanded UGB. The City Council initiated this some time ago, but it had to be put on the shelf until the County finished legalizing Big Creek Road since in at least two locations the annexation keys off where that boundary is. They wrapped that up in September of last year. Because we did a Memorandum of Understanding with the County on the sequencing of these things, we moved to a discussion about a maintenance agreement for Big Creek Road. There was some back and forth in discussion between our respective Public Works Departments, and ultimately our Public Works Department decided to accept it as is. The primary reason for that is our City Engineer Tim Gross anticipates that we'll be doing work near-term that at some point will require us to relocate or reconstruct portions of that road to ensure access to the private property owners that rely upon that road. So, to have the County do any major work in certain areas where we will turn around and possibly tear it up, we decided it's not worth it; we will just take it as is. That's the rationale for that. So, we were able to reinstate the annexation; and that was what was before the Commission at tonight's hearing.

On the overhead screen, Tokos had the map displayed. It showed the actual area that's being annexed, which is Exhibit "A" to the legal description. That showed in orange the boundary of the UGB expansion, then the hatched line showed the city ownership, and what was in purple is what we are actually annexing. There are little bits of privately-owned properties that are not being annexed at this time. We don't want to annex them at this time because if they were annexed we would be compelled to put them under Public zoning, and that's inappropriate. We don't need to bring them in at this point in time. The pieces that we're not annexing at this time will stay under the County's Timber Conservation zoning, and they'll have that pallet of uses available to them. Tokos said it's about 320 acres when you add up the City's ownership, which is just almost 310 acres, and another 10 acres more or less that is tied up in Big Creek Road right-of-way. We're only bringing in those portions of Big Creek Road that are adjoining City-owned property. He noted that it does extend a little bit further to the east off this map; there were other exhibits in the packet. When the County legalized it, they legalized it well past where it actually stops being a physical road. There will be a stretch of Big Creek Road right-of-way that's still in the unincorporated county that we're not responsible for.

Tokos explained that the standards for annexation are spelled out in Statute and in the Municipal Code, and are included in the staff report. He said the primary issue before the Commission is whether the annexation is a public necessity and will promote the general welfare. He provided some rationale for that in the staff report; namely, you can rely upon the fact that if you apply a P-1 Public zoning designation your action would be upon its face consistent with the Comprehensive Plan. The other is that the primary reason we did this was to make it easier procedurally for us to institute changes to our water infrastructure. That's a public necessity. The domestic water supply is critical to the health and welfare of our community and ensuring that the processes are such that they don't necessarily impede whatever solution is determined to be appropriate through public vetting processes. He thinks that's a very important consideration, which he put in the staff report and thinks the Commission can also rely on as meeting the bar for being public necessity and consistent with the public welfare. Tokos said he doesn't want it to be lost that one of the reasons we also did the UGB expansion was to facilitate regional park improvements at some point with a trail system. Putting in a P-1 zone facilitates both; the recreational and utility aspect. It's the only zoning designation we have that allows for both and why that's being applied in this case. Tokos said that he thought the Commissioners have sufficient

information in the record to forward a favorable recommendation to the City Council should you believe that's an appropriate action.

Branigan asked on the map on the screen, what the white patch above the purple was. He asked, that's not in the UGB? Tokos said there is City-owned property that's outside the UGB. That's a large City-owned parcel, and a good chunk of that parcel is outside the UGB. He noted that our initial approach with the State was to include that; and that was way more acreage than they were comfortable with. So through negotiation, we pulled that back. From the audience, Robert Etherington noted that if the City is planning on rerouting that County road around the new dam, we may have to get up there with road right-of-way. Tokos said if we have to do that, then we will have to go through a County review process at this point. The UGB is set; we're really not in a position to revisit that at this point in time. If we have to, for example, relocate Big Creek Road such that some small portion of that extends outside our UGB, then we're into a review process with the County. But there is a process to make that happen. We would just have to go through it with the County.

**PROPOSERS, OPPOSITORS, OR INTERESTED PARTIES:** Robert C. Etherington, who along with his wife owns the property at 3249 NE Big Creek Road, Newport. Etherington asked where that section of the County road that the County controls was located. He said the property line kind of runs down the middle of the road. Tokos said we will be taking Big Creek Road all the way over to that far corner where the last of the City property is. All of that will be transferred to the City after the annexation is complete.

Patrick closed the public hearing at 7:36 p.m. There was no deliberation.

**MOTION** was made by Commissioner Croteau, seconded by Commissioner Franklin, to recommend approval of the request described in parts 1, 2, and 3 of File No. 1-AX-14/2-Z-14 with the zone designation of P-1. The motion carried unanimously in a voice vote.

6. **New Business.** No new business.

7. **Unfinished Business.** No unfinished business.

8. **Director Comments.** Tokos noted that we do now have two applications for Planning Commission, and he will be talking to the Mayor about getting interviews set up and getting the vacancy filled. We just did receive a second application for the Citizen Advisory Committee, so now we have enough to actually fill the slots. Tokos will get that scheduled for the Commission's consideration at an upcoming meeting.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:37 p.m.

Respectfully submitted,

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Wanda Haney  
Executive Assistant

## PLANNING STAFF REPORT

### Case File No. 2-CUP-16

- A. **APPLICANT:** Oregon Bud Company (Courtney Davis, authorized representative).
- B. **REQUEST:** Approval of a Conditional Use Permit, per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, to allow specialty retail use of approximately 984 square feet of an existing waterfront building for a medical or recreational marijuana dispensary.
- C. **LOCATION:** 837 SW Bay Boulevard.
- D. **LEGAL DESCRIPTION:** Tax Lot 2201, County Assessor's Tax Map 11-11-08-CA.
- E. **LOT SIZE:** 2,614 sq. ft. per the County Assessor's map.
- F. **STAFF REPORT**

#### 1. **REPORT OF FACT**

- a. **Plan Designation:** Shoreland.
- b. **Zone Designation:** W-2/"Water-Related."
- c. **Surrounding Land Uses:** Uses include fish processing facilities and retail uses indicative of a working waterfront.
- d. **Topography and Vegetation:** Building is at grade with SW Bay Blvd and is built out over the Yaquina Bay on piles.
- e. **Existing Structures:** A vacant restaurant building, most recently the Noodle Cafe.
- f. **Utilities:** All are available to the site.
- g. **Development Constraints:** None known.
- h. **Past Land Use Actions:** File No. 6-CUP-95, authorized a restaurant use of the property in addition to the existing seafood market use.
- i. **Notification:** Notification to surrounding property owners and to city departments/public agencies was mailed on March 21, 2016; and the notice of public hearing was published in the Newport News-Times on April 1,

2016.

- j. **Attachments:**  
Attachment "A" – Application form  
Attachment "A-1" – Site photographs  
Attachment "A-2" – Written narrative  
Attachment "A-3" – Business plan  
Attachment "A-4" – March 25, 2016 email from Courtney Davis  
Attachment "B" – Zoning map of the area  
Attachment "C" – March 28, 2016 letter from Police Chief Mark Miranda  
Attachment "D" – Notice of public hearing  
Attachment "E" – Map showing distance from nearest marijuana retailer

2. **Explanation of the Request:** Pursuant to Section 14.03.080/"Water-dependent and Water-related Uses" of the Zoning Ordinance, a use that is permitted outright in a C-2/"Tourist Commercial" zoning district requires a conditional use permit to be located in a W-2/"Water-Related" zoning district. Specialty retail oriented uses are a permitted use in the C-2 district. With this application, Oregon Bud Company is seeking approval of a conditional use permit to use 984 square feet of an existing waterfront building for a medical or recreational marijuana dispensary.

3. **Evaluation of the Request:**

- a. **Comments:** All surrounding property owners and affected city departments and public utilities were notified on March 21, 2016. The notice was published in the Newport News-Times on April 1, 2016. Comments were received from Mark Miranda, Police Chief (Attachment "C").

- b. **Conditional Use Criteria (Section 14.34.050):**

- (1) The public facilities can adequately accommodate the proposed use.
- (2) The request complies with the requirements of the underlying zone or overlay zone.
- (3) The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.
- (4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

- c. **Staff Analysis:**

In order to grant the permit, the Planning Commission must find that the

applicant's proposal meets the following criteria.

(1) The public facilities can adequately accommodate the proposed use.

Public facilities are defined in the Zoning Ordinance as sanitary sewer, water, streets and electricity. The applicant notes that such services are available to the site and believes that they are sufficient.

All services are currently available to the site. It fronts a fully improved public street with sidewalk. Water service is provided via an 8-inch main along SW Bay Blvd. Sewer service is available from a 12-inch main located within the same street. A storm drainage system is in place, with a catch basin immediately northwest of the building that collects run-off into a drainage line that discharges into the bay underneath the structure.

In their application, the applicant notes that the previous use was a very popular Asian restaurant (Noodle Café) and that based on their other dispensaries in Oregon, and a market survey in Newport, the average number of transactions per day will be 40 per day. According to the previous tenant, they had closer to 65 transactions per day. This leads the applicant to believe that the traffic created by the dispensary, and associated impact on public services, will be less than what was generated by the previous tenant/use.

Given the above, it is reasonable for the Planning Commission to find that the public facilities can adequately accommodate a specialty retail use of this nature.

(2) The request complies with the requirements of the underlying zone or overlay zone.

This criterion addresses special requirements of the underlying or overlay zone beyond the standard zoning ordinance requirements.

The Zoning Ordinance requires that in all areas that are considered to be historic, unique, or scenic waterfront communities, proposed conditional uses shall be designed to maintain or enhance the historic, unique, or scenic quality of the area. The Bay Front, in which the proposed use will be located, is considered a historic and unique waterfront community by the adopted Bay Front Plan, thereby, requiring the preservation and enhancement of its characteristics.

The applicant has not indicated that there will be any changes to the exterior of the premises other than signage, and the overall development character of the area will not be changed. Lincoln County Assessment records indicate that the structure was originally built in 1976.

The premises are zoned W-2 with specialty retail uses permitted in C-2 being conditional. The applicant's retail business complies with these

zoning parameters. The applicant notes that medical dispensaries are akin to a pharmacy, which is classified as a sales-oriented general retail use, permissible in a C-2 zone (NMC 14.03.070(C)(2)). Retail sales of marijuana falls under the same use category.

Given the above, it is reasonable for the Planning Commission to find that this criterion is satisfied.

- (3) The proposed use does not have an adverse impact greater than existing uses on nearby properties; or impacts can be ameliorated through imposition of conditions of approval.

This criterion relates to the issue of whether or not the proposed use has potential "adverse impacts" greater than existing uses and whether conditions may be attached to ameliorate those "adverse impacts." Impacts are defined in the Zoning Ordinance as the effect of nuisances such as dust, smoke, noise, glare, vibration, safety, and odors on a neighborhood.

This property is within the Bayfront Commercial Parking District (ref: Ordinance No. 2020, Attachment "E"). Chapter 14.14 of the Newport Municipal Code sets out the City of Newport's parking requirements. NMC 14.14.030 notes that off-street parking must be provided in conjunction with new and/or expanded uses in a manner consistent with the provisions of the chapter. Later on, NMC 14.14.100 indicates that the off-street parking requirements of the chapter may be superseded in the Bay Front area if a parking district is formed. That is the case here, as Ordinance No. 2020 contains provisions addressing when new off-street spaces must be constructed. Specifically, Section 8(E) of that ordinance indicates that new development, redevelopment or building expansions that generate a demand for more than five (5) new off-street parking spaces must provide additional off-street spaces in accordance with the Newport Zoning Ordinance (i.e. NMC Chapter 14.14). The building is existing, and the applicant is not proposing an expansion. Further, retail uses typically generate a need for fewer parking spaces than a restaurant use (i.e. 1 space/300 sq. ft. versus 1 space/150 sq. ft.); therefore, the actual demand for parking should be reduced.

This property is subject to a Department of State Lands in-water lease because it extends out over the bay onto state owned land. No information has been provided as to whether or not the intended use is consistent with the existing lease or if the State of Oregon will permit such a use on its property. The Commission should consider imposing a condition of approval requiring the applicant submit evidence that the state does not object to the use so as to ensure any City approval does not "adversely impact" the State of Oregon's property interest.

A letter was received from Newport Police Chief, Mark Miranda, suggesting that this dispensary is at the 1,000-foot mark from a dispensary at 452 SW Bay Blvd (Attachment "C"). This spacing requirement is contained in the City of

Newport's business license code. The code requires that recreational marijuana facilities be located at least 1,000 feet from each other to ensure that retail marijuana businesses do not concentrate in a specific area, particularly one that is tourist-oriented, as it could change how residents and visitors experience the area in a manner that negatively impacts existing tourist-oriented businesses (ref: Ord. #2089). The business license code further states that "within a 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property of an established marijuana retailer or child care facility and the closest point of the licensed premises (NMC 4.20.040). The applicant indicates that they believe the subject building is 1,014 feet from the business at 452 SW Bay Boulevard (Attachment "A-4") and a map that staff prepared suggest it may be 1,015 feet (Attachment "E").

The Planning Commission has some options in terms of how it approaches the Police Chief's letter and the information listed. It could find that the spacing requirement is a function of the City's business license code, which is not a land use code, and is not relevant to this or other criteria that it must consider when approving a conditional use permit. Alternatively, the Planning Commission can find that the spacing requirement is material to the question of whether or not the proposed use results in an adverse impact greater than existing uses on nearby properties because such a standard was put in place to ensure that retail uses of this nature are not clustered too closely together. If the Commission takes this approach, it must then turn to the issue of whether or not the information provided is adequate to establish that the proposed building is at least 1,000 feet from the business at 452 SW Bay Boulevard. It would be reasonable for the Commission to accept the map prepared by staff, which is in line with the applicant's testimony that the subject premises is at least 1,014-feet from the closest established marijuana retailer. It would also be reasonable for the Commission to conclude that because such information is imprecise, and the distance so close to the 1,000-foot mark, that the applicant should submit a survey to confirm that the spacing requirement is being met. This City of Newport business license spacing requirement is only relevant to recreational marijuana retailers. It does not apply to medical marijuana dispensaries.

The applicant indicates that a dispensary will not cause more traffic than the previous use, unreasonable noise, dust or loss of air quality. They further note that an impact on neighbors that they are very sensitive to is marijuana odor and that they have been able to effectively eliminate this issue with carbon filters. The applicant asserts that they have had no odor complaints at their other facilities to date using this method.

Given the above, it is reasonable for the Planning Commission to find that this criterion has been satisfied, considering the conditions noted.

- (4) A proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

The applicant notes that they are not proposing a new building or building modification. The exterior appearance of proposed signage appears to be in line with what was previously installed on the property (Attachment "A-1").

Given the above, it is reasonable for the Planning Commission to find that the building and signage will be consistent with the overall development character of the neighborhood.

4. **Conclusion:** If the Planning Commission finds that the applicant has met the criteria established in the Zoning Ordinance for granting a conditional use permit, then the Commission should approve the request. The Commission can attach reasonable conditions that are necessary to carry out the purposes of the Zoning Ordinance and the Comprehensive Plan. If the Commission finds that the request does not comply with the criteria, then the Commission should deny the application.

G. **STAFF RECOMMENDATION:** As outlined in this report, this application can satisfy the approval criteria for a conditional use, and the Commission may want to impose the following conditions of approval to ensure that the criteria are met:

1. Approval of this land use permit is based on the submitted written narrative and plans listed as Attachments to this report. No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the applicant/property owner to comply with these documents and the limitations of approval described herein.
2. The applicant shall submit written evidence that the proposed recreational or medical marijuana facility is permitted under the terms of the Department of State Lands lease that applies to the subject property.
3. If the applicant is to establish a recreational marijuana facility, they shall submit a survey showing that the subject building is at least 1,000-feet from the recreational marijuana facility at 452 SW Bay Boulevard. Such measurement shall be from the closest point anywhere on the boundary line of the real property of the established marijuana retailer to the closest point of the licensed premises.



Derrick I. Tokos AICP  
Community Development Director  
City of Newport

April 8, 2016

Application



City of Newport  
Land Use Application

Applicant Name(s): Courtney Davis Property Owner Name(s): Newport Real Estate LLC

Applicant Mailing Address: 1432 SW Riverside Dr, Portland OR 97201 Property Owner Mailing Address: 837 SW Bay Blvd Newport OR 97365

Applicant Phone No. 503-758-0111 Property Owner Phone No. 720-884-1668

Applicant Email cdavis@oregonlx.com Property Owner Email schawise@oregonlx.com

Authorized Representative(s): *Person authorized to submit and act on this application on applicant's behalf.*

Authorized Representative Mailing Address:

Authorized Representative Telephone No.

Authorized Representative Email.

Project Information

Property Location 837 SW Bay Blvd Newport, OR 97365

Tax Assessor's Map No.: 11-11-08-CA-2201 Tax Lot(s):

Zone Designation: Legal Description: As per plat and sheet of plat

Comp. Plan Designation:

Brief description of Land Use Request(s):

Examples:

1. Move north property line 5 feet south
2. Variance of 2 feet from the required 25-foot front yard setback

Existing Structures: if any

Topography and Vegetation:

Application Type (please check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Annexation                        | <input type="checkbox"/> Interpretation           | <input type="checkbox"/> UGB Amendment       |
| <input type="checkbox"/> Appeal                            | <input type="checkbox"/> Minor Replat             | <input type="checkbox"/> Vacation            |
| <input type="checkbox"/> Comp Plan/Map Amendment           | <input type="checkbox"/> Partition                | <input type="checkbox"/> Variance/Adjustment |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Planned Development      | <input type="checkbox"/> PC                  |
| <input type="checkbox"/> PC                                | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Staff               |
| <input checked="" type="checkbox"/> Staff                  | <input type="checkbox"/> Shoreline Impact         | <input type="checkbox"/> Zone Ord/Map        |
| <input type="checkbox"/> Design Review                     | <input type="checkbox"/> Subdivision              | <input type="checkbox"/> Amendment           |
| <input type="checkbox"/> Geologic Permit                   | <input type="checkbox"/> Temporary Use Permit     | <input type="checkbox"/> Other               |

File No. Assigned:

Date Received: Fee Amount: Date Accepted as Complete:

Received By: Receipt No. Accepted By:

City Hall  
169, SW Coast Hwy  
Newport, OR 97365  
541.574.0629



# City of Newport Land Use Application

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development and Planning Department Staff Report concerning the applicable criteria.

I certify that, to the best of my knowledge, all information provided in this application is accurate.

Applicant Signature(s)

2/20/16

Date

Property Owner Signature(s) (if other than applicant)

2/20/16

Date

Authorized representative Signature(s) (if other than applicant)

Date

Please note application will not be accepted without all applicable signatures.

Please ask staff for a list of application submittal requirements for your specific type of request.

CITY OF NEWPORT

FEB 29 2016

RECEIVED

Building Photos



(Elevations)



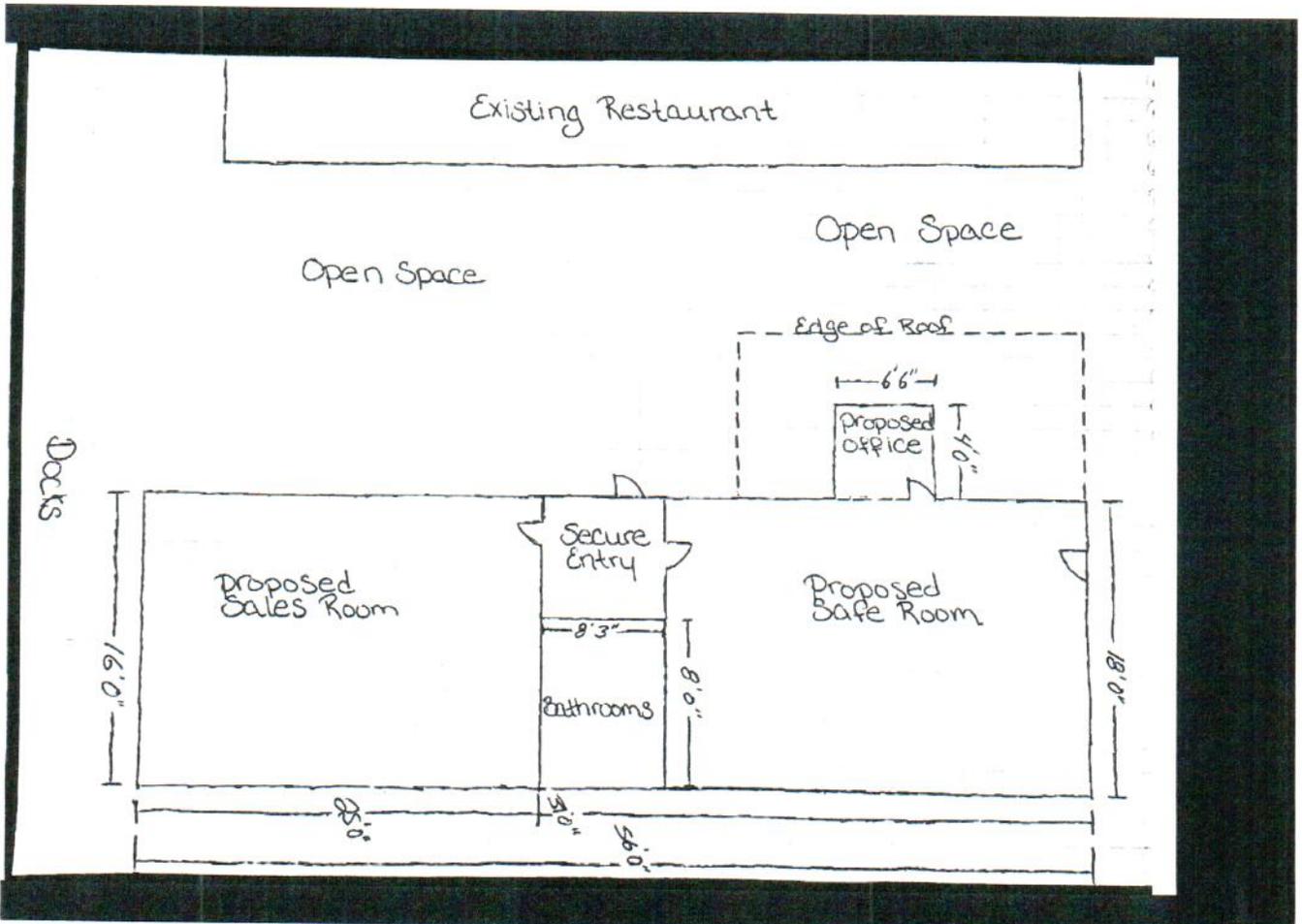
(ELEVATION)



(SIGNAGE)



(SIGNAGE)



(Floor Plan)

Requirement: 7. Written findings of fact addressing the following criteria:

(a) That the public facilities can adequately accommodate the proposed use.

Comments: The previous use was a very popular Asian restaurant. Based on our other dispensaries in Oregon and a market survey in Newport the average number of transactions per day will be 40 transaction per day. According to the previous tenant, they had closer to 65 transactions per day. This leads us to believe that the traffic created by the dispensary will be less of an impact on the pulic facilities than the previous tenant/use.

Requirement: (b) That the request complies with the requirements of the underlying zone or overlay zone.

Comments: Our property at 837 SW Bay Blvd is zoned W-2/"Water Related." This district is intended to promote retail and light industrial activities that are needed to support water dependent uses (e.g. seafood markets, commercial charters, fish processing, etc.). Land uses allows other commercial zones to be permitted in the W-2 district subject to review and approval through a conditional use permitting process (NMC 14.03.080(18)).

We are pursuing a Conditional Use Permit for a Medical/Recreational Marijuana Dispensary. According to the City of Newport medical dispensaries are akin to a pharmacy, which is classified as a sales-oriented general retail use, which is also achievable under a conditional use permit process (NMC 14.03.060(C)(2)(b)(i)). One could argue that Recreational Dispensaries would be considered tourist retail (which we are currently approved for under a conditional use permit received on the property in 1997). We would like to get the City's feedback on what use recreational marijuana will be classified under. We are not averse to having a recreational only dispensary at this location.

Requirement: (c) That the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval. (For purpose of this criterion, "adverse impact" is the potential adverse physical impact of a proposed Conditional Use including, but not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality.)

Comments: A dispensary will not cause more traffic than the previous use, unreasonable noise, dust or loss of air quality. An impact on neighbors that we are very sensitive to is marijuana odor. We have been able to effectively eliminate this issue with carbon filters installed in our facilities that eliminate all odor the marijuana products may produce. We have had no odor complaints at our other facilities to date using this method.

Requirement: (d) If the application is for a proposed building or building modification, that it is consistent with the overall development character of the area with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

Comments: We are not proposing a new building or building modification.



## Business Plan

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## Executive Summary

Oregon Bud Company (“OBC”) was founded as a Medical Marijuana Dispensary in 2014. Courtney Davis, the current majority owner and has been head of operations since the April 2015. In April of 2015 Courtney acquired 100% of OBC’s Clackamas Dispensary. OBC procured a license to sell Recreational Marijuana on October 1st, 2015. OBC has been the top dispensary in Clackamas, according to customer reviews on Weedmaps and Leafly. OBC prides itself on having the highest quality product in the Portland area. Since having the ability to sell Recreational Flower Product, OBC has averaged approximately \$120,000.00 in gross sales per month with an overall profit margin of 25% to net on average \$30,000.00 per month. This profit margin will easily increase to over 30% when OBC can produce 100% of the flower product that it retails.

OBC procured a licenses to sell Medical Marijuana in Beaverton, OR, Newport, OR and Keizer, OR in 2015 and is opening its Beaverton dispensary in the 1<sup>st</sup> quarter of 2016.

Now that OBC’s procedures, systems and key personnel are in place it is looking to strategically grow into more markets in Oregon. OBC has identified location in Tigard, Portland, Salem, Cannon Beach and Walport as viable markets. With a significant barrier to entry being procuring real estate in these market, OBC has worked diligently to identify real estate options that meet the extensive array of requirements.

- OBC is under construction to build an approximately 22,000 sf cultivation facility in Salem, OR. OBC will use this facility to cultivate recreational marijuana to supply its dispensaries with flower product and wholesale products to other businesses.
- OBC is opening an edible and concentrate manufacturing facility in Salem, OR. OBC is partnering with Wana Edibles to manufacture and distribute edibles/concentrates at this facility.

### Highlights

The most recent month of gross sales:

Location: HQ - Head Quarters

Budtender: All

[invoice homepage](#) [mini report](#) [more options ...](#)

Monthly Sales Report - January 2016				
Inventory Type	Sales	COGS	Profit	Profit %
Marijuana Inventory - (6096)	\$108,578.48	\$45,572.73	\$63,005.75	58.03%
Discount - (6)	(\$21.94)	\$0.00	(\$21.94)	100.00%
<b>Totals:</b>	<b>\$108,556.54</b>	<b>\$45,572.73</b>	<b>\$62,983.81</b>	<b>58.02%</b>

Monthly Sales Break-Down Report - January 2016		
Break-Down Type	Qty./Count	Value
Total With Taxes	3922	\$132,487.90
Total Taxes		\$23,931.36
Total W O Taxes		\$108,556.54
All Line Item(s) - (group)	6102	\$108,556.54

MJ Item Category Break-Downs		
Apparel - (group)	10	\$156.25
Basic Inventory - (group)	24	\$322.00
Cannabis - (group)	6053	\$107,965.23
Clones - (group)	9	\$135.00
Internal Use - (group)	6	(\$21.94)

Tax Category Break-Downs		
Misc	6	\$0.00
Taxable	6096	\$23,931.36

Payment Or Money Type Break-Downs		
Cash	3932	\$132,487.90
Unpaid Invoices	1	\$39.00

## Objectives

OBC has broken ground to build a 22,000 SF state of the art cultivation facility in Salem, OR. Construction on the facility is scheduled to be completed by April 2016. This greenhouse will produce a minimum of 75 pounds of flower product per month. The first harvest is scheduled for July of 2016. OBC's goal is to produce 100% of the flower product it sales via its dispensaries to maximize profits and control quality for branding purposes. It is likely that OBC will open additional expansion stores before its first greenhouse harvest, in which case OBC has established relationships with pre-negotiated prices and quantities to purchase recreational flower product to stock the stores. OBC's goal is to have five stores open in Oregon by the end of 2016 and to be supplying 100% of the flower product in those stores supplied by OBC's cultivation facility in Salem. See OBC's proforma below (represents 3 months due to space constraints)

Plants in Bloom	150		
Pounds per Cycle	191	15% loss	
Cycles per Year	4		
Pounds per Month	63.75		
Retail Price per Ounce	\$ 440.00		
Wholesale Price per LB for Dispensaries	\$ 1,800.00		
Wholesale Price per LB for Concentrates	\$ 1,000.00		
Wholesale LBs Sold per Month	20		# of Stores
Clackamas Store Sales per Month	30	LBs	1
Beaverton Store Sales per Month	30	LBs	1
Keizer Store Sales per Month	30	LBs	0
Newport Store Sales per Month	15	LBs	0
Total Sales per Month	125	LBs	2

Months	1	2	3
<b>Income</b>			
Retail Sales	\$ 701,000.00	\$ 701,000.00	\$ 701,000.00
Distribution Wholesale for Dispensaries	\$ 36,000.00	\$ 36,000.00	\$ 36,000.00
Distribution Wholesale for Concentrates	\$ 18,750.00	\$ 18,750.00	\$ 18,750.00
Dispensary Merch, Edibles and Concentrates Sales	\$ 57,284.38	\$ 57,284.38	\$ 57,284.38
Total Income	\$ 813,034.38	\$ 813,034.38	\$ 813,034.38
<b>Taxes</b>			
Sales Tax 25%	\$ 37,247.09	\$ 37,247.09	\$ 37,247.09
	\$ 27,652.17	\$ 27,652.17	\$ 27,652.17
<b>Required Capital</b>			
Capital out	\$ 1,081,978.54		
<b>Expenses</b>			
Store Startup Costs	\$ 100,000.00		
Greenhouse Land Lease	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
Greenhouse Grower 1	\$ 4,583.33	\$ 4,583.33	\$ 4,583.33
Greenhouse Grower 2	\$ 4,583.33	\$ 4,583.33	\$ 4,583.33
Greenhouse Electricity	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
Greenhouse Trimmers	\$ 14,400.00	\$ 14,400.00	\$ 14,400.00
Greenhouse Gas/Water	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
Greenhouse Insurance	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
Greenhouse Security	\$ 200.00	\$ 200.00	\$ 200.00
Greenhouse Internet	\$ 150.00	\$ 150.00	\$ 150.00
Greenhouse Nutrients	\$ 2,550.00	\$ 2,550.00	\$ 2,550.00
Greenhouse Dirt	\$ 200.00	\$ 200.00	\$ 200.00
Greenhouse Misc.	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Greenhouse Loan Interest Reserve	\$ 13,524.73	\$ 13,524.73	\$ 13,524.73
Greenhouse Loan Principle Payback Reserve	\$ 18,032.98	\$ 18,032.98	\$ 18,032.98
Dispensary Overhead	\$ 53,418.00	\$ 53,418.00	\$ 53,418.00
Dispensary Merch, Edibles and Concentrates	\$ 38,189.58	\$ 38,189.58	\$ 38,189.58
Overall Contingency	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00

Total Expenses	\$ 333,731.21	\$ 233,731.21	\$ 233,731.21
Net Profit	\$ (97,696.83)	\$ 479,303.17	\$ 479,303.17
Cumulative Cash Flow	\$ (1,127,675.38)	\$ (648,372.23)	\$ (169,096.18)

### Keys to Success

In the short term OBC has the expertise to navigate the local and State regulatory environment to identify and secure approved locations. OBC understands the quality of product it takes to be able to thrive in this market. OBC will have the ability to grow high quality flower product at a low cost and has the relationships in place to stock the stores with the highest quality concentrate and edible products.

In the long term OBC’s vision is that the cannabis industry may follow the blueprint laid by the liquor industry coming out of prohibition. OBC thinks distribution and wholesaling will take over the cannabis industry as it has the liquor industry. Branding its product will be paramount for OBC’s future as this shift takes place. But if it takes another path OBC wants to be 100% vertically integrated to has the option to adapt to whatever path the industry takes.

## Description of Business

### Company Ownership/Legal Entity

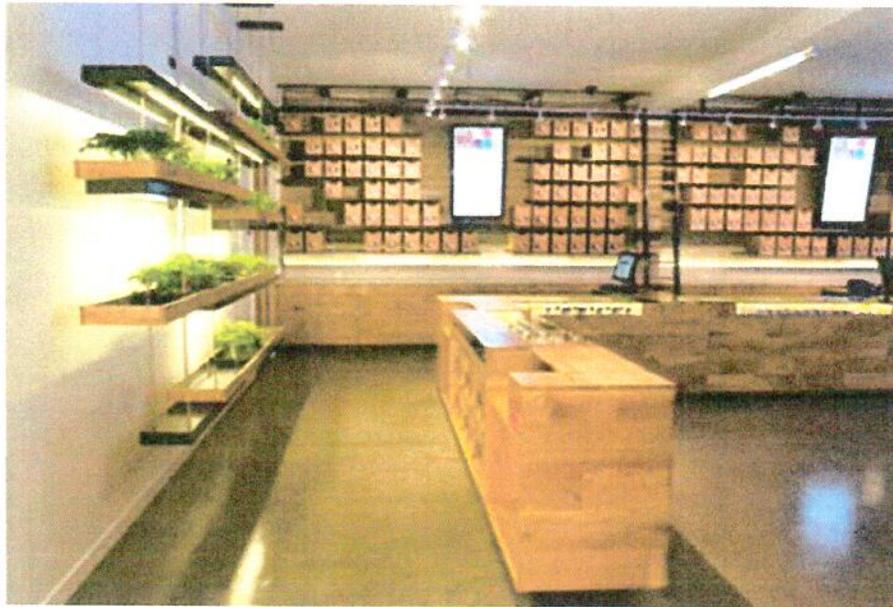
Oregon Bud Company. Courtney Davis owns 51% of the entity.

### Location

OBC is targeting Oregon’s most popular cities and destinations to open stores.

### Interior

OBC and its owner are proud of their Oregon heritage and wants to represent that in their stores. OBC is going to design its stores with a “mountain/coastal chic” feel that will be clean and functional. OBC wants its customers to feel as though they are walking into very comfortable and professional business. OBC plans to have an open floor plan utilizing all available space with retail purchasing opportunities. OBC will strategically locate its registers to promote an efficient ingress and egress of its foot traffic. Below is a photo of an interior design that would be similar to what OBC’s future stores will resemble.



## **Hours of Operation**

OBC's hours of operation will vary from location to location as local municipalities have different hours of operation restrictions on the use.

## **Products and Services**

OBC sells only the highest quality of flower, edible and concentrate products on the market. OBC has extensively trained its employees on every product it carries so they can deliver a concise and professional explanation of each product.

## **Suppliers**

Edible and concentrate products are in very high demand. Many stores cannot carry some of the best products from suppliers such as Golden Extracts and Lunchbox Alchemy for the simple reason that they do not have the relationship. OBC has worked very hard over the years to build these relationship and it receives consistent orders from both of these companies along with many other supply companies.

## **Service**

OBC's budtenders are trained and managed to adhere to the old adage that the customer is always right. OBC prides itself on the fact that its people are very customer centric and treats its customer with the utmost respect and professionalism. For a lot of OBC's customers, walking into a marijuana dispensary can be a very intimidating experience; OBC strives to make it the most comfortable experience possible. OBC's reviews reflect its efforts in this area.

## Manufacturing

OBC has a state of the art cultivation facility that is currently under construction. The three options for cultivation facilities currently being built are:

- Indoor (Warehouse)
- Outdoor (Greenhouse)
- Hybrid Greenhouse

Each of these systems have positive and negative attributes.

Indoor grows provide a controlled environment that allow for a very high quality product and the artificial light induces 3 to 4 harvests per year. Indoor grows use artificial light exclusively, which leads to very high electrical expenses. Additionally, the utilization of 100% artificial light does not allow the plants to grow as large resulting in smaller yields.

Outdoor grows produce very large plants at very minimal electrical expense due to the use of natural light. They only allow for only one harvest per year because they use the suns natural harvest cycle. However, the finished quality of the product is low because the environment is not controlled.

We are working towards this model because the advantage of using a hybrid greenhouse is it gives us the best of both worlds. It is a very complex building with intricate systems. To simply explain, it will use natural light as much as possible but it will have the means to manipulate the harvest cycles with artificial light and blackout curtains. It can do this by raising the blackout curtains and turning on the lights to extend or reduce the length of daylight. This gives it a controlled environment that produces high quality product and larger plants that yield high volumes of product. In addition, it will have up to four harvest cycles per year and will only be using artificial light for a very short period of time each day resulting in low electrical expenses.

	High Yields per Plant	Multiple Harvest per Year	Low Production Cost	High Quality Product
Indoor		X		X
Outdoor	X		X	
Hybrid Greenhouse	X	X	X	X

## Management

With an entrepreneurial spirit Courtney Davis has managed and owned numerous businesses in her 15 year career ranging from mortgage companies to real estate companies. Over the last 2 years Courtney has become one of the most well know women business owners in cannabis due to the quality of her work in the Clackamas Dispensary.

Courtney's Brother Sean Davis has owned and managed successful commercial real estate, oil & gas exploration and development businesses. In the past 2 years Sean has played a bigger role in the management

of the company and in the last year Sean has sold out of his oil and gas company to focus 100% of his time on OBC.

Tammie Goodall is the personnel manager and compliance officer. She owned the historic bar and brought it back into profitability before selling the business.

## **Financial Management**

Sean Davis manages the finances of the company. He engaged Martin Harper P.C. when Courtney bought OBC to handle the accounting and taxes. Sean and Martin Harper have worked together for the past 10 years on ventures ranging from oil and gas to real estate development. Martin is a CPA and has 30 + years of experience in a wide array of industries including many retail business.

## **Marketing**

### **Market Analysis**

The emerging recreational marijuana industry presents both opportunities and challenges when it comes to developing a marketing strategy. One of the biggest challenges is the lack of marketing data to better analyze marketing strategies in the recreational marijuana industry. However, this challenge is also an opportunity to discover new strategies and methods to build a brand in a once prohibited industry. Oregon Bud Company's marketing strategy is focused around three consumer focused areas: Education, Connection and Branding.

### **Education**

A big part of the new recreational marijuana industry is educating the consumer on the innovative products and devices that have emerged since legalization. From edibles to concentrates, elixirs to vaporizers, new marijuana consumption methods can sometimes confuse consumers or create the possibility of an unpleasant experience. At Oregon Bud Company, we try to educate the consumer on new products both online and in the dispensary. Online, the website features descriptions and images of many of the products OBC carries in the store. This allows the consumer the opportunity to research and educate themselves about new consumption methods prior to entering the dispensary. Once in the store, OBC's staff is trained to educate the consumer on the products OBC offers and provide descriptions of common product effects and consumption methods.

### **Connection**

Connecting with today's consumer requires a strong online presence and increased social savvy. OBC has developed a rich, relevant, content heavy website that increases OBC's Search Engine Optimization (SEO) and engages consumers. OBC also connects with its customers by advertising on Weedmaps.com for

\$100/month. Weedmaps is the leading cannabis search site that connects the consumer and the dispensary through an interactive map, menu and reviews. In addition to Weedmaps, OBC also advertises on Oregon.com which is the leading rental lodging website in the Oregon area for only \$20/month. Oregon.com receives over 70,000 unique hits and over 200,000 page views per day. As new stores open, OBC will seek similar strategic listing arrangements with both Weedmaps and top lodging and travel sites in those areas. OBC is also active on Facebook, Yelp, Twitter, Instagram, and Google both engaging new and existing customers and promoting new products.

## **Branding**

The Oregon Bud Company brand is built upon the beauty of the Coastal Range, individual liberty, and the outlaw spirit of the West. OBC's brand image is expressed through its unique logo and motto; "A Greener Way of Life". OBC also offers its customers unique and vintage apparel and accessories that brand its image and help define its brand. With the addition of the new OBC grow facility, it will also develop unique OBC packaging to help distinguish its marijuana products and further define its boutique brand. OBC has already begun to acquire branding space such as domain names and trade names.

## **Competition/Pricing**

Oregon Bud Company has focused on developing its brand in mountain markets that allow for a competitive advantage of less competition compared to urban markets, as well as the cultural branding opportunity a "mountain/coastal chic" brand presents. This also allows OBC to charge higher retail prices because dispensary competition is restricted. Focusing on smaller markets with significant tourism traffic allows OBC to capitalize on the booming "marijuana tourism" and existing ski industry customer base.

# Appendix

## Profit and Loss Statement

Courtney Davis took over ownership in April of 2015 and recreational marijuana sales were legalized October 1, 2015. Any financial information prior to these dates is not relevant. 2014 income tax information has obviously not been gathered at this time and the cash nature of the cannabis industry that has been forced by the Federal Government make it difficult to keep a running P&L. Below is the gross sales from the time OBC put its POS system in place to date and its gross expenses for the same time period were \$512,766.48 resulting in a net profit of \$128,191.62.

Location: HQ - Head Quarters  
Budtender: All

[invoice homepage](#)   [mini report](#)   [more options...](#)

Sales Report - 10/1/15 to 2/10/16				
Inventory Type	Sales	COGS	Profit	Profit %
Marijuana Inventory - (26775)	\$482,320.47	\$198,665.58	\$283,654.89	58.81%
Discount - (195)	(\$1,159.90)	\$0.00	(\$1,159.90)	100.00%
<b>Totals:</b>	<b>\$481,160.57</b>	<b>\$198,665.58</b>	<b>\$282,494.99</b>	<b>58.71%</b>

Sales Break-Down Report - 10/1/15 to 2/10/16		
Break-Down Type	Qty./Count	Value
Total With Taxes	16256	\$512,766.48
Total Taxes		\$31,605.91
Total W O Taxes		\$481,160.57
All Line Item(s) - (group)	26970	\$481,160.57

MJ Item Category Break-Downs		
Apparel - (group)	19	\$326.25
Basic Inventory - (group)	740	\$4,683.05
Cannabis - (group)	25962	\$476,501.17
Clones - (group)	54	\$810.00
Internal Use - (group)	195	(\$1,159.90)

Tax Category Break-Downs		
Misc	195	\$0.00
Taxable	26775	\$31,605.91

Payment Or Money Type Break-Downs		
Cash	16315	\$512,746.48
Unpaid Invoices	4	\$127.00

## **Income Projection Statement**

See the proforma above.

## **Cash Flow**

See the Profit and Loss above.

## **Sales Forecast**

See the proforma above.

## **Break-Even Analysis**

OBC's break-even analysis results in wholesaling 16 LBs of flower product and retailing 20 LBs of flower product per month. OBC is conservatively forecasting wholesaling 20 LBS of flower product and retailing 120 LBs of flower product per month.

3/25/16 email from Courtney Davis

## Derrick Tokos

---

**From:** Courtney Davis <cdavis@oregonbc.com>  
**Sent:** Friday, March 25, 2016 7:43 PM  
**To:** Derrick Tokos  
**Subject:** Fwd: distance from the location edges 837 sw bay blvd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Derrick, thank you for getting back to us and the information you provided. Please find the attached Lincoln County Assessors Map. This Map shows the measurement from closest property line to closest property line to be 1,014 ft. Let us know if you need any further clarification in regards to the distance between the properties. The Counties map has a measurement tool that is very easy to use if you would like to double check our information. <http://maps.co.lincoln.or.us/>

I regards to going straight to the Planning Commission vs. a Staff Review, we would prefer to start with the Staff Review if at all possible. We do not feel as strongly as you (after talking to many of our neighbors) that there will be an automatic appeal. We would like the opportunity to let the process play out starting with the Staff Review. We understand that this decision is at your discretion and hope you take our thoughts into consideration.

Regards,

Courtney Davis

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**From:** Derrick Tokos [mailto:D.Tokos@NewportOregon.gov]  
**Sent:** Wednesday, March 23, 2016 10:16 AM  
**To:** 'Courtney Davis' <cdavis@oregonbc.com>  
**Cc:** Steven Rich <S.Rich@NewportOregon.gov>  
**Subject:** RE: distance from the location edges 837 sw bay blvd

Hi Courtney,

I received your voicemail message. With regards to the City of Newport's business license requirement that retail marijuana businesses be located at least 1,000 feet from other retail marijuana establishments, here is the specific code language:

*"In cases where a Recreational Marijuana Facility is involved in retail sales of marijuana items, such facility is located at least 1,000 feet from another Recreational Marijuana Facility that is engaged in retail sales of marijuana items. A Medical Marijuana Facility licensed by the Oregon Health Authority to sell limited marijuana retail products shall be considered a Recreational Marijuana Facility for the purposes of this requirement.*

\*\*\*

*B. For the purpose of determining the distance between marijuana retailers or a marijuana retailer and child care facility, to establish compliance with the requirements of section 4.20.040(A) of this Title,*

*“within a 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property of an established marijuana retailer or child care facility and the closest point of the licensed premises.” (NMC 4.20.040)*

The map that you provided (attached) appears to be a measurement from closest point of the premises that is to be licensed to the building where there is an established marijuana retailer; whereas our business license code requires the measurement to be from the closest point of the premises that is to be licensed to the boundary line of the real property upon which an established marijuana retailer is located. That real property boundary is the edge of the Fall Street right-of-way, where it intersects with Bay Boulevard. You will need to provide a map showing the straight line distance between the edge of the building you intend to lease and the edge of the Fall Street right-of-way. You will be very close to 1,000 feet, so I would recommend you have a surveyor establish the distance.

With respect to my decision to route your Conditional Use Application to the Planning Commission, I expect that there may be pushback from neighboring business owners based upon comments we received when the other medical/retail marijuana dispensary opened on the Bayfront. Having the Planning Commission as the decision maker eliminates a step in the process (were my decision to be appealed). The Commission is also charged with interpreting provisions of the Newport Zoning Ordinance 14.52.030(B) so if, for example, questions are raised regarding whether or not this use will have “adverse impacts” on neighboring properties, which is one of the Conditional Use approval criteria, then the Commission is the decision making body best positioned to sort that out.

Steve Rich is our City Attorney. Please feel free to drop him a note if you have concerns regarding either of the points I have outlined. I’ll be out of the rest of the week, but am happy to answer any further questions you may have when I return.

*Derrick I. Tokos, AICP*  
Community Development Director  
City of Newport  
169 SW Coast Highway  
Newport, OR 97365  
ph: 541.574.0626 fax: 541.574.0644  
[d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov)

---

**From:** Courtney Davis [<mailto:cdavis@oregonbc.com>]  
**Sent:** Friday, March 04, 2016 5:07 PM  
**To:** Derrick Tokos <[D.Tokos@NewportOregon.gov](mailto:D.Tokos@NewportOregon.gov)>  
**Subject:** distance from the location edges 837 sw bay blvd

I have sent you the approval letter from the OHA showing that we meet the requirements for the state. We would not have been granted an inspection if we did not meet the 1000 ft guideline. Here is a google map measurement as well. Please let us know if there is anything else I can provide you. Thank you

Thank you,

<image003.jpg>

## **Courtney Davis**

**Oregon Bud Company**

**Cell 503.758.0111 - Store 503.850.4930**

**[cdavis@oregonbc.com](mailto:cdavis@oregonbc.com) | [Oregonbc.com](http://Oregonbc.com)**

<1,000 ft Buffer Map.pdf>

ATTACHMENT "B"  
File No. 2-CUP-16  
Zoning Map of Area



Zoning Map: 837 SW Bay Blvd

Image Taken July 2013  
4-inch, 4-band Digital Orthophotos  
David Smith & Associates, Inc., Portland, OR

City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97365  
Phone: 1.541.574.0629  
Fax: 1.541.574.0644



This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It is the user's responsibility to verify the information shown on this map. The City of Newport Community Development Department.

Letter of 3/28/16 from Chief of Police  
Mark Miranda



Noble  
Professional  
Dedicated

Newport Police Department  
**Memorandum**

*One Team - One Future*

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Date: March 28, 2016  
To: Derrick Tokos, Community Development Director  
From: Mark J. Miranda, Chief of Police   
Subject: 837 SW Bay Blvd

We reviewed the information on the Public Hearing Notice dated March 21, 2016. Please note that this location for a medical and/or recreational marijuana dispensary is at the 1000 foot mark from the other dispensary, located at 452 SW Bay Blvd.

## CITY OF NEWPORT NOTICE OF A PUBLIC HEARING<sup>1</sup>

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Newport, Oregon, will hold a public hearing to consider the following Conditional Use Permit request:

**File No. 2-CUP-16:**

**Applicant and Owner:** Courtney Davis, 1932 SW River Sq., Portland, OR 97201 (Newport Real Estate, LLC, 837 SW Bay Blvd., Newport, OR 97365, property owner).

**Request:** Approval of a request per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit in order to open a medical and/or recreational marijuana dispensary at 837 SW Bay Blvd. The subject property is located in a W-2/"Water-Related" zone, where uses permitted outright in a C-2 zone are allowed following the issuance of a conditional use permit.

**Location:** 837 SW Bay Blvd. (Lincoln County Assessor's Map 11-11-08-CA; Tax Lot 2201).

**Applicable Criteria:** NZO Section 14.34.050: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

**Testimony:** Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

**Reports/Application Material:** The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address.

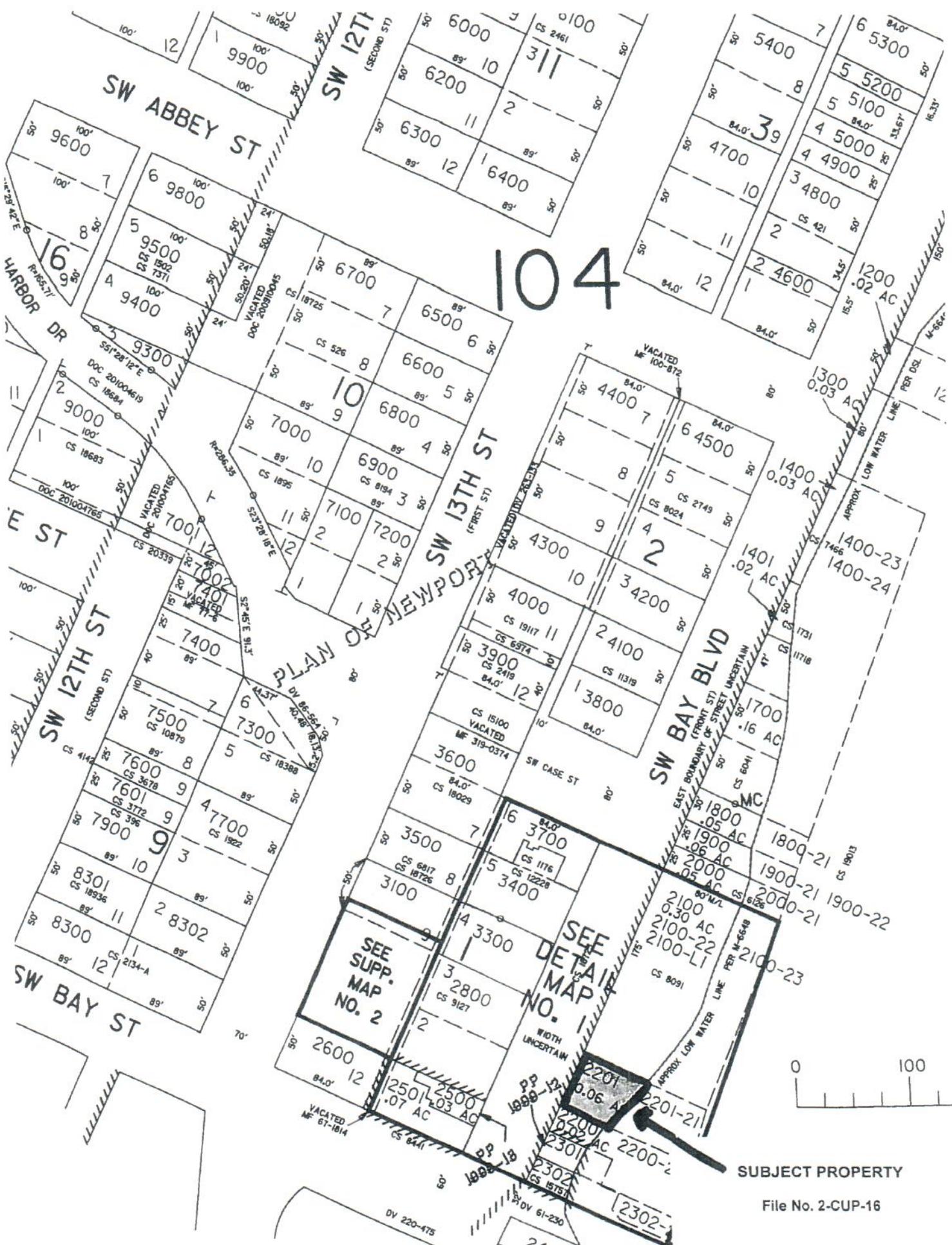
**Contact:** Derrick Tokos, Community Development Director, (541) 574-0626, (address above in "Reports/Application Material").

**Time/Place of Hearing:** Monday, April 11, 2016; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

**MAILED:** March 21, 2016.

**PUBLISHED:** April 1, 2016/News-Times.

<sup>1</sup>Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property (according to Lincoln County tax records); (2) affected public private utilities/agencies within Lincoln County, and (3) affected city departments



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SEE SUPP. MAP NO. 2

SEE DETAIL MAP NO. 1

SUBJECT PROPERTY

File No. 2-CUP-16



## CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, April 11, 2016, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 2-CUP-16, a request submitted by Courtney Davis, 1932 SW River Square, Portland, OR 97201 (Newport Real Estate, LLC, 837 SW Bay Blvd, Newport, OR 97365, property owner) per Section 14.03.080/“Water-Dependent and Water-Related Uses” of the Newport Municipal Code, for a conditional use permit in order open a medical and/or recreational marijuana dispensary at 837 SW Bay Blvd. (Lincoln County Assessor’s Map 11-11-08-CA; Tax Lot 02201), which is in a W-2/“Water-Related” zone. The applicable criteria per NMC Chapter 14.34.050 are that: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright. Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at the above address. Contact Derrick Tokos, Community Development Director, (541) 574-0626, (address above).

*FOR PUBLICATION ONCE ON FRIDAY, APRIL 1, 2016.*

# CITY OF NEWPORT NOTICE OF A PUBLIC HEARING<sup>1</sup>

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Newport, Oregon, will hold a public hearing to consider the following Conditional Use Permit request:

**File No. 2-CUP-16:**

**Applicant and Owner:** Courtney Davis, 1932 SW River Sq., Portland, OR 97201 (Newport Real Estate, LLC, 837 SW Bay Blvd., Newport, OR 97365, property owner).

**Request:** Approval of a request per Section 14.03.080/"Water-Dependent and Water-Related Uses" of the Newport Zoning Ordinance, for a conditional use permit in order to open a medical and/or recreational marijuana dispensary at 837 SW Bay Blvd. The subject property is located in a W-2/"Water-Related" zone, where uses permitted outright in a C-2 zone are allowed following the issuance of a conditional use permit.

**Location:** 837 SW Bay Blvd. (Lincoln County Assessor's Map 11-11-08-CA; Tax Lot 2201).

**Applicable Criteria:** NZO Section 14.34.050: (1) The public facilities can adequately accommodate the proposed use; 2) the request complies with the requirements of the underlying zone or overlay zone; 3) the proposed use does not have an adverse impact greater than existing uses on nearby properties, or impacts can be ameliorated through imposition of conditions of approval; and 4) a proposed building or building modification is consistent with the overall development character of the neighborhood with regard to building size and height, considering both existing buildings and potential buildings allowable as uses permitted outright.

**Testimony:** Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Submit testimony in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. Letters sent to the Community Development (Planning) Department (address below under "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant and those in favor or opposed to the application, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

**Reports/Application Material:** The staff report may be reviewed or a copy purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The application materials (including the application and all documents and evidence submitted in support of the application), the applicable criteria, and other file material are available for inspection at no cost; or copies may be purchased for reasonable cost at this address.

**Contact:** Derrick Tokos, Community Development Director, (541) 574-0626, (address above in "Reports/Application Material").

**Time/Place of Hearing:** Monday, April 11, 2016; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Material").

**MAILED:** March 21, 2016.

**PUBLISHED:** April 1, 2016/News-Times.

<sup>1</sup>Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property (according to Lincoln County tax records); (2) affected public/private utilities/agencies within Lincoln County; and (3) affected city departments.



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SEE SUPP. MAP NO. 2

SEE DETAIL MAP NO. 1

SUBJECT PROPERTY

File No. 2-CUP-16

## Wanda Haney

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**From:** Wanda Haney  
**Sent:** Monday, March 21, 2016 12:33 PM  
**To:** Derrick Tokos; Jim Protiva; Joseph Lease; Mark Miranda; Mike Murzynsky; Rob Murphy; Spencer Nebel; Ted Smith; Tim Gross; Victor Mettle  
**Subject:** Conditional Use Permit - File 2-CUP-16  
**Attachments:** File\_2-CUP-16\_Notice.pdf

Attached is a notice of a Planning Commission public hearing scheduled for April 11<sup>th</sup> to consider the request for a conditional use permit in order to operate a medical and/or recreational marijuana dispensary on the Bay Front. Please review this information to see if you would like to make any comments. We must receive comments at least 10 days prior to the hearing in order for them to be considered for the staff report. **Should no response be received, a "no comment" will be assumed.**

Thanks,

*Wanda Haney*

Executive Assistant

City of Newport

Community Development Department

169 SW Coast Hwy

Newport, OR 97365

541-574-0629

FAX: 541-574-0644

w.haney@newportoregon.gov

OREGON BUD COMPANY  
16631 SE 82<sup>ND</sup> DR  
CLACKAMAS OR 97015

FRONT ST MARINE  
ATTN: STEPHEN & JANET WEBSTER  
113 SE BAY BLVD  
NEWPORT OR 97365

BORNSTEIN SEAFOODS INC  
PO BOX 188  
BELLINGHAM WA 98255

NEWPORT FISHERIES GROUP INC  
922 NW COAST ST  
NEWPORT OR 97365

YOST PROPERTIES  
189 LIBERTY ST NE  
SALEM OR 97301

VEAL CONNECTION CORP  
PO BOX 2247  
SANTA ROSA CA 95405

KELLY O BARKER &  
CATHY M PIAZZA  
PO BOX 135  
SOUTH BEACH OR 97366

CHARLES A FORINASH  
PO BOX 161  
NEWPORT OR 97365

UNITED STATES OF AMERICA  
C/O US COAST GUARD DISTRICT 13  
915 2<sup>ND</sup> AVFE  
SEATTLE WA 98104

DEBORAH L HAYTER &  
BRIAN D TIMMKE  
ATTN: APOLLO'S RESTAURANT  
3836 SW BAY BLVD  
NEWPORT OR 97365

NEWPORT TOWNHOMES LLC  
ATTN: JAMES D VICK  
698 12<sup>TH</sup> ST SE STE 230  
SALEM OR 97301

BAY BLVD LLC &  
ELM STREET LLC  
ATTN: CHARLOTTE BOXER  
407 NW ALBEMARLE TER  
PORTLAND OR 97210

CINDY M & GABRIELLE & DYLAN A  
MCENTEE  
PO BOX 717  
NEWPORT OR 97365

BAY VIEW CONDOMINIUM  
ASSN OF UNIT OWNERS  
833 13<sup>TH</sup> ST SW  
NEWPORT OR 97365

VERNON P & DEBORAH F NAFTZGER  
833 SW 13<sup>TH</sup> ST #1  
NEWPORT OR 97365

JOHN & JANINE LAFRANCHISE  
833 SW 13<sup>TH</sup> ST #2  
NEWPORT OR 97365

RANDY W & JANICE M LEHN  
833 SW 13<sup>TH</sup> ST UNIT 3  
NEWPORT OR 97365

BRADFORD M & BEVERLY M SMITH  
24565 S 5<sup>TH</sup> ST  
LEBANON OR 97355

JUDY KHOURY  
TRUSTEE  
8628 KERNWOOD CT  
STOCKTON CA 95209

JUDITH A SPRAUER  
2095 POLK ST  
EUGENE OR 97405

EXHIBIT "A"  
MAILING LABELS  
ADJACENT PROPERTIES

NW Natural  
ATTN: Dave Sanders  
1405 SW Hwy 101  
Lincoln City, OR 97367

Email: DLCD

CenturyLink  
ATTN: Corky Fallin  
740 State St  
Salem OR 97301

Central Lincoln PUD  
ATTN: Randy Grove  
PO Box 1126  
Newport OR 97365

Charter Communications  
ATTN: Keith Kaminski  
355 NE 1<sup>st</sup> St  
Newport OR 97365

Joseph Lease  
Building Official

Rob Murphy  
Fire Chief

Tim Gross  
Public Works

Victor Mettle  
Code Administrator/Planner

Mark Miranda  
Police Chief

Mike Murzynsky  
Finance Director

Ted Smith  
Library

Jim Protiva  
Parks & Rec

Spencer Nebel  
City Manager

**EXHIBIT 'A'**  
(Affected Agencies)

(CUP48)

Map showing distance from nearest  
marijuana retailer



Distance: 1,015 feet



837 SW Bay Boulevard  
(Distance to nearest marijuana retailer)

Image Taken July 2013  
4-inch, 4-band Digital Orthophotos  
David Smith & Associates, Inc., Portland, OR

City of Newport  
Community Development Department  
169 SW Coast Highway  
Newport, OR 97385  
Phone: 1.541.574.0629  
Fax: 1.541.574.0644

This map is for informational use only and does not constitute a legal engineering or surveying purpose. It includes data from multiple sources. The City of Newport assumes no responsibility for use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.



**League of Oregon Cities workshop:**

**Land Use Planning in Oregon: A Fifty (plus) Year Legacy**

*Speakers: Vickie Hardin Woods and Randall Tosh*

This training will help local government officials undertake land use planning in an effective and efficient manner, and provide the participants with a thorough overview of all aspects of the “nuts and bolts” of Oregon’s unique land use process. Topics will include:

- Structure and history of Oregon’s statewide land use planning system
- How to statewide land use planning implemented on the local level
- The comprehensive plan, its nature, purpose, and scope
- The Urban Growth Boundary, what it is and why you care
- Local land development ordinance, its components and functions
- How land use decisions are made and contested

4/21/16 at City Hall from 9:00 a.m. to 4:00 p.m. Lunch provided.