

**Notice of Measure Election**  
City

26-176

**SEL 802**

rev 01/16 ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

**Notice**

**Date of Notice**  
June 27, 2016

**Name of City or Cities**  
City of Fairview

**Date of Election**  
November 8, 2016

**Final Ballot Title** The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.

**Caption** 10 words which reasonably identifies the subject of the measure.

Prohibiting certain marijuana facilities in Fairview

**Question** 20 words which plainly phrases the chief purpose of the measure.

Shall Fairview prohibit marijuana researchers, medical marijuana processors, dispensaries, and grow sites; and recreational marijuana producers, processors, wholesalers, and retailers?

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect.

State law allows operation of: (1) registered medical marijuana processors, dispensaries, and grow sites; and (2) licensed recreational marijuana producers, processors, wholesalers, and retailers. The Fairview City Council has temporarily prohibited the listed marijuana facilities but is submitting this measure to the voters for their approval.

In addition, state law also allows certification of individuals who perform public and private marijuana research. The Fairview City Council would also like to present to the voters the prohibition of public and private marijuana research occurring in the city.

Approval of this measure would prohibit the establishment of medical marijuana processors, medical marijuana dispensaries, medical marijuana grow sites and recreational marijuana producers, recreational marijuana processors, recreational marijuana wholesalers, recreational marijuana retailers, and marijuana research facilities within the area subject to the jurisdiction of the city.

If approved, the city will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a local tax or fee on the production, processing, or sale of marijuana or any product into which marijuana has been incorporated.

**Explanatory Statement** 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

- any measure referred by the city governing body; or
- any initiative or referendum, if required by local ordinance.

**Explanatory Statement Attached?**

RECEIVED  
 16 JUL 11 AM 9:03  
 TIM SCOTT  
 DIRECTOR OF ELECTIONS

**Authorized City Official** Not required to be notarized.

**Name**  
Devree Leymaster

**Title**  
City Recorder/Elections Official

**Mailing Address**  
1300 NE Village Street, Fairview, OR 97024

**Contact Phone**  
503-674-6224

*By signing this document:*

- I hereby state that I am authorized by the city to submit this Notice of Measure Election; and
- I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

*Devree A. Leymaster*  
Signature

6-27-16  
Date Signed

### Measure Explanatory Statement for County Voters' Pamphlet

**Important! Please read all instructions before completing this form.** This form is to be used when filing a 'Measure Explanatory Statement for County Voters' Pamphlet' with your County Elections office. If a local government is located in more than one county, the county clerk of the county in which the city hall of the city or the administrative office of the local government is located shall be the filing officer for the 'Measure Explanatory Statement for County Voters' Pamphlet'.

#### Filing Information

Election:  Primary 20\_\_\_\_  General 2016  Special\_\_\_\_ Measure # 26-176

#### Ballot Title Caption

Prohibiting certain marijuana facilities in Fairview

Name of Person responsible for content of 'Explanatory Statement' (as it should appear in the Voters' Pamphlet):

Heather Martin, City Attorney, City of Fairview

Name of Jurisdiction/Organization Person is authorized to represent (as it should appear in the Voters' Pamphlet):


City of Fairview

#### CONTACT INFORMATION

Phone: Cell: \_\_\_\_\_ Work: (503) 226-7191 Home: \_\_\_\_\_

E-Mail: heather@gov-law.com

#### SIGNATURE

  
Signature of person responsible for content of 'Explanatory Statement'

6/27/16  
Date

#### MEASURE EXPLANATORY STATEMENT

See attached for 'Measure Explanatory Statement' (500 word/number MAX).

RECEIVED  
16 JUL 11 AM 9:03  
TIM SCOTT  
DIRECTOR OF ELECTIONS

#### For Office Use only:

County: \_\_\_\_\_

Signed?  Yes  No

'Measure Explanatory Statement' attached?

Yes  No

Intake Staff Initials:

Word Count (500 max)

Digital copy?  Yes  No

Review Staff Initials:

## Explanatory Statement

Approval of this measure would prohibit the establishment of certain marijuana activities and facilities within the city.

The Oregon Medical Marijuana Act, as amended by the Legislature in 2015, provides that the use, processing, dispensing, and growing of medical marijuana is legal statewide. The Oregon Health Authority registers medical marijuana processors, medical marijuana dispensaries, and medical marijuana grow sites. Medical marijuana processors compound or convert marijuana into concentrates, extracts, edible products, and other products intended for human consumption and use. Medical marijuana dispensaries facilitate the transfer of medical marijuana and medical marijuana products between patients, caregivers, processors, and growers. Medical marijuana grow sites are locations that produce medical marijuana for registry identification cardholders (i.e. those authorized to engage in the medical use of marijuana).

Measure 91, approved by Oregon voters in 2014 and amended by the Legislature in 2015 and 2016, provides that the Oregon Liquor Control Commission (Commission) will license recreational marijuana producers (those who manufacture, plant, cultivate, grow or harvest marijuana), processors, wholesalers, and retailers. The Commission also certifies public and private researchers of marijuana.

A city council may adopt an ordinance prohibiting the establishment of certain entities within the city, but pursuant to state law, the council must refer the prohibition of certain marijuana facilities to the voters at a statewide general election. The Fairview City Council has adopted an ordinance prohibiting the establishment of medical marijuana processors, medical marijuana dispensaries, medical marijuana grow sites, and recreational marijuana producers, processors, wholesalers, and retailers within the city and, as a result, has referred this measure to the voters. In addition, the Fairview City Council is also referring to voters the question of whether private or public marijuana research is allowed in the City.

If approved, this measure would prohibit (1) medical marijuana processors, dispensaries, and grow sites; (2) recreational marijuana producers, processors, wholesalers, and retailers; and (3) public and private marijuana research within the city.

Approval of this measure has revenue impacts. Currently, ten percent of state marijuana tax revenues will be distributed to cities to assist local law enforcement in performing their duties under Measure 91. If approved, this measure would make the city ineligible to receive distributions of state marijuana tax revenues.

Currently, under the 2015 legislation, a city may impose up to a three percent tax on the sale of marijuana items by a marijuana retailer in the city. However, a city that adopts an ordinance prohibiting the establishment of medical marijuana processors and dispensaries, or recreational marijuana producers, processors, wholesalers, or retailers may not impose a local tax or fee on the production, processing, or sale of marijuana or any product into which marijuana has been incorporated. Approval of this measure would therefore prevent a city from imposing a local tax on those activities.