

CITY COUNCIL MONTHLY MEETING CALENDAR

April-15						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Rural Fire 8pm Water Providers EC 5:30pm	2 Notary Seminar 1pm-4pm - Comm Aud Registration Required EDC Noon	3 WC State Address S&CC 1st Friday	4
5		6	7 Municipal Court	8	9	10
	Planning Comm 7pm	CCI 5:30pm (Cancelled) Library Cultural Series 7pm	MPAC 4:30pm Sister Cities 4:45pm	PAC 5pm CDBG 7pm	JWC Noon WC Mayors	CFC Tree Planting 9am-Lincoln Pk
12	13 CITY COUNCIL 5:30 PM - WORK SESSION (Medical Marijuana Disp) 6:00 PM - WORK SESSION (GIS Assessment) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	14 Red Cross Blood Drive 1pm - 6pm - Comm Aud Library 6:30pm Fire ICS Training 8pm	15 P&R 7am CFC 5:15pm CAO 5pm CWAC 5:30pm	16 Budget Comm - Info 7:00 pm - Comm Aud	If I Were Mayor Submittal Due	17
19 Mollie's Garden Dedication 1pm - Library	Chamber Luncheon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm (Cancelled)	20 Farmers Mkt Mtg 5pm-Comm Aud Fernhill Wetlands 5:30pm Oregon Wild, McMenamins	21 Municipal Court PSAC MPAC 5pm (Cancelled)	22 WEA Breakfast Sustainability 6pm	23 LOC Bd Mtg ODF Mtg Metro, 5:30pm - Comm Aud	24 Kidd out
26	27 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	28 Daybreak Rotary 5pm - Comm Aud HLB 7:15pm	29	30 CAO Gala 5:30pm-HB		Kidd out
2015 JPACT Trip to DC						
May-15						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 S&CC 1st Friday	2 ORRC Hagg Lake Run
3		4	5 Municipal Court Farmers Market 1st Wed Rural Fire 8pm	6	7	8 Kidd out
	Planning Comm 7pm	CCI 5:30pm	WC Gales Ck Rd Bridge 5pm - Gales Ck Fire St Farmers Market MPAC 5pm	EDC Noon		9
10	11 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	12 Red Cross Blood Drive 1pm - 6pm - Comm Aud Library 6:30pm	13	14 PAC 5pm	15	16 Sister Cities Plant Sale
17 Chamber Luncheon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm		18 WC Recycling (25yrs) Luncheon Noon - Walters Arts Hillsboro Fernhill Wetlands 5:30pm Library Cultural Series 7pm	19 Municipal Court P&R 7am CFC 5:15pm CAO 5pm CWAC 5:30pm Farmers Market	20 Budget Comm-1st Mtg 7 pm - Comm Aud	21	22 Sister Cities Plant Sale
24	25 CITY OFFICES CLOSED Memorial Day Ceremony	26 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM HLB 7:15pm	27 PSAC MPAC 5pm Tualatin Water & Soil 7pm Farmers Market	28 WEA Breakfast Budget Comm-2nd Mtg 7 pm - Comm Aud Sustainability 6pm	29	30 Sister Cities Plant Sale
31						
June-15						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Municipal Court	3 EDC Noon	4	5
	Planning Comm 7pm	CCI 5:30pm	1st Wed Rural Fire 8pm	Budget Comm-3rd Mtg 7 pm - Comm Aud	S&CC 1st Friday	6 Rose Festival Parade Oregon Mayor's Walk
7 Annual Spring Garden Tour	8 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	9 Red Cross Blood Drive 1pm - 6pm - Comm Aud Library 6:30pm	10 Municipal Court Farmers Market MPAC 5pm	11 PAC 5pm	12 JWC Noon TBA WC Mayors	13
14 Chamber Luncheon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm		15 ODF Mtg Fernhill Wetlands 5:30pm	16 P&R 7am CFC 5:15pm CAO 5pm CWAC 5:30pm Farmers Market	17	18	19
21	22 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	23 HLB 7:15pm	24 PSAC MPAC 5pm - No Mtg Farmers Market	25 Sustainability 6pm WEA Breakfast	26	27 Love Rocks Run
28		29	30			

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FOREST GROVE CITY COUNCIL

Monday, April 13, 2015

Meeting Agenda

5:30 PM – Work Session (Medical Marijuana Dispensaries)
6:00 PM – Work Session (GIS Needs Assessment)
7:00 PM – Regular Meeting

Community Auditorium
1915 Main Street
Forest Grove, OR 97116

Forest Grove City Council Meetings are televised live by Tualatin Valley Community Television (TVCTV) Government Access Programming, Ch 30. To obtain the programming schedule, please contact TVCTV at 503.629.8534 or visit <http://www.tvctv.org/government-programming/government-meetings/forest-grove>.

PETER B. TRUAX, MAYOR

Thomas L. Johnston, Council President
Richard G. Kidd III
Victoria J. Lowe

Ronald C. Thompson
Elena Uhing
Malynda H. Wenzl

All meetings of the City Council are open to the public and all persons are permitted to attend any meeting except as otherwise provided by ORS 192. The public may address the Council as follows:

→ Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign in for any Public Hearing prior to the meeting. The presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

→ Citizen Communications – Anyone wishing to address the Council on an issue not on the agenda should sign in for Citizen Communications prior to the meeting. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Citizen Communications is limited to two minutes unless the presiding officer grants an extension.

The public may not address items on the agenda unless the item is a public hearing. Routinely, members of the public speak during Citizen Communications and Public Hearings. If you have questions about the agenda or have an issue that you would like to address to the Council, please contact the City Recorder at 503-992-3235.

City Council meetings are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder at 503-992-3235, at least 48 hours prior to the meeting.

<p>Jon Holan, Community Development Director Tom Gamble, City Manager Pro Tem</p>	<p>5:30</p>	<p><u>WORK SESSION: DEVELOPMENT CODE AND CITY CODE AMENDMENTS PERTAINING TO MEDICAL MARIJUANA DISPENSARIES</u></p>
<p>Mike Nolop, Information Services Manager Paul Downey, Administrative Services Director Tom Gamble, City Manager Pro Tem</p>	<p>6:00</p>	<p><u>WORK SESSION: GIS NEEDS ASSESSMENT</u> The City Council will convene in the Community Auditorium – Conference Room to conduct the above work session(s). The public is invited to attend and observe the work session(s); however, no public comment will be taken. The Council will take no formal action during the work session(s).</p>
	<p>7:00</p>	<p>1. <u>REGULAR MEETING:</u> Roll Call and Pledge of Allegiance</p> <p>2. <u>CITIZEN COMMUNICATIONS:</u> Anyone wishing to speak to Council on an item <u>not on the agenda</u> may be heard at this time. <i>Please sign-in before the meeting on the Citizen Communications form posted in the foyer.</i> In the interest of time, please limit comments to two minutes. Thank you.</p> <p>3. <u>CONSENT AGENDA:</u> See Page 4</p> <p>4. <u>ADDITIONS/DELETIONS:</u></p> <p>5. <u>PRESENTATIONS:</u> None.</p>
<p>Jon Holan, Community Development Director J. F. Schutz, Police Chief Tom Gamble, City Manager Pro Tem</p>	<p>7:05</p>	<p>6. <u>PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2015-02 THE CITY OF FOREST GROVE ADOPTION OF AMENDMENTS TO DEVELOPMENT CODE, ARTICLES 3, 8 AND 12, TO ESTABLISH PLACEMENT AND REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES. APPLICANT: CITY OF FOREST GROVE. FILE NO. ZA-15-00267</u></p>
<p>Jon Holan, Community Development Director J. F. Schutz, Police Chief Tom Gamble, City Manager Pro Tem</p>	<p>7:15</p>	<p>7. <u>PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2015-03 AMENDING CITY CODE CHAPTER 7 BY ADDING NEW CODE SECTION 7.850 THROUGH 7.865 ESTABLISHING OPERATION OF MEDICAL MARIJUANA DISPENSARIES</u></p>
<p>Nick Kelsay, Project Engineer Rob Foster, Public Works Director Tom Gamble, City Manager Pro Tem</p>	<p>7:20</p>	<p>8. <u>RESOLUTION NO. 2015-24 AUTHORIZING THE MAYOR TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF FOREST GROVE AND WASHINGTON COUNTY FOR CONSTRUCTION OF UTILITIES ON DAVID HILL ROAD (WC BCC-15-0181)</u></p>

Nick Kelsay, Project Engineer
 Rob Foster, Public Works Director
 Tom Gamble, City Manager
 Pro Tem

7:30

9. **RESOLUTION NO. 2015-25 AUTHORIZING THE MAYOR AND CITY MANAGER PRO TEM TO ENDORSE AMENDMENT NO. 2 TO THE LOCAL AGENCY AGREEMENT BETWEEN CITY OF FOREST GROVE AND OREGON DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM GRANT FUNDING FOR HARVEY CLARKE ELEMENTARY ('B' STREET) SIDEWALK PROJECT (CONTRACT NO. 28167)**

Paul Downey, Administrative
 Services Director
 Tom Gamble, City Manager
 Pro Tem

7:40

10. **RESOLUTION NO. 2015-26 AUTHORIZING THE CITY MANAGER PRO TEM TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN CITY OF FOREST GROVE AND METRO FOR THE COMMUNITY ENHANCEMENT PROGRAM (CEP) AND REPLACING AND SUPERSEDING METRO CONTRACT NO. 901195; AND REPEALING RESOLUTION NO. 1989-35**

Paul Downey, Administrative
 Services Director
 Tom Gamble, City Manager
 Pro Tem

7:50

11. **RESOLUTION NO. 2015-27 ESTABLISHING FOREST GROVE SOLID WASTE COMMUNITY ENHANCEMENT PROGRAM (CEP) ADVISORY COMMITTEE AND AMENDING RESOLUTION NO. 2006-10**

Michael Kinkade, Fire Chief
 Tom Gamble, City Manager
 Pro Tem

8:00

12. **RESOLUTION NO. 2015-28 ADOPTING FOREST GROVE PUBLIC SAFETY ADVISORY COMMISSION AMENDED BYLAWS AND STRATEGIC PLAN 2015-16; REPEALING RESOLUTION NO. 2011-25**

George Cress, Light and Power
 Director
 Jeff King, Economic Development
 Manager
 Tom Gamble, City Manager
 Pro Tem
 Jon Holan, Community
 Development Director
 Michael Kinkade, Fire Chief

8:10

13. **DEPARTMENT WORK PLANS FOR FY 2015-16:**

- *Light and Power Department*
- *Economic Development*
- *Parks and Recreation Department*
- *Community Development*
- *Fire Department*

Tom Gamble, City Manager
Pro Tem

- 9:00 14. **CITY MANAGER PRO TEM'S REPORT:**
- 9:15 15. **COUNCIL COMMUNICATIONS:**
- 9:30 16. **ADJOURNMENT:**

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3. **CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).
- A. Approve City Council Work Session (CIS Public Officials Training Video) Meeting Minutes of March 16, 2015.
 - B. Approve City Council Regular Meeting Minutes of March 16, 2015.
 - C. Accept Historic Landmarks Board Meeting Minutes of February 24, 2015.
 - D. Accept Library Commission Meeting Minutes of February 10, 2015.
 - E. Accept Resignation on Library Commission (Dayla Smoland, Term Expiring December 31, 2015)
 - F. Accept Resignation on Library Commission (Annelle Hicks, Term Expiring December 31, 2015).
 - G. Accept Parks and Recreation Commission Meeting Minutes of February 18, 2015.
 - H. Accept Planning Commission Meeting Minutes of February 16, 2015.
 - I. Accept Public Safety Advisory Commission Meeting Minutes of March 4, 2015.
 - J. Community Development Department Monthly Building Activity Informational Report for March 2015.
 - K. Library Department Quarterly Statistics Informational Report for January, February and March 2015.
 - L. **Endorse Liquor License Renewal Applications for Year 2015:**
 - 1. Little Monkey Deli (Full On-Premises Sales)
 - 2. McMenamins Grand Lodge (Full On-Premises Sales)
 - 3. Tienda La Rosa (Off-Premises Sales)
-

Date: April 13, 2015

GIS Needs Assessment and Implementation Options

PROJECT TEAM: Mike Nolop (IT), Paul Downey (AS), Jon Holan (CD), Rob Foster (PW) Leo Cortes (GIS/ENG), Daniel Riordan (CD), Karen Hendrix (FD), Michael Stoltz (L&P), Renee Lee (PD), Rick Vanderkin (PW), Steve Huffman (Parks), Matthew Brown (AS), Resource Data Inc. (Vendor); and Tom Gamble, City Manager Pro Tem

BACKGROUND: This report will review the four-month GIS Needs Assessment that was completed by Resource Data Inc. (RDI) between December 2014 and March 2015. In addition, it will address and outline the recommended implementation options to bring our current GIS systems into a consolidated / enterprise GIS program.

STAFF RECOMMENDATION: Staff will discuss recommendations during the meeting.

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MEMORANDUM

To: City Council

From: Jon Holan, Community Development Director
Janie Schutz, Police Chief
Tom Gamble, City Manager Pro Tem

Date: April 13, 2015

Re: Proposed Amendment to Development Code pertaining to Medical Marijuana Dispensaries

Issue: The request is for the City Council to adopt proposed Development Code regulations addressing the placement of Medical Marijuana dispensaries.

Background: The Oregon Legislature enacted House Bill 3460 in 2013, which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities. Section 2 of that bill established the medical marijuana registration system and has been codified in ORS 475.314. House Bill 3460 directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b).

The Oregon Legislature enacted Senate Bill 1531 in 2014 affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015. The City of Forest Grove adopted Ordinance 2014-04 on April 28, 2014, to establish such a moratorium.

At this time, staff is proposing two amendments to the Development and City Codes. The Development Code amendment addresses the location and development requirements for medical marijuana dispensaries. The City Code amendment is to establish operational standards for these establishments. In essence, the Development Code requirements would be administered by the Community Development Department as part of its permit review for a new dispensary. The City Code would be administered by the Police Department for ongoing operation of these dispensaries. Both code amendments have been reviewed by Police and Community Development staff as well as the City Attorney.

In summary, the Development Code would:

- Define medical marijuana facilities as a medical center but can be a "stand-alone" operation;
- Require the buffer standards as established by the State;
- Allow dispensaries in the Community Commercial zone district; and
- Establish standards for the location and development of dispensaries with the following requirements:
 - Compliance with state law;
 - Hours of closure to the public;
 - Entrances and off-street parking areas to be well-lit and visible from public view and public rights-of-way;
 - Be in a permanent facility and not allow outdoor storage;
 - Compliance with design requirements and integrate any bars and grates into the design.

The attached staff report to the Planning Commission provides an explanation of these requirements. The Development Code was reviewed by the Planning Commission at their meeting on March 23, 2015. Issues the Planning Commission discussed include:

- The use category for these facilities;
- The prohibition of the facilities in Institutional and Town Center Zone Districts;
- Hours of operation; and
- Require a buffer around day care centers (similar to Cornelius).

The Commission adopted Planning Commission Decision Number 15-01 recommending adoption of the amendment as proposed by staff except that they recommended prohibition of dispensaries in the Institutional zone district because of conflicts with state law. Staff concurs with this change.

Fiscal Impact: Marijuana dispensaries will create additional demands for law enforcement; primarily due to the all-cash nature of the operations. Development Code requirements about requiring visible and well-lit entrances, permanent facilities and no drive-throughs are intended to reduce those demands.

Staff Recommendation: Staff recommends the City Council adopt the proposed ordinance amending the Development Code (Exhibit A) as modified by the Planning Commission and as may be modified by Council deliberations.

6-

ORDINANCE NO. 2015-02

**ORDINANCE OF THE CITY OF FOREST GROVE
ADOPTION OF AMENDMENTS TO DEVELOPMENT CODE, ARTICLES
3, 8 AND 12, TO ESTABLISH PLACEMENT AND REQUIREMENTS FOR
MEDICAL MARIJUANA DISPENSARIES, FILE NO. ZA-15-00267**

WHEREAS, the Oregon Legislature enacted House Bill 3460 (2013), which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities;

WHEREAS, Section 2 of House Bill 3460 (2013) that established the medical marijuana registration system has been codified as ORS 475.314;

WHEREAS, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b),

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015;

WHEREAS, the City Council adopted Ordinance Number 2014-04 on April 28, 2014, to establish a moratorium for marijuana dispensaries until May 1, 2015;

WHEREAS, the City has prepared proposed amendments to the Development Code pertaining to the placement and requirements for medical marijuana dispensaries; and

WHEREAS, the Planning Commission held Public Hearing on the proposed amendments to the Development Code on March 23, 2015; and

WHEREAS, the Planning Commission adopted Planning Commission Decision Number 15-01 recommending approval of the proposed amendments with one change to prohibit medical marijuana dispensaries in the Institutional zone district since it is not authorized by state law; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on April 13 and continued the hearing on April 27, 2015.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Forest Grove hereby adopts text amendments to the Development Code, Articles 3, 8 and 12, as shown on Exhibit A.

Section 2. The City Council hereby adopts the Planning Commission's staff report dated March 16, 2015.

Section 3. The City Council hereby finds that the proposed amendments are consistent with and meet the provisions of Development Code Section 10.2.630 *Review Criteria* pertaining to Zoning Text amendments:

A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and

Finding: Applicable Comprehensive Plan Goals and Policies is Health Services Goal 1, which states:

“Provide opportunities through City land use and development policy to ensure the health service needs of the entire community are met locally.”

The proposed amendment would establish land use and development requirements to allow medical marijuana facilities in the community. There are specific locations within the Community Commercial zone district where such uses may be established. The proposed development requirements establish reasonable requirements given the nature of medical marijuana dispensaries handling a controlled substance and assure the applicable City design standards are maintained. Thus, health service needs related to medical marijuana would be allowed to be provided locally by this amendment and is consistent with the Comprehensive Plan Health Services Goal 1.

B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.

Finding: Statewide and regional planning goals, programs and rules do not specifically address dispensaries. They are therefore not applicable to this text amendment.

However, the proposed amendment is consistent with and relies on State laws and regulations for medical marijuana facilities. The proposed amendments references and uses the locational requirements established by state law by limiting their location within the Community Commercial District. Consistent with the City's industrial provisions, these facilities are not allowed in the industrial zoned lands. In addition, they are not allowed in the Town Center districts because their impact is unknown at this time and may impact the redevelopment of the Town Center area. Further, the proposed amendment: prevents the use of drive-through service which is consistent with State directives, requires well viewed entrances to enhance security and allows security bars and grates if they are integrated in design to maintain the visual integrity of commercial districts while providing security.

Section 4. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading this 13th day of April, 2015.

PASSED the second reading this 27th day of April, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 27th day of April, 2015.

Peter B. Truax, Mayor

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Ordinance No. 2015-02
Exhibit A

**Proposed Amendments to the Development Code
for Medical Marijuana Dispensaries**

Article 3 Proposed Amendments:

1. Amend Table 3-8 to add new footnote to Medical Centers that allows medical marijuana dispensaries at certain locations consistent with state statutes and references proposed requirements in Article 8 for those facilities.

**TABLE 3-8
Institution Zone: Use Table**

USE CATEGORY	INST
<u>RESIDENTIAL</u>	
Household Living	N
Group Living	N
Transitional Housing	C
Home Occupation	N
Bed and Breakfast	N
<u>CIVIC / INSTITUTIONAL</u>	
Basic Utilities	P
Major Utility Transmission Facilities	C
Colleges	C
Community Recreation	P/C ^[1]
Cultural Institutions	C
Day Care	C
Emergency Services	C
Postal Services	C
Religious Institutions	C
Schools	C
Social/ Fraternal Clubs / Lodges	N
Government Offices	P
<u>COMMERCIAL</u>	
Commercial Lodging	L ^[2]
Eating and Drinking Establishments	N ^[3]
Entertainment – Oriented:	
- Major Event Entertainment	N
- Outdoor Entertainment	N
- Indoor Entertainment	N
General Retail:	
- Sales – Orientated	N
- Personal Services	N
- Repair – Oriented	N
- Bulk Sales	N

- Outdoor Sales	N
- Animal – Related	N

Medical Centers	C ^[4]
Motor Vehicle Related:	
- Motor Vehicles Sale / Rental	N
- Motor Vehicle Servicing / Repair	N
- Motor Vehicle Fuel Sales	N
Non-Accessory Parking	N
Office	C
Self-Service Storage	N

<u>INDUSTRIAL</u>	
Industrial Services	N
Manufacturing and Production:	
- Light Industrial	N
- General Industrial	N
Call Centers	N
Railroad Yards	N
Research and Development	C
Warehouse / Freight Movement	N
Waste – Related	C
Wholesale Sales	N
Water Treatment Plants and Government Corporation Yards	C
<u>OTHER</u>	
Agriculture / Horticulture	C
Cemeteries	C
Detention Facilities	C
Mining	N
Wireless Communication Facilities	L ^[4, 5]
Information	N

P=Permitted L=Limited C=Conditional Use N=Not Permitted

Footnotes:

- [1] Community recreation facilities including trails, parks, playgrounds and open space are permitted uses and require a Type II process. Recreation centers and other facilities used by organized team sports require a Conditional Use Permit.
- [2] Limited to Recreational Vehicle Parks subject to obtaining a conditional use permit and compliance with the requirements of Section 10.5.500 et. seq.
- [3] All uses listed as *N = Not Permitted* may be allowed if it is demonstrated by the applicant that these are traditionally permitted as part of the institution and are incidental and accessory to the primary use.
- [4] ~~Medical marijuana dispensaries must be located consistent with the requirements of ORS 475.314 and comply with the provisions of Section 10.8.1100 of this code. Medical marijuana dispensaries are prohibited.~~

[45] Wireless communication facilities are regulated by the standards in Article 7.

COMMERCIAL ZONES

- Amend Table 3-10 to add new footnote to Medical Centers in the Community Commercial District that allows medical marijuana dispensaries at certain locations consistent with state statutes and references proposed requirements in Article 8 for those facilities.

TABLE 3-10 Commercial Zones Use Table

USE CATEGORY	NC	CC
<u>RESIDENTIAL</u>		
Household Living	L ^[1]	L ^[2]
Group Living	N	P
Transitional Housing	N	C
Home Occupation	L ^[3]	L ^[3]
Bed and Breakfast	L ^[4]	P
<u>CIVIC / INSTITUTIONAL</u>		
Basic Utilities	P	P
Major Utility Transmission Facilities	C	C
Colleges	N	C
Community Recreation	N	P
Cultural Institutions	P	P
Day Care	P	P
Emergency Services	C	C
Postal Services	C	P
Religious Institutions	C	P
Schools	C	C
Social/ Fraternal Clubs / Lodges	C	P
<u>COMMERCIAL</u>		
Commercial Lodging	N	L ^[5]
Eating and Drinking Establishments	L ^[6]	P
Entertainment – Oriented:		
- Major Event Entertainment	N	N
- Outdoor Entertainment	N	N
- Indoor Entertainment	N	P
General Retail:		
- Sales – Oriented	P	P
- Personal Services	P	P
- Repair – Oriented	P	P
- Bulk Sales	N	P
- Outdoor Sales	L ^[7]	L ^[7]
- Animal – Related	N	P
Medical Centers	N	P L ^[8]
Motor Vehicle Related:	N	L ^[8,9]

- Motor Vehicles Sale / Rental		
COMMERCIAL (continued)	NC	CC
- Motor Vehicle Servicing / Repair	N	P
- Motor Vehicle Fuel Sales	P ^[9 10]	P
Non-Accessory Parking	N	P
Office	P	P
Self-Service Storage	N	C
INDUSTRIAL		
Industrial Services	N	N
Manufacturing and Production:		
- Light Industrial	N	C ^[40 11]
- General Industrial	N	N
Railroad Yards	N	N
Research and Development	N	N
Warehouse / Freight Movement	N	N
Waste – Related	N	N
Wholesale Sales	N	N
OTHER		
Agriculture / Horticulture	L ^[42 13]	L ^[42 13]
Cemeteries	N	N
Detention Facilities	N	N
Mining	N	N
Wireless Communication Facilities	L ^[44 12]	L ^[44 12]

P=Permitted L=Limited C=Conditional Use N=Not Permitted

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 20.28 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses.
- [3] Home occupations permitted as an accessory use to residential development, subject to compliance with the home occupation standards in Article 7.
- [4] Bed & breakfast inn limited to three (3) guest rooms in the NC zone, subject to compliance with the bed & breakfast inn standards in Article 7.
- [5] Recreational Vehicle Parks require obtaining a conditional use permit and compliance with the requirements of Section 10.5.500 et. seq. All other commercial lodging uses are permitted.
- [6] Restaurants are permitted in the NC zone (drive-through service is prohibited).
- [7] Outdoor sales in the NC zone are limited to plants and produce. Outdoor sales areas in the CC zone must be set back at least ten (10) feet from street lot lines and lot lines abutting residential zones and the setback area must be landscaped.

- [8] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright in the CC zone; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted with conditional use approval.
- [9] Automobile service station in the NC zone is limited to fuel sales and incidental repair service.
- [10] As a conditional use pursuant to Section 10.2.200 et. seq., light industrial uses limited within a building no larger than 5,000 square feet in size with no visible emissions or odor outside the building, and with the added criteria that such use does not detract from the commercial viability of the area.
- [11] Medical marijuana dispensaries must be located consistent with the requirements of ORS 475.314 and comply with the provisions of Section 10.8.1100 of this code.
- [+12] Wireless communication facilities are regulated by the standards in Article 7.
- [+2 13] Domesticated fowl are allowed in conjunction with existing single-family uses and primarily for personal use. Domesticated fowl are allowed subject to these conditions.
 - a. Up to 4 adult fowl over 6 months of age may be kept on any lot with a minimum area of 5,000 square feet. One additional adult fowl shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.
 - b. No roosters shall be permitted.
 - c. Animal waste matter shall not be allowed to accumulate.
 - d. All animal food shall be stored in metal or other rodent-proof containers.
 - e. Fencing shall be designed and constructed to confine all animals to the owner's property.
 - f. All structures that house fowl shall be located at least 20 feet from all residences (except the animal owner's).
 - g. All structures that house fowl shall be located at least 5 feet from any side or rear property line.

TOWN CENTER ZONES

- 3. Amend Table 3-12 to add new footnote to Medical Centers that allows medical marijuana dispensaries at certain locations consistent with state statutes and references proposed requirements in Article 8 for those facilities.

**TABLE 3-12
Town Center Zones: Use Table**

USE CATEGORY	TC-Core	TC-Transition	TC-Support
<u>RESIDENTIAL</u>			
Household Living	L ^[1]	L ^[1]	L ^[1]
Group Living	P ^[1]	P	P
Transitional Housing	N	C	C
Home Occupation	L ^[2]	L ^[2]	L ^[2]
Bed and Breakfast	C ^[2]	P	P
<u>CIVIC / INSTITUTIONAL</u>			
Basic Utilities	P	P	P

Major Utility Transmission Facilities	C	C	C
Colleges	C	C	C
Community Recreation	N	P	P
Cultural Institutions	P	P	P
Day Care	P	P	P
Emergency Services	C	C	C
Postal Services	C	P	P
Religious Institutions	C	P	P
Schools	C	C	C
Social/ Fraternal Clubs / Lodges	C	P	P

COMMERCIAL			
Commercial Lodging	L ^[3]	L ^[3]	L ^[3]
Eating and Drinking Establishments	P ^[4]	P	P
Entertainment – Oriented:			
- Major Event Entertainment	N	N	C
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	P	P	P
General Retail:			
- Sales – Oriented	P	P	P
- Personal Services	P	P	P
- Repair – Oriented	P	P	P
- Bulk Sales	L ^[5]	L ^[5]	L ^[5]
- Outdoor Sales	N	N	N
- Animal – Related	N	N	N
Medical Centers	N	C ^[6]	C ^[6]
Motor Vehicle Related:			
- Motor Vehicles Sale / Rental	N	N	N
- Motor Vehicle Servicing / Repair	N	N	N
- Motor Vehicle Fuel Sales	N	N	N
Non-Accessory Parking	N	C	C
Office	L ^[3]	P	P
Self-Service Storage	N	N	N

INDUSTRIAL			
Industrial Services	N	N	N
Manufacturing and Production:			
- Light Industrial	N	C	C
- General Industrial	N	N	N
Call Centers	L ^[6 2] [7 8]	L ^[6 2]	L ^[6 2]
Railroad Yards	N	N	N
Research and Development	N	N	P
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N
Wholesale Sales	N	N	N

<u>OTHER</u>			
Agriculture / Horticulture	N	N	N
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L ^[8 9]	L ^[8 9]	L ^[8 9]
Information	L ^{[9 10][10 11]}	L ^[9 10]	L ^[9 10]

P=Permitted L=Limited C=Conditional Use N=Not Permitted

Footnotes:

- [1] New dwellings in the TCC zone are only permitted on or above the 2nd floor. There are no minimum density requirements when housing is part of a mixed-use building. In the TCT and TCS zones new dwellings are permitted as “stand-alone” developments or as part of mixed-use developments, but must meet density requirements.
- [2] Home occupations are permitted as an accessory use to residential uses, subject to compliance with the home occupation standards in Article 7.
- [3] Offices only permitted as part of a ground-floor retail or personal service use or as a stand-alone use above the first floor in the TC-Core zone. Recreational vehicle parks are prohibited in all districts.
- [4] Drive through service is prohibited from restaurants in the TC-Core and TC-Transition zones.
- [5] Bulk sales stores with ground floor building footprint small than 10,000 square feet are permitted. All merchandise must be enclosed within a building. All other bulk sales are prohibited.
- [6] Medical marijuana dispensaries are prohibited.
- [6 7] Permitted where there are no off premise impacts and no product is transported from the site. Centers with any offsite impacts or transport products from the site are to be located in either Light or General Industrial districts.
- [7 8] Call Centers shall not be allowed on the ground floor in the TC-Core Zone District.
- [8 9] Wireless communication facilities are regulated by the standards in Article 7.
- [9 10] Permitted where there are no off premise impacts.
- [10 11] Information business is not allowed on the ground floor in the TC-Core Zone District.

Article 8 Proposed Amendment:

4. Add new section 10.8.1100 to establish design standards and operational requirements for medical marijuana facilities.

MEDICAL MARIJUANA DISPENSARIES

10.8.1100 MEDICAL MARIJUANA DISPENSARIES

A medical marijuana dispensary shall comply with the following design standards and operational requirements in addition to all other applicable City requirements:

- A. The application shall demonstrate compliance with the locational requirements of State law and must maintain State certification at all times.
- B. A medical marijuana dispensary may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.
- C. Entrances and off-street parking areas for the medical marijuana facility shall be well-lit and not visually obscured from public view/right-of-way.
- D. The facility must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the facility is prohibited.
- E. Any modification to the site or the exterior of a building housing the facility must be consistent with the Design Standards of Section 10.8.700 et. seq. Security bars or grates on windows and doors are prohibited unless integrated into the design.
- F. The dispensary may not have facilities for drive-up use.
- G. The dispensary must provide for secure disposal of marijuana remnants or by-products, or items with marijuana residue of any kind.

Article 12 Proposed Amendments:

5. Amend Section 10.12.130 E to add medical marijuana dispensaries to the Medical Center use category.

USE CATEGORIES

10.12.130 COMMERCIAL USE CATEGORY

The commercial use category includes uses involved in the distribution, sale and/or rental of goods and the provision of services other than those classified in the Civic Use Category.

- E. Medical Centers: Facilities providing inpatient, outpatient and emergency and related ancillary services to the sick and infirm. Usually developed in campus setting. Accessory

uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities, laundry, housekeeping and maintenance facilities, administrative offices and parking. Medical centers may also include free-standing offices for hospital-based and/or private practice physicians and other allied health care professionals; these medical office buildings are regulated as Offices (see Section 10.12.025 H, Offices). A medical center also includes a marijuana dispensary, either as part of a medical center campus or as a stand-alone facility.

6. **Add new subsection 10.12.210 M6 to establish definition for medical marijuana dispensaries.**

10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

As used in this Code, the following words and phrases shall mean:

M6 Medical Marijuana Dispensary. A facility for selling marijuana and marijuana-related products to medical marijuana card holders and that is registered with the Oregon Health Authority under ORS 475.314.

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MEMORANDUM

To: City Council

From: Jon Holan, Community Development Director
Janie Schutz, Police Chief
Tom Gamble, City Manager Pro Tem

Date: April 13, 2015

Re: Proposed Amendment to City Code pertaining to Medical Marijuana Dispensaries

Issue: The request is for the City Council to adopt proposed City Code regulations addressing the operation of Medical Marijuana dispensaries.

Background: The Oregon Legislature enacted House Bill 3460 in 2013, which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities. Section 2 of that bill established the medical marijuana registration system and has been codified in ORS 475.314. House Bill 3460 directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b).

The Oregon Legislature enacted Senate Bill 1531 in 2014 affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015. The City of Forest Grove adopted Ordinance 2014-04 on April 28, 2014, to establish such a moratorium.

At this time, staff is proposing two amendments to the Development and City Codes. The Development Code amendment, which is under a separate action, addresses the location and development requirements for medical marijuana dispensaries. The City Code amendment is to establish operational standards for these establishments. In essence, the Development Code requirements would be administered by the Community Development Department as part of its permit review for a new dispensary. The City Code would be administered by the Police Department for ongoing operation of these dispensaries. Both code amendments have been reviewed by Police and Community Development staff as well as the City Attorney.

The City Code amendments would:

- Require compliance with State law;
- Require a business license;
- Establish hours the operation is not opened to the public;
- Require all sales enclosed in an opaque bag; and
- Provide secure disposal for marijuana remnants and by-products.

The hours of closure to the public and opaque bag are those established by the Oregon Liquor Control Commission for liquor store operations. The secure disposal requirement was modified by the Police Department from a requirement adopted by the City of Ashland.

Fiscal Impact: Marijuana dispensaries will create additional demands for law enforcement; primarily due to the all-cash nature of the operations. Development Code requirements about requiring visible and well-lit entrances, permanent facilities and no drive-throughs are intended to reduce those demands.

Staff Recommendation: Staff recommends the City Council adopt the proposed ordinance amending Forest Grove Code (Exhibit A) and/or as may be modified by Council deliberations.

ORDINANCE NO. 2015-03

**ORDINANCE AMENDING FOREST CITY CODE CHAPTER 7
BY ADDING NEW CODE SECTION 7.850 THROUGH 7.865 ESTABLISHING
OPERATION OF MEDICAL MARIJUANA DISPENSARIES**

WHEREAS, the Oregon Legislature enacted House Bill 3460 (2013), which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities;

WHEREAS, Section 2 of House Bill 3460 (2013) that established the medical marijuana registration system has been codified as ORS 475.314;

WHEREAS, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b),

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015;

WHEREAS, the City Council adopted Ordinance Number 2014-04 on April 28, 2014, to establish a moratorium for marijuana dispensaries until May 1, 2015;

WHEREAS, the City has prepared proposed amendments to City Code pertaining to the placement and requirements for medical marijuana dispensaries; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed amendments on April 13 and continued the hearing on April 27, 2015.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. Forest Grove City Council hereby adopts amendments to Forest Grove Code Chapter 7 by adding new Code Section 7.850 – 7.865, titled "Medical Marijuana Dispensaries", and new Code Section 7.865, titled "Violations and Penalties", as set forth in the attached Exhibit A.

Section 2. The City Council hereby finds that the proposed amendments are necessary to assure adequate public protection and are consistent with state requirements for the operation of liquor stores based on the hours opened to the public and requirement for the use of opaque bags, and requires facilities to be operated consistent with state requirements for medical marijuana dispensaries.

Section 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading this 13th day of April, 2015.

PASSED the second reading this 27th day of April, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 27th day of April, 2015.

Peter B. Truax, Mayor

ORDINANCE NO. 2015-03
EXHIBIT A

FOREST GROVE CODE

AMENDING CHAPTER 7, BUSINESS

ADDING NEW CODE SECTION 7.850 – 7.865

MEDICAL MARIJUANA DISPENSARIES

7.850 Statement of Purpose.

The purpose of Code Section 7.850 to 7.865 is to promote the public health, safety and general welfare by establishing standards for the operation of medical marijuana dispensaries in the City of Forest Grove.

7.855 Definitions.

Medical Marijuana Dispensary. A facility for selling marijuana and marijuana-related products to medical marijuana card holders and which is registered with the Oregon Health Authority under ORS 475.314 (2013).

7.860 License Requirements.

- A. A medical marijuana dispensary must comply with all applicable requirements of State law.
- B. A medical marijuana dispensary must obtain a City Business License pursuant to Code Sections 7.000 to 7.070 prior to opening.
- C. A medical marijuana dispensary may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.
- D. All products and paraphernalia must be enclosed in an opaque bag or container upon exiting the facility.
- E. A medical marijuana dispensary must provide secure disposal for marijuana remnants or by-products, including any item with marijuana residue.

7.865 Violations and Penalties.

- A. Notwithstanding the provisions of Code Section 7.070, a person who commits, permits, assists in or attempts a violation of any provision of Section 7.850 – 7.860 is subject to a civil penalty in the amount of not less than \$100 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation within a two (2) year period starting from the issuance of the first notice of violation.
- B. Each day during which any provision of Code Section 7.850 – 7.860 is violated constitutes a separate offense.
- C. The Enforcement Officer may cite into Municipal Court for the violations.

Underline is new language.

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3A

**FOREST GROVE CITY COUNCIL WORK SESSION
(CIS VIDEO TRAINING)
MARCH 16, 2015 – 5:30 PM
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 5:30 p.m. **ROLL CALL:**
COUNCIL PRESENT: Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **STAFF PRESENT:** Thomas Gamble, City Manager Pro Tem; Paul Downey, Administrative Services Director; and Anna Ruggles, City Recorder.

2. WORK SESSION: CIS ELECTED OFFICIALS TRAINING VIDEO

Downey and Gamble facilitated the work session and introduced Alycia Johnson, WSC Insurance, who presented a CIS (CityCounty Insurance Services) Elected Officials Training Video, noting the 14-minute video was created by elected members of CIS Board of Trustees, directors of League of Oregon Cities and Association of Oregon Counties and provides insights into:

- Risk Management role of elected officials;
- The history and structure of CIS;
- The advantages of joining fellow Oregon cities and counties in the CIS pool;
- CIS coverage and services;
- How elected officials can prevent claims;
- The value of using a local insurance agent; and
- The tools CIS provides to help elected officials protect their entity's financial and human resources.

In conclusion of the video training presentation, Downey reported the purpose of elected officials viewing the training video is that the City receives insurance bonus credit. Johnson also noted CIS offers grants to allow members to attend conferences at no charge.

Council took no formal action nor made any formal decisions during the work session.

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3. ADJOURNMENT

Mayor Truax adjourned the work session at 5:50 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

**FOREST GROVE CITY COUNCIL REGULAR MEETING
MARCH 16, 2015 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:05 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **STAFF PRESENT:** Thomas Gamble, City Manager Pro Tem; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; James Reitz, Senior Planner; Rob Foster, Public Works Director (in the audience); Dan Riordan, Senior Planner (in the audience); and Anna Ruggles, City Recorder.

Mayor Truax called for a moment of silence in remembrance of Nehalem Mayor Shirley Kalkhoven, Portland City Councilor Gretchen Kafoury, and former University of Oregon President Dave Frohnmayer, who all recently passed away.

1. A. PROCLAMATION:

National Community Development Week

Mayor Truax publicly proclaimed April 6 – April 11, 2015, as “National Community Development Week in Forest Grove”.

1. B. National Arbor Day

Councilor Thompson publicly proclaimed April 24, 2015, as “National Arbor Day” in Forest Grove”. Thompson noted this is the 25th consecutive year the City has received the national “Tree City USA” award recognition. Councilor Thompson presented the proclamation to Jen Warren, Community Forestry Commission (CFC) Chair, who reported CFC is sponsoring its “Annual Tree Planting” Event on April 7 and a free “Ask an Arborist” Workshop on April 11, 2015.

2. CITIZEN COMMUNICATIONS:

Dale Feik, Forest Grove, distributed to Council a copy of a resolution adopted by the Democratic Party of Washington County, noting the resolution urges the State to require Intel to use best available abatement technology to ensure the toxic chemical emissions by Intel do not threaten the health and/or lives of residents and employees and to require DEQ to live up to their statement for protecting the health and lives of the

**FOREST GROVE CITY COUNCIL REGULAR MEETING
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community.

3. **CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).
- A. Approve City Council Retreat Meeting Minutes of February 21, 2015.
 - B. Approve City Council Executive Session (Real Property) Meeting Minutes of February 23, 2015.
 - C. Approve City Council Work Session (CEP) Meeting Minutes of February 23, 2015.
 - D. Approve City Council Regular Meeting Minutes of February 23, 2015.
 - E. Accept Community Forestry Commission Meeting Minutes of January 14, 2015.
 - F. Accept Economic Development Commission Meeting Minutes of October 2, November 6, December 4, 2014, January 8 and February 5, 2015.
 - G. **RESOLUTION NO. 2015-20 MAKING APPOINTMENT TO ECONOMIC DEVELOPMENT COMMISSION (Appoint Javier Urenda, Adelante Mujeres, Primary, representing Hispanic Community, and Arturo Villaseñor, Alternate, Term Expiring December 31, 2016).**
 - H. Accept Historic Landmarks Board Meeting Minutes of January 27, 2015.
 - I. Accept Resignation Historic Landmarks Board (Neil Poulsen, Term Expiring December 31, 2016).
 - J. Accept Parks and Recreation Commission Meeting Minutes of January 21, 2015.
 - K. Accept Public Arts Commission Meeting Minutes of January 8, 2015.
 - L. Accept Public Safety Advisory Commission Meeting Minutes of January 28 and February 25, 2015.
 - M. Community Development Department Monthly Building Activity Informational Report for February 2015.
 - N. **Endorse New Liquor License Application (Limited On-Premises Sales) for Forest Grove Senior and Community**

**FOREST GROVE CITY COUNCIL REGULAR MEETING
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Center, 2037 Douglas Street (Applicant: Raean Johnston).

- O. Endorse Liquor License Renewal Applications for Year 2015:
1. 1910 Main Street ((Full On-Premises and Off-Premises Sales)
 2. Forest Grove Tobacco (Off-Premises Sales)
 3. Tyson's Pub N Grub (Limited On-Premises Sales)
 4. Urban Decanter (Full On-Premises and Off-Premises Sales)
 5. Waltz Brewing (Brewery Public House)

MOTION: Councilor Kidd moved, seconded by Councilor Uhing, to approve the Consent Agenda as presented. MOTION CARRIED 7-0 by voice vote.

4. **ADDITIONS/DELETIONS:** None.
5. **PRESENTATIONS:** None.
6. **RESOLUTION NO. 2015-21 AUTHORIZING THE RELEASE OF A PUBLIC EASEMENT OVER KNOX RIDGE NO. 4 TRACT F AND AUTHORIZING THE CITY MANAGER PRO TEM TO EXECUTE THE RELEASE ON BEHALF OF THE CITY OF FOREST GROVE**

Staff Report:

Holan and Reitz presented the above-noted resolution authorizing the City to release a 100.00' wide public slope and grading easement over Knox Ridge No. 4 Tract F (Recorded Document No. 99120405), noting the easement was approved as part of Pacific Crossing Planned Residential Development in 2005. Reitz reported the owner of Knox Ridge No. 4 Tract F has requested the City release the easement in order to facilitate extension of Strasburg Drive through Tract F and into Pacific Crossing, noting the City has determined the easement is not needed for public slope or grading purposes and does not otherwise provide a public benefit. In conclusion of the above-noted staff report, Reitz advised staff is recommending Council adopt the proposed resolution releasing the easement, noting there are no monies being offered to release the easement and the owner will pay recordation fee.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-21.

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Gamble read Resolution No. 2015-21 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Kidd, to adopt Resolution No. 2015-21 Authorizing the Release of a Public Easement over Knox Ridge No. 4 Tract F and Authorizing the City Manager Pro Tem to Execute the Release of the Easement on behalf of the City of Forest Grove.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the above-noted motion.

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

7. RESOLUTION NO. 2015-22 ADOPTING CITY COUNCIL GOALS FOR FISCAL YEAR 2015-16

Staff Report:

Gamble and Mayor Truax presented the above-proposed resolution for Council consideration, noting at the Council Retreat, held on February 21, 2015, Council proposed no changes and collectively concurred to keep the following three key goals for Fiscal Year 2015-16:

- GOAL 1 PROMOTE SAFE, LIVABLE, AND SUSTAINABLE NEIGHBORHOODS AND A PROSPEROUS DYNAMIC, GREEN CITY**

- GOAL 2 PROMOTE A PRUDENT FINANCIAL PLAN TO MAINTAIN EFFECTIVE SERVICE LEVELS OF A FULL-SERVICE CITY**

- GOAL 3 PROMOTE THE INTERESTS AND NEEDS OF FOREST GROVE IN LOCAL, STATE, AND NATIONAL AFFAIRS**

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-22.

Gamble read Resolution No. 2015-22 by title.

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MOTION: Councilor Uhing moved, seconded by Councilor Kidd, to approve Resolution No. 2015-22 Adopting City Council Key Goals for Fiscal Year 2015-16.

Council Discussion:

Uhing commended staff and Gamble for expediting Council's goal-setting process this year.

Hearing no further discussion from the Council, Mayor Truax asked for a voice vote on the above motion.

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

8. RESOLUTION NO. 2015-23 ADOPTING CITY COUNCIL GOAL OBJECTIVES FOR FISCAL YEAR 2015-16

Staff Report:

Gamble and Mayor Truax presented the above-proposed resolution for Council consideration, noting at the Council Retreat, held on February 21, 2015, Council identified 10 new objectives as having priority and carried over 18 identified as ongoing and/or long-term as outlined in Exhibit A of the resolution. Gamble noted each of the new Council goals/objectives have been grouped within one of the three Council key goals and will be assigned to the pertinent City department so staff can focus their activities and prioritize resources during budget preparations for the upcoming fiscal year. In conclusion of the above-noted staff report, Gamble advised he has scheduled Department Work Plan presentations for the Council meetings of April 13 and April 27, 2015, noting the work plans will contain Action Plans for the newly-adopted Council Goals/Objectives.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2015-23.

Gamble read Resolution No. 2015-23 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Uhing, to approve Resolution No. 2015-23 Adopting City Council Goal Objectives for Fiscal Year 2015-16 (Exhibit A).

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Council Discussion:

Mayor Truax explained the purpose of Council's goal and objective to increase travel/training budget is so youth members, who serve on various City advisory boards, have the ability to participate in attending conferences, such as the National League of Cities Conference in Washington, D.C., noting it is also part of Council's goals and objectives for youth representation and succession planning.

Hearing no further discussion from the Council, Mayor Truax asked for a voice vote on the above motion.

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

9. ADOPTING CITY COUNCIL TEAM AGREEMENT FOR 2015 AS AMENDED

Mayor Truax presented a copy of the Council Team Agreement, noting Council reviewed its Team Agreement at the Council Retreat, held on February 21, 2015, and a made minor amendment addressing the use of personal electronic devices during Council meetings.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt the Council Team Agreement for 2015 as amended.

MOTION: Councilor Lowe moved, seconded by Councilor Kidd, to adopt the Council Team Agreement for 2015 as amended.

Council Discussion:

Hearing no discussion from the Council, Mayor Truax asked for a voice vote on the above motion.

VOICE VOTE: AYES: Councilors Johnston, Kidd, Lowe, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

10. CITY MANAGER PRO TEM'S REPORT:

Gamble reported on various upcoming activities and meetings as noted in the Council calendar. Gamble added to the calendar the Informational

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Budget Committee Meeting, Thursday, April 16; First Budget Committee Meeting, Thursday, May 21; Second Budget Committee Meeting, Thursday, May 28; and, if necessary, Third Budget Committee, Thursday, June 4, 2015. Gamble reported Metro staff is reviewing the proposed Community Enhancement Program (CEP) Intergovernmental Agreement, noting staff is working on procedures for the CEP process for next fiscal year. Gamble added staff is preparing draft Code amendments regarding medical marijuana dispensaries, which will be presented for Council consideration at the next regular Council meeting. In addition, Gamble distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and upcoming city-wide events.

11. COUNCIL COMMUNICATIONS:

Council President Johnston reported on Chamber of Commerce-related events. Johnston reported on his attendance at National League of Congressional Cities Conference in Washington, D.C. Johnston noted the Gales Creek Fire Station is in need of volunteers. In addition, Johnston reported on other matters of interest, upcoming community-related events and upcoming meetings he was planning to attend.

Kidd reported attending Public Arts Commission goal-setting retreat. Kidd reported attending Historic Landmarks Board meeting, noting HLB approved several grant applications. In addition, Kidd reported on other matters of interest, upcoming community-related events and upcoming meetings he was planning to attend.

Lowe reported attending Regional Water Providers Consortium meeting. Lowe reported participating, on behalf of the Mayor, in a presentation at Harvey Clarke Elementary School. Lowe advised when the time comes to consider medical marijuana dispensaries, she would like the Council to consider the number of Oregon Liquor Control Commission liquor license applications that are approved by Council without any public comment under the Consent Agenda. In addition, Lowe reported on other matters of interest, upcoming community-related events and upcoming meetings she was planning to attend.

Thompson reported Community Forestry Commission (CFC) has its Urban Forestry Management Plan survey in this month's utility bill insert as well as online, noting the survey ends May 1, 2015. Thompson reported attending Public Safety Advisory Commission meeting.

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Thompson reported on his attendance at National League of Congressional Cities Conference in Washington, D.C. In addition, Thompson reported on other matters of interest, upcoming community-related events and upcoming meetings he was planning to attend.

Uhing reported on matters of interest, upcoming community-related events and upcoming meetings she was planning to attend.

Wenzl reported attending Committee for Citizen Involvement (CCI) meeting, noting CCI posted its Annual Town Meeting slideshow on the website. Wenzl indicated she also gave CCI an update on Council's goals/objectives. Wenzl noted she is working on recruiting students to serve on the City's advisory boards. In addition, Wenzl reported on other matters of interest, upcoming community-related events and upcoming meetings she was planning to attend.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax distributed a copy of his Mayor's March Gallimaufry, noting he attended the National League of Congressional Cities Conference in Washington, DC, and a number of meetings with other mayors in the metro area throughout the month of March. Mayor Truax recapped major discussion topics heard in Salem during City Hall Day, noting the League of Oregon Cities (LOC) sponsors the annual event. Mayor Truax's written report highlighted other local, regional, Metro, LOC regional workshops, and Washington County meetings and community-related events he attending during the month of March.

12. ADJOURNMENT:

Mayor Truax adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

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Members Present: Jennifer Brent, George Cushing, Neil Poulsen, Holly Tsur (two vacancies)
Members Excused: Kaylene Toews
Staff Present: James Reitz
Council Liaison: Richard Kidd was present
Citizens Present: 02 (Phil Clark and Micah Dougherty)

1. **Call to Order:** Tsur opened the meeting at 7:25 p.m. **The meeting minutes of January 27, 2015, were approved with minor corrections.**

2. **Citizen Communication:** None.

3. **ViewHistorical Forest Grove Presentation:** Phil Clark and Micah Dougherty gave a presentation about their website: ViewHistorical.com. Phil said he had restored a historic home at 2123 15th Avenue and while doing so concluded that he had a desire to share information he found while rehabbing the home. He determined that there was no common repository for such information that would be easily obtainable by others. In 2013 he and Micah formed a corporation to develop a website; it went live last year. Since then they have worked with the Friends of Historic Forest Grove and as a result, much information has been uploaded. They described the site as a place where curators of historic properties could add information and photos of historic structures. They are currently established here but are also working in Newberg, McMinnville and Baker City to add sites from those areas. They are supported by local businesses that have interests in historic properties, noting that the Forest Grove site is sponsored by a contractor, a design firm and a painter. Their intention is to work closely with historical organizations with primary content added by property owners. They demonstrated how easy it is to upload photos to the web site and showed photos of various homes in the area and from some other cities.

The Board was impressed with the site and saw its value. How the Board could or might choose to work with them would have to be determined at a later date. The Board did agree to add their link to the HLB webpage.

4. **Action Items / Discussion:**

A. **Review and Adopt Annual Goals and Tasks** - Tsur wasn't sure the Friends had any projects that the Board could help further, but Kidd assured her that the Friends were very much interested in continuing their close relationship with the Board. The goals and tasks as written were approved by unanimous consent.

B. **Winter Newsletter** - The Winter issue has been completed and is in distribution. Brent offered to take before-and-after photos of renovation grant homes for future issues. Tsur asked Cushing about the proposed buildings envelope article for the Spring issue. Cushing suggested we consider an earthquake preparedness article. Tsur noted that we have to firm up the content at next meeting.

C. **Preservation Month / Stewart Award.** It was noted we need to firm up any plans other than the banner by the next meeting. For the Stewart Award, it was suggested we consider ViewHistorical.com. All agreed to give it some thought. One question, perhaps too soon to tell, is their long-term ability to keep the site viable.

D. **CEP Application.** Tsur and Brent agreed to start working on the application; it was noted that with our small membership at present only two could be on the subcommittee at a time, although input from everyone would be welcomed. Kidd said that the deadline for submissions would be pushed back due to a new format for the application review process.

- E. **Revitalize Main Street Act (SB 565)** – Reitz described the proposal to establish a state tax credit program for historic, income-generating buildings such as those in downtown. The Board agreed to individually send support for the act. **Cushing/Poulsen for the Board to officially send support as well. Motion carried unanimously.** Tsur as chair would forward the Board's support.

5. Old Business / New Business:

- Council Liaison Report: Kidd said that he understood that the joint work session with Board, Planning Commission and City Council went well. He said the CEP grant process was going to be changed to include a Metro councilor as a reviewer, along with the City Council; that the review criteria would be changing; and that approximately twice as much money would be available overall, although individual grant amounts might not change that much.

Staff Update / 2015-16 SHPO Grant Application: Reitz said that a grant request of \$13,000 had been submitted to SHPO. Of that, \$3,000 was included for the newsletter, and a public education effort about the guidelines and standards (assuming they are adopted); information would be provided to local Realtors as well. Another \$10,000 would be used to contract with a consultant to help the Board develop a long-range strategic plan. That effort would begin sometime in late summer.

- Cushing said that he'd had a preliminary conversation with Fire Marshal Dave Nemeyer about participating in the Fire Department open house; Dave was very receptive. The open house would be sometime in October and he agreed we could have two or three booths for organizations providing earthquake preparedness information. The Board also suggested adding a contractor who does retrofits, an insurance representative, and possibly someone from Northwest Natural Gas.

6. Adjournment: The February 24, 2015 meeting adjourned at 9:27 p.m.

These minutes respectfully submitted by George Cushing, Secretary

Library Commission approved minutes as amended on Mar 18, 2015.

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

Pamela Bailey, Chair, called the meeting of the Library Commission to order at 6:30PM on Tues Feb 10, 2015.

Members Present: Pamela Bailey, Chair; Nickie Augustine; Doug Martin; Dayla Skye-Martin; Jon Youngberg, Secretary.

Members Absent: Annie Hicks; Kathleen Poulsen, Vice-Chair;

Staff: Colleen Winters, Library Director

Council Liaison: Malynda Wenzl

Others: None.

2. **ADDITIONS/DELETIONS:** None.

3. **APPROVE LIBRARY COMMISSION MEETING MINUTES OF (Jan 13, 2015):**

MOTION: Doug moved, seconded by Nickie, to approve the Jan 13, 2015 minutes as amended. **MOTION CARRIED** by all.

4. **CITIZEN COMMUNICATIONS:** None.

5. **INFORMATIONAL ITEMS:**

5a. **FOUNDATION REPORT:** Colleen Winters reported about the Library Foundation of Forest Grove:

a) The Foundation board will met again next week.

b) The "Maggies Books & Buns" fundraiser was held Thurs Feb 5, 2015, and raised \$2100 for the Foundation.

c) Two dedication events for the completed Ed Carpenter art project ("Mollies Garden") are be scheduled during the upcoming months of 2015, perhaps as early as the end of March. The first event will be a ribbon cutting event for the public. The second event will be a nice dedication event (gala) for project donors. Date(s) will be set so that Ed Carpenter and his family can

attend.

d) See the Library Foundation of Forest Grove's web site (www.fglf.org).

5b. FRIENDS REPORT: Colleen Winters reported about the Friends of the Forest Grove Library:

a) The Friends board will meet tomorrow, Feb 11, 2015. They are not ready to discuss their Jan 2015 goal-setting results with the Library Commission.

b) The Spring Used Book Sale will be held during the week of May 11, 2015. There are already a large number of books collected for the next sale. More volunteers are needed to move boxes, set up for the sale, take down tables afterwards, etc.

c) Their online book sales had been declining, but a new improved process has been used and now they are selling one book per day, on average.

d) A recent "Harmony Masters Barbershop" musical Cultural Program attracted 40 people.

e) This year's "Conversations" event of the Cultural Program series will be held at the library Mar 3 from 7 to 9PM, with a student contest, and a major panel discussion. A Portland attorney, someone from "Twitter", and Oregon Attorney General Ellen Rosenblum will be on the panel. Title of the event is "Privacy: Choices, Challenges and Consequences."

f) The Friends web site is at: fglibraryfriends.org.

5c. COUNCIL LIAISON REPORT :

a) Malynda created a "Google Form" to help in asking people to be a part of our Community Planning Committee.

b) The annual "Town Hall" meeting was held Sat Jan 31, 2015, discussing the utility rate increase. About 60 people attended.

c) Heard about and discussed concerns about gangs.

d) Selection process to choose a new City Manager continues. The plan is to have a selection made by May.

e) Considering a fire protection agreement with Gaston.

f) Financial audit presentation for the fiscal year that ended June 2014.

g) Historic District design guidelines and development standards presentation.

5d. **LIBRARY DIRECTOR'S REPORT:** Colleen Winters reported these items:

- a) The number of IRS tax forms and instruction booklets that will be sent to the library by the IRS, will be greatly reduced (if not eliminated) this year at the library. Library patrons have been very unhappy about this.
- b) Offer accepted for the vacant, part-time library assistant position.
- c) "Read Across America Day" event will be held at the library Mon Mar 2, 2015 from 4-5PM.
- d) A "trespass person" attempted to contact a library employee. Is currently not allowed in the library building, nor allowed to contact anyone in the library either.
- e) Colleen gave the Library Commission a copy of a "2014 Library Accomplishments" page that she wrote for Mayor Truax. Highlights were:
 - 1) Mollie's Garden art project installed.
 - 2) Our plan to complete a "strategic plan" for the library in 2015
 - 3) New library services and programs, including: new "Lucky Day" collection, use of debit and credit cards at self-checkout machines, computer classes in English and Spanish, new Spanish-language Cultural Series.
 - 4) Summer Reading program participation at all-time high.

6. **DISCUSSION OF ITEMS:**

- a) **Election of Library Commission officers.** Doug moved that the current slate of officers be re-elected for one further year (that is, Pamela Bailey, Chair; Kathleen Poulsen, Vice-Chair; Jon Youngberg, Secretary), seconded by Jon. **MOTION CARRIED** by all.
- b) **Goal-Setting Library Commission Retreat for 2015.** Decided to hold a less formal Library Commission "retreat" this year, in March (perhaps Mar 17). Meeting to start at 6PM with pizza and soda, etc. This year, we know that our major goal is working on the "Future of the Forest Grove Library" work item, with less time for other work items.
- c) **"Future of the Forest Grove City Library" planning process** continues.
 - 1) Jon recommended a book, "Library 2020 – Today's Leading Visionaries Describe Tomorrow's Library" by Joseph Janes for some ideas about what some library experts think that libraries could do to meet the future.
 - 2) Colleen had a borrowed copy of the "Strategic Planning For Results" (Nelson) book that we are using to guide our strategic planning process, and might be able to get 2 or 3 more copies.

3) Mike Smith has recommended to Colleen that we wait until 2016 to have any kind of survey, as we will be too busy this year working on this planning process. He also made recommendations about how to choose the 12 to 18 people for our Community Planning Committee.

4) A facilitator for the big 5-hour first meeting of the Community Planning Committee needs to be chosen. This is an important choice. Two possible candidates were mentioned.

5) We need to choose a date for the first Community Planning Committee meeting first, and only then invite people to be on the committee or choose a meeting facilitator. Might also want to choose a date for the later second (shorter) committee meeting so that potential committee members can know both dates.

6) Who to invite to the 12-18 person Community Planning Committee meetings? Do we need backups for them, or extra invitees just-in-case? A list of organizations and desired backgrounds for committee members was discussed. Could get in contact with an organization and ask for a representative? Specific people were mentioned. Want people who have some connection to, or interest in, the library.

7) Strategic Plan Stakeholder list includes: Library Commission, Foundation, Friends, City Council, Library staff, City Club/Chamber of Commerce, Service clubs, Pacific University, Adelante Mujeres, Head Start, FG School District, Library patrons (including teens, seniors, and parents who bring children to the library), Home-schoolers, those who live outside Forest Grove, and the Senior Center.

7. ANNOUNCEMENT OF NEXT MEETING:

The next Library Commission meeting will be held on Tues Feb 24, 2015 at 6:30PM in the Rogers Conference Room at the Forest Grove Library. A possible date of Tues Mar 17 was set for the next meeting after that (our informal annual retreat?).

8. ADJOURNMENT:

Hearing no further business, Chair Bailey adjourned the meeting at 8PM.

Minutes respectfully submitted by:

Jon Youngberg, Library Commission Secretary

Memorandum

To: Mayor Peter Truax and City Councilors

From: Anna D. Ruggles, CMC, City Recorder

Subject: Accept Resignation on Library Commission

Date: April 13, 2015

Dayla Skye-Martin (Smoland), Library Commission, Term Expiring December 31, 2015, has informed staff liaison and Library Commission of her desire to resign from the Library Commission as per her attached resignation e-mail.

Annelle Hicks, Library Commission, Term Expiring December 31, 2015, has informed staff liaison and Library Commission that she has moved out of state. The Library Commission is requesting her seat be vacated.

STAFF RECOMMENDATION: Staff recommends Council accept the above resignations and deem the seats vacant.

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CERTIFICATE OF APPRECIATION

Awarded to

DAYLA SKYE-MARTIN

In Recognition of Dedicated Service to the
City of Forest Grove and Citizens of Forest Grove

LIBRARY COMMISSION 2008 – 2015

*The Forest Grove City Council sincerely thanks you for the time
and effort you dedicated to the Forest Grove Library Commission.*



city of
forest
grove

A handwritten signature in blue ink, appearing to read "Peter B. Fruax".

Peter B. Fruax, Mayor
Forest Grove City Council
April 13, 2015

Anna Ruggles

From: Dayla Smoland <skye.martin@comcast.net>
Sent: Tuesday, March 17, 2015 10:41 AM
To: Anna Ruggles
Subject: resignation

Anna, I am resigning from library commission because I am preparing to move out of state. I plan to attend the next meeting to inform members. Thanks. Dayla Skye-Martin

CERTIFICATE OF APPRECIATION

Awarded to

ANNELLE HICKS

In Recognition of Dedicated Service to the
City of Forest Grove and Citizens of Forest Grove

LIBRARY COMMISSION

2008 – 2014

*The Forest Grove City Council sincerely thanks you for the time
and effort you dedicated to the Forest Grove Library Commission.*



city of
forest
grove

A handwritten signature in blue ink, appearing to read "Peter B. Fruax".

*Peter B. Fruax, Mayor
Forest Grove City Council
April 13, 2015*

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**PARKS AND RECREATION COMMISSION REGULAR MEETING
WEDNESDAY, FEBRUARY 18, 2015
COMMUNITY AUDITORIUM-CONFERENCE ROOM
PAGE 1 OF 3**

APPROVED

- 1) **ROLL CALL:**
 - a) Commissioners – Ralph Brown, Quinn Johnson, Howard Sullivan, Susan Taylor and Jeremiah Toews. Absent – Mike Olson, Glenn VanBlarcom, Paul Waterstreet and Todd Winter.
 - b) Council Liaison – Tom Johnson
 - c) Staff – Tom Gamble, Steve Huffman and Cindy Donovan

- 2) **CITIZEN COMMUNICATIONS:** None

- 3) **APPROVAL OF MINUTES:** The minutes of the January 21, 2015 meeting were approved.

- 4) **ADDITION/DELETIONS:** None

- 5) **OLD BUSINESS:**
 - a) **Master Plan Update**
 - i) The process for updating the Master Plan will take close to a year.
 - ii) There will be an initial staff kick-off meeting involving Tom, Steve, Jon Holan and Paul Downey.
 - iii) Any projects on the current Master Plan that have been completed will be removed.
 - iv) Available land inventory (about 4 pages of documents) will take a while to compile. There are about 80 to 90 things to look at.
 - v) The Community Engagement approach has 5 phases.
 - vi) The final draft of the Master Plan will go to the Planning Commission and the Recreation Commission before going to the City Council.
 - vii) There is never enough money, so a priority list needs to be developed.

- 6) **NEW BUSINESS:**
 - a) **Goal Setting**
 - i) Discuss last year’s department goals.
 - (1) Lincoln Park Improvements
 - (a) There are still drainage, irrigation issues.
 - (b) Two parking lots need repaving.
 - (c) The North end needs to be developed.
 - (2) Energy Upgrades at the Pool
 - (a) Implement measures from the energy study.
 - (i) Research mats and chemicals.

**PARKS AND RECREATION COMMISSION REGULAR MEETING
WEDNESDAY, FEBRUARY 18, 2015
COMMUNITY AUDITORIUM-CONFERENCE ROOM
PAGE 2 OF 3**

- (b) The boilers and HVAC system were replaced because of need.
- (3) Restroom at Rogers Park
- ii) Up-Date Goal/Objective Priorities for 2015/16
 - (1) The Recreation Commission Goals for 2015-16 will remain about the same as last year's goals with the removal of the Playground Upgrades, which have been completed.
 - iii) It is important to put down all our dreams or they will never happen.

7) COMMISSIONER'S REPORTS:

a) Howard:

- i) Eric Canon, a local artist is making a whirligig to attach to the top of the sundial. It will cost \$1600.
- ii) The sundial will be put together on wood in March and onsite in April, with the grand opening set for June to coincide with the summer solstice.

b) Susan

- i) The Rotary has decided to honor Dave Easton with a memorial showcase at the Aquatic Center.

8) STAFF REPORTS:

a) Steve:

- i) It's been a busy spring and we've already been mowing for a week.
- ii) There are two Eagle Scout projects currently taking place. A section of concrete sidewalk at the Forest Glen bowl and a split rail fence along the Thatcher Park trail. Several more projects are in the works.
- iii) One Parks employee is still at Light & Power helping with the tree trimming.

b) Tom:

- i) The Regional Water Safety Coalition, made up of Public Safety officials from Washington County and aquatic personnel from Tualatin Hills, Hillsboro and Forest Grove, have been meeting to help get water safety information out to community and schools. Sherri is on the committee. The fire department's reader board is currently promoting the donation of life jackets as a piece of this effort.
- ii) A fun run to benefit Anna and Abigail's playground is going to take place on June 27. The routes are being set and it will begin at Tom McCall. They plan on breaking ground for the playground that Sunday.
- iii) Some Pacific students would like the City to provide lighting in Lincoln Park along the path to the Boxer Apartments. This would actually be against the City ordinance that states the Park closes one hour after sunset. Lights don't actually make it safer.

**PARKS AND RECREATION COMMISSION REGULAR MEETING
WEDNESDAY, FEBRUARY 18, 2015
COMMUNITY AUDITORIUM-CONFERENCE ROOM
PAGE 3 OF 3**

- 9) **ANNOUNCEMENT OF NEXT MEETING:** The next meeting will be Wednesday, March 18 at 7:00 a.m.
- 10) **ADJOURNMENT:** The meeting was adjourned at 8:11 a.m.

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APPROVED

1. **CALL TO ORDER:**

Chairman Beck called the meeting to order at 7:02 p.m.

Planning Commission Present: Tom Beck, Lisa Nakajima, Dale Smith, Phil Ruder and Hugo Rojas.

Absent: Carolyn Hymes, Sebastian B. Lawler

Staff Present: Jon Holan, Community Development Director; Dan Riordan, Senior Planner; Marcia Phillips, Assistant Recorder.

2. **PUBLIC MEETING:**

2.1 **PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:** None.

2.2 **PUBLIC HEARING:** None scheduled.

2.3 **ACTION ITEMS:** None.

2.4 **WORK SESSION ITEMS:**

A. Possible Comprehensive Plan (CP) & Zone Change for Industrial Property at 25th Ave. & Kingwood St. (informational)

Mr. Holan: The Planning Commission has indicated a desire to have work sessions before a public hearing is held. Tonight we have Dick Reynolds who is representing the property owner requesting a possible zone change for an industrial property at 25th Ave. and Kingwood St.

Mr. Riordan: The property is approximately 1.35 acres and is zoned General Industrial. It is surrounded on three sides by industrial land. If you remember, the Commission looked at the property to the northeast of this property as a transit oriented area. Staff discussed with the property owner about bringing in the two properties to the west along with his property making a total of approximately 4 acres. It is projected that Forest Grove has an oversupply of industrial land for the next fifty years, but beyond fifty years it may be needed. This is a policy issue.

Mr. Holan: Bringing in the two properties to the west would avoid "spot zoning".

Mr. Riordan: There is an existing street design. Kingwood St. comes down and crosses the railroad tracks where there is an existing railroad crossing.

Chairman Beck: One issue is how to get streets to the property if it develops.

Commissioner Ruder: The street issue exists whether the property is zoned industrial or residential.

Chairman Beck: A large industrial use would not require many streets – perhaps just one with a driveway into the property. Residential development would require more streets.

Commissioner Ruder: The Commission has discussed this railroad corridor being high density residential. If not developed for trains, then this right-of-way could be designated as a bus route that would not have to fight traffic.

Chairman Beck: There appears to be one house in the way if Juniper St. were extended south.

Commissioner Rojas: Are public utilities available in the area?

Mr. Riordan: There are utilities in the area, but the question is whether topographically the sewer can be extended.

Chairman Beck: Typically if it is one rectangular property with industrial on three sides, I would not change the zone, but if three properties requested the zone change – maybe. Now whether it makes sense in regard to how much industrial land Forest Grove has is another matter.

Mr. Holan: From the property owner's perspective, residential would develop there sooner than industrial.

Mr. Riordan: The reason staff brought this to the Commission's attention is for comments, so the owner does not waste time with a public hearing.

Dick Reynolds, 431 Banks, OR: My wife's father bought this land years ago to develop, but has since passed away. I have reached out to the adjacent property owners to the west to ask if they are interested in buying this land. One of them is interested, but does not have the resources. It was decided not to approach this property owner again until I have more information from the Commission, because they want to know their options.

Chairman Beck: It is really a challenge not knowing if light rail will come through here.

Commissioner Ruder: This is an area where I would rather see high density. It is flat and does not route people through downtown. One option would be to lobby for light rail, and then this property becomes very valuable.

Chairman Beck: Someday it will probably be zoned residential. If you want to, you can come back with other property owners and file a Comprehensive Plan Amendment to rezone.

B. Zoning for area south of Pacific Avenue.

**PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM**

February 16, 2015-7:00 P.M. **PAGE 3 of 8**

Mr. Holan: The Commission indicated that it wanted to revisit the zoning in the area south of Pacific Avenue and east of Richey Rd., but wanted to wait until all appeals were over with Gales Creek Terrace Planned Residential Development (PRD).

Mr. Riordan: This area is experiencing increased development pressure as the economy strengthens and opportunities to develop less constrained land are being quickly absorbed throughout the City. As a result of this development pressure, community members, including property owners residing near the study area, have questioned the existing land use designations. Some believe current allowed densities are too high or placed at the wrong locations.

Mr. Riordan: The land use designations in the area were changed during the update to the Comprehensive Plan (CP). Prior to the CP update the entire area south of Pacific Avenue between Richey Rd. and "D" St. was designated for high density development (RMH). As part of the update, a portion of the study area was changed from high density (RMH) to single family detached (R-7) and medium density multi-family (RML) designations.

Mr. Riordan: The area is largely undeveloped with much of the area being used for agricultural purposes. The only recent development in the area was a 3,500 sq. foot single family dwelling constructed in 2009/2010 located near where Pacific Ave. transitions into Richey Rd. The home sits on approximately 1-acre of land. The tracts immediately to the south of the new home are currently being used for agricultural purposes. The parcels along Pacific Avenue contain single family dwellings and out buildings on acreage, and these sites have potential for further development as water and sewer lines are extended. Part of the area is constrained by slope.

Mr. Riordan: "C" St. is a transitional area for various uses. The type of development expected is like the townhouses shown.

Chairman Beck: The picture of the townhouses on "C" St. shows no half street improvement. Why is that?

Mr. Holan: I believe there was a Waiver of Remonstrance, so when a Local Improvement District is formed they must comply.

Commissioner Ruder: That area on "C" St. is terrible for pedestrians.

Chairman Beck: It would be good to establish a policy that the Planning Commission has a voice in decisions like this. It has been eight years and University Avenue is still not done. Who has the power to put things off?

Commissioner Nakajima: Do we know why it was postponed?

Mr. Holan: The developer enters into an agreement with the City's Engineering Department regarding public improvements. In the instance of University Ave., the Engineering Dept. did not move forward due to comments from Pacific University that there would be other projects coming up. University Avenue is moving forward to be done this summer.

Mr. Holan: If 50% of property owners have a Waiver of Remonstrance, it is easier to get a Local Improvement District (LID). Forest Grove's Development Code states that property must be within 150-feet of sidewalk before street improvement is required.

Chairman Beck: Street improvements cannot be done until the property owner develops, so we get crazy start-stop street improvements. We should get what we can get while we can get it.

Mr. Holan: This may be another work session with the Engineering Dept.

Mr. Riordan: The CP establishes location factors for designating land for future development within the City's planning area (urban growth boundary). These location factors include:

Low Density Residential (4.35 to 8.71 units per net acre)

- Hazard free location suitable for home sites
- Consideration of density related to building limitation (slope, soil geology)
- 20% or less slope
- Location bounded but not penetrated by arterials or railroads
- Convenient driving distance to schools and neighborhood commercial
- Availability of full urban services.

Medium Density Residential (up to 12 units per net acre)

- Hazard free location suitable for home sites
- Carrying capacity of the land given presence of wetlands, soil characteristics, and infrastructure capacity including water, sewer and transportation
- 10% or less slope
- Location bounded but not penetrated by major arterials or railroads
- Convenient driving distance to schools and neighborhood commercial
- Availability of full urban services
- Sites located within ¼ mile of planned or existing transit service
- Constructed with single family residential development if approved through planned residential development process.

High Density Residential (up to 20.28 units per net acre)

- Hazard free location suitable for heavy building
- 10% or less slope
- Carrying capacity of the land given presence of wetland, soil characteristics, and infrastructure capacity including water, sewer, and transportation
- Location near major arterials with buffer strips
- Convenient walking distance to open space, mass transit and community serving commercial area
- Availability of full urban services
- Sites located within ¼ mile of planned or existing transit service
- Sites adjacent to existing or planned parks or open space
- Sites within ¼ mile of designated employment areas
- Constructed with single family residential development if approved through planned residential development process
- Creation of nodes to facilitate transit extension.

Mr. Riordan: Residential Multi-family High Density (RMH) has to do with slope to cluster housing. Forest Grove's Development Code does not address clustering.

Chairman Beck: Will you explain the Metropolitan Housing Rule?

Mr. Riordan: The Metro Housing Rule establishes requirements for minimum residential density for new construction. Under the rule, the City of Forest Grove must provide for an overall density of eight or more units per net buildable acre. This is a city-wide average. The Metro Code also requires an offset if densities are reduced by changing land use designations – if density is reduced in one area of the City, densities must be increased elsewhere to compensate. Forest Grove has the capacity, so if we decided to lower density in this area, we would still meet density requirements.

Commissioner Nakajima: How many units did Gales Creek Terrace PRD end up having?

Mr. Riordan: 197-units.

Mr. Riordan went over Alternatives # 1- #5, and gave each Commissioner a Handout # 1 which showed Alternative # 6.

Mr. Riordan: The chart to look at is on Page # 22 of the staff report which shows a comparison of the alternatives except # 6.

Mr. Holan: The total of the acreage west of Gales Creek Terrace PRD is 10.5-acres.

**PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM**

February 16, 2015–7:00 P.M. **PAGE 6 of 8**

Mr. Riordan: There is not a huge swing with any of these alternatives – 255 units versus 310 units. These alternatives are just for discussion. If the Commission has a preference, staff can concentrate on that one. Staff invited the property owners tonight in case the Commission or they have questions or comments.

Chairman Beck: It would be better to have fewer houses in future development due to traffic flow. For example 19th Avenue narrows. It makes sense to have larger lots as you move away from downtown. That is why I requested staff to do Alternative # 6.

Mr. Holan: The area along Pacific Avenue to the east is zoned Community Commercial (this does not include the Patterson property). This is something the Commission has not talked about.

COMMENTS:

Chairman Beck: Traffic is a big deal as is slope, distance to transit, and compatibility with the Gales Creek Terrace PRD.

Commissioner Ruder: I like Alternative # 6. It fits the terrain.

Dave Primmer, owns 1050 Pacific Avenue. My property is outside the UGB, and there was no road into the property. The County approved a road off Richey Rd., and it was approved by City of Forest Grove. I have the paperwork.

Mr. Holan: Staff is not aware of such a road. By roads we mean a full public street versus a driveway. In Mr. Primmer's case it maybe a driveway into his property.

Mr. Primmer: This is a real road approved by the County, not just a driveway.

Kendal Jensen, 1216 Pacific Avenue. I have not heard anyone talk about soil quality/drainage. A huge amount of water runs through here. Has anyone tested the soil/slope to see if it can handle high density development?

Mr. Riordan: Page # 10 of the staff report has soil suitability. When the City receives a specific application for development, the applicant must do a soils report.

Chairman Beck: The Gales Creek Terrace PRD that was just approved has done all of that. Any future development will have to do the same thing.

Ms. Jensen: I like Alternative # 6.

Commissioner Nakajima: There are a lot of people who ride bikes. There needs to be a bike lane.

Chairman Beck: If 19th Avenue ran out to Ritchey Rd. for pedestrians, a bike lane makes sense.

Commissioner Ruder: Last time we looked at this area, I felt pressured to go high density. I would prefer less density as you move away from town.

Chairman Beck: This is an area where you could have nicer homes on larger lots with fewer cars.

Commissioner Rojas: I prefer R-7 and R-10 zoning.

Chairman Beck: What is the process after this work session?

Mr. Holan: Staff could hold an open house to get comments from people, then come back to the Commission for direction. Alternatively, the City could move forward with the rezone and accept comments at the public hearing.

Commissioner Nakajima: Staff needs to check on Mr. Primmer's road to verify it.

Chairman Beck: Any interest in rezoning "D" St. on one or both sides? There was no comment from the Commission.

Mr. Holan: What about the property zoned Community Commercial along Pacific Ave.?

Chairman Beck: I would just leave it. I say staff should just move ahead. The Commission agreed.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: Commissioner Nakajima made a motion to approve the minutes of the February 2, 2015 meeting. Commissioner Rojas seconded. Motion passed.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT:

Mr. Holan stated that the meeting on March 23rd will have a full agenda. On April 6th the Commission will review the Historic District Guidelines. On April 20th the zoning south of Pacific Avenue will return.

Chairman Beck said he would be gone for the April 20th meeting.

Mr. Holan said staff will schedule a work session with the City's Engineering Dept., and the Sustainability Commission Chairperson wants to meet with the Planning Commission Chairman.

**PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM**

February 16, 2015-7:00 P.M.

PAGE 8 of 8

- 3.4 **ANNOUNCEMENT OF NEXT MEETING:** There will be no meeting on March 2nd, and the second meeting in March has been moved to the 23rd, because the City Council wants to use the Planning Commission's regular night.
- 3.5 **ADJOURNMENT:** The meeting was adjourned at 8:50 p.m.

Respectfully submitted by:
Marcia Phillips
Assistant Recorder

APPROVED

35

PUBLIC SAFETY ADVISORY COMMISSION
SPECIAL MEETING
Forest Grove Fire Department
1919 Ash Street
March 4, 2015
Page 1 of 4

Minutes approved by the Public Safety Advisory Commission on March 18, 2015

1. **ROLL CALL**

Meeting called to order by Chairman Seable at 7:32 am

Members Present:

Chairman Nathan Seable, Robert Mills, Glenn VanBlarcom, Tim Rippe, Anne Niven, Drue Garrison and Martin Goldman.

Members Absent: Tim Dierickx

Liaisons Non-Voting Representatives Present:

Councilor Ron Thompson and Guy Storms

Liaisons Non-Voting Representatives Absent:

Byron Schmidlkofer

Others Present:

Fire Chief Michael Kinkade, Officer Joe Martino and Sharon Cox

2. **INTRODUCTIONS**

3. **CITIZEN COMMUNICATIONS**

None

4. **APPROVAL OF MINUTES**

There was a motion by Anne Niven and a second by Glenn VanBlarcom to approve the minutes of the February 25, 2015 minutes as emailed.

MOTION CARRIED 7-0 Tim Dierickx absent

5. **ADDITIONS/DELETIONS**

None

6. **ACTION ITEMS/DISCUSSION**

None

7. STAFF REPORTS

Council Report – No report this meeting.

Fire Department – No report this meeting.

Police Department – No report this meeting.

8. OLD BUSINESS

National Night Out – Tim Rippe has created a Dropbox that has 4 documents in it.

The planning document explains the purpose of the event. It will be to provide the public of Forest Grove and surrounding communities an opportunity for education and awareness on issues of Public Safety in unity with communities throughout the country. The venue is a one day event during which the public interacts with each other and members of the Forest Grove Police and Fire Departments including equipment, displays, demonstrations, children's' games and activities, information booths and vendors.

The timeline lists tasks for each committee by month so as the commission meets they can see what is being accomplished and those items that still need work.

There is a point of contact list and a page for each sub-committee.

Each sub-committee has at least 2 people on it. The intention is for members to go through the list and be able to edit as items need to be added or items have been completed.

There is a budget document which will include the income and expenses. As the committee solicits donations for the event they will be noted here as well as expenses.

The map identifies the area of the Pacific University campus that NNO will be utilizing.

For now each sub-committee should come up with a list of tasks and an estimated budget by the next meeting on March 18. The committees are listed below.

Committees: Planning & Budget – Tim Rippe, Nathan Seable & Teresa Kohl
Fundraising – Glenn VanBlarcom & Teresa Kohl
Advertising – Anne Niven & Teresa Kohl

**PUBLIC SAFETY ADVISORY COMMISSION
SPECIAL MEETING
Forest Grove Fire Department
1919 Ash Street
March 4, 2015
Page 3 of 4**

Booth Vendor & Volunteers – Nathan Seable, Drue Garrison &
Robert Mills
Activities & Demonstrations – Anne Niven & Martin Goldman

Chief Kinkade mentioned that they could apply for a CEP Grant. Their project would meet the requirements of the grant application.

The theme for the NNO will be “Partnership for a Safe Community”.

Teresa Kohl will be invited to the next meeting. Tim said he would help the sub-committees if he is able.

STRATEGIC PLANNING – review goals & objectives, amend & approve

Chief Kinkade reviewed the 4 strategic goals the Commission has approved.

- #1 Enhance the PSAC Bylaws
- #2 Participate in National Night Out Event
- #3 Identify department needs and work to enhance public safety funding
- #4 New member orientation

There was discussion regarding dates/timelines regarding these goals.

#1. Chief Kinkade said that the Commission could present their Bylaws and Strategic Plan at the same time to the City Council. He will try to schedule for April or May. As many members as possible should attend this meeting.

#2. The NNO planning is moving forward and the objectives and timelines are within reason.

#3. Chief Kinkade did not think the PSAC has time this year to review department budgets, mission, vision and strategic plans by May 27, 2015. It was decided to change this date to October 2015 and to identify funding needs by January 2016.

#4. The date for the orientation & training binders for new members was moved back to April 2015 and assigning a commission sponsor for new members by May 2015.

**PUBLIC SAFETY ADVISORY COMMISSION
SPECIAL MEETING
Forest Grove Fire Department
1919 Ash Street
March 4, 2015
Page 4 of 4**

Chief Kinkade suggested they add another strategic goal #5 which would be to begin to "Develop a long term Strategic Plan (3-5 years) in March 2016".

Chief Kinkade reminded them that the dates are not written in stone and are able to be changed.

There was a motion by Glenn VanBlarcom and a second by Martin Goldman to accept the Strategic Plan - 4 goals/objectives as revised in these minutes as well as adding the 5th strategic goal with the caveat that the plan can be amended at any time.

MOTION CARRIED 6-1

Ayes-Seable, Rippe, Goldman, Mills, Garrison & VanBlarcom.

No – Niven

9. **NEW BUSINESS**
None at this time
10. **ANNOUNCEMENT OF NEXT MEETING** – March 18, 2015 @ 7:30 am
11. **ADJOURN**
The meeting was adjourned at 9:00 am.

Recorded & submitted by:
Sharon Cox, Administrative Assistant

35

Monthly Building Activity Report

March-15

2014-2015

Category	Period: March-14		Period: March-15	
	# of Permits	Value	# of Permits	Value
Man. Home Setup				
Sing-Family New	2	\$624,989	11	\$2,354,217
SFR Addition & Alt/Repair	1	\$637	4	\$63,400
Mult. Fam. New/At				
Group Care Facility				
Commercial New	1	\$86,000		
Commerical Addition				
Commercial Alt/Repair	5	\$94,200	3	\$7,500
Industrial New				
Industrial Addition				
Industrial Alt/Repair				
Gov/Pub/Inst (new/add)	1	\$20,000		
Signs	1	\$6,600		
Grading			1	
Demolitions	1	\$100	1	
Total	12	\$832,526	20	\$2,425,117

Fiscal Year-to-Date

2013-2014		2014-2015	
Permits	Value	Permits	Value
194	\$38,445,172	194	\$25,345,404

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Permit Type	Description	Permits	Square Feet	Valuation	Fees Paid	Custom Field Valuation
xbotc	Cornelius Building Over the Counter	1	0.00	0.00	2,408.95	340,000.00
xcmalt	Cornelius Commercial Alteration	1	0.00	0.00	1,242.54	66,960.00
xcmn	Cornelius Commercial New	1	2,800.00	371,868.00	11,847.87	1,100,000.00
xdemo	Cornelius Demolition	1	0.00	0.00	100.00	0.00
xgear	Cornelius - Early Grading Permit w/subse developme	1	0.00	0.00	253.09	0.00
xmecca	Cornelius Mechanical Permit CommercialAlt/Add/Repai	1	0.00	0.00	36.72	0.00
xmecra	Cornelius Mechanical Permit Resident Alt/Add/Repair	2	0.00	0.00	179.78	0.00
xmfalt	Cornelius Multi-Family Alteration/Repair	1	0.00	0.00	1,213.24	120,000.00
xmrotc	Cornelius Mechanical Residential Over the Counter	8	0.00	0.00	298.90	0.00
xplmca	Cornelius Plumbing Commercial Add/Alt/Repair	1	0.00	0.00	373.63	0.00
xplmra	Cornelius Plumb Permit Resi Add/Alt/Repair	1	0.00	0.00	186.82	0.00
xpotc	Cornelius Plumbing Over the Counter	4	0.00	0.00	381.87	0.00
xsfadd	Cornelius Single Family Addition	1	0.00	0.00	524.98	20,000.00
xsign	Cornelius Sign Permit	2	0.00	0.00	157.36	2,550.00
Grand Total		26	2,800.00	371,868.00	19,205.75	1,649,510.00

<u>Report Group</u>	<u>Fee Code</u>	<u>Fee Description</u>	<u>Amount</u>
bldg	bldpmt	Building Permit Fee	9,716.05
bldg	blplrv	Building Plan Review Fee	4,329.03
bldg	demo	Demolition Fee	100.00
bldg	flplrv	F&L Safety Plan Review	2,183.94
bldg	grade	Grading Permit Fees	202.34
bldg	grplrv	Grading Plan Review Fees	50.75
bldg	mcplre	Mechanical Plan Review Equip	11.44
bldg	mcplrv	Mechanical Plan Review	6.70
bldg	mcstsf	Mechanical State Surcharge Equ	50.09
bldg	mcstsr	Mechanical State Surcharge	3.22
bldg	mech	Mechanical Permit Fee/equip.	417.15
bldg	mecval	Mech.Commercial Permit Fee	26.80
bldg	plmb	Plumbing Permit Fee	841.35
bldg	plplrv	Plumbing Plan Review	
bldg	plstsr	Plumbing State Surcharge	100.97
bldg	stsur	State Surcharge	1,165.92
		Total for Group bldg	<u>19,205.75</u>
		Grand Total:	<u><u>19,205.75</u></u>

31C

QUARTERLY STATISTICS REPORT FY 2014-2015						
	Current Quarter			Same Quarter Previous Year		
	January 2015	February 2015	March 2015	January 2014	February 2014	March 2014
Days Open	25	23	26	25	23	26
Door Count	13,104	11,584	14,229	13,480	11,026	13,697
New Registrations	114	100	114	151	89	119
Circulation Desk Check-outs	10,339	9,631	10,349	11,982	10,318	12,410
Self check-out	10,165	9,310	10,518	9,790	8,071	10,233
Renewals	7,857	7,695	8,949	8,148	8,236	9,714
Check-in	20,690	19,108	21,405	21,069	18,993	23,286
3m Cloud Check-out	231	260	225	na	na	na
Library 2Go check-out	1,206	1,276	1,296	na	na	na
Computer Sessions	2,203	1,869	1,878	2,351	1,713	2,333
WiFi Sessions	5,311	6,652	6,157	na	na	na
Holds loaned	9,956	9,724	10,542	9,656	8,824	10,138
Holds borrowed	10,453	9,606	10,172	11,049	9,817	11,894
ILLS requested	100	74	85	76	82	93
Reference Questions	1,093	1,155	1,427	1,272	1,072	1,455
# of Adult Programs	6	5	6	10	4	4
Total Attendance at Adult	154	114	128	280	95	85
# of Children's Programs	19	14	19	21	20	19
Total Attendance at Children's	312	215	413	366	352	385
Teen Programs	1	0	1	0	0	0
Total Attendance at	2	0	2	0	0	0
Rogers Room Reserved Hours	60	26	63	72	49	48
# of Volunteers	38	42	42	43	46	46
Total Volunteer Hours	263	261	295	299	244	318

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Memorandum

To: Mayor Truax and City Councilors

From: Anna D. Ruggles, CMC, City Recorder
Janie Schutz, Police Chief
Tom Gamble, City Manager Pro Tem

Subject: Endorse Liquor License Renewal Applications for Year 2015

Date: April 13, 2015

BACKGROUND:

The Oregon Liquor Control Commission (OLCC) has notified the City of the eligible liquor licenses seeking renewal for 2015. ORS 471.166 establishes the process for local government to make recommendation to the OLCC concerning the suitability of the liquor license renewals.

Pursuant to City Code 7.805, any person or business requesting City Council endorsement for a liquor license must submit to a criminal background check and must obtain or have a valid City business license in accordance with City Code. The Police Chief has conducted a thorough investigation of the licensee and responsible parties and has made a favorable recommendation to approve the attached liquor license application renewals for 2015, along with one of the following recommendations:

- **Forward with Approval** ~ no legal basis for denial.
- **Forward with Approval**, supporting documentation attached, pursuant to this Memorandum. A criminal record exists; however, the record does not contain valid basis for denial as provided by Oregon liquor laws (i.e., felony drug or alcohol-related convictions). (Dissemination of criminal record checks is prohibited by State law and is exempted from public disclosure).
- **Reject Application**, supporting Memorandum required ~ the Police Chief has substantial evidence and opposition that warrants a Public Hearing before the City Council to hear testimony and to be used in the City's decision-making process.

STAFF RECOMMENDATION:

Staff recommends the City Council endorse the attached liquor license application renewal(s) for 2015. The City's endorsement will be submitted to OLCC for final determination.



FOR CITY USE ONLY
(Please return to City Recorder)

The City of Forest Grove
Recommends that license be

Granted Denied

\$100.00 Original App Fee: Paid: _____
 \$ 75.00 Change App Fee:
 \$ 35.00 Renewal or Temp App Fee
 \$ 20.25 Special Event
 Acct No. 100-21-10-450050 Receipt#: _____

FOREST GROVE POLICE DEPARTMENT
LIQUOR LICENSE ANNUAL RENEWAL RECOMMENDATION

NAME OF APPLICANT/BUSINESS: Little Monkey Deli
APPLICANT/BUSINESS ADDRESS: 1919 Pacific Avenue – Forest Grove
LIQUOR LICENSE NO: 198870
CITY BUSINESS LICENSE: BL-00378

TYPE OF LICENSE REQUESTED:
Application is being made for

ACTION: <input type="checkbox"/> Change in Application <input checked="" type="checkbox"/> Renewal <input type="checkbox"/> Renewal <input type="checkbox"/> Special Event <input type="checkbox"/> Temporary <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> FULL ON-PREMISES SALES: F-COM licenses are required to have dining seating. Allows the sale and service of distilled spirits, malt beverages, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises. <input type="checkbox"/> BREWERY – PUBLIC HOUSE This license allows the holder to manufacture malt beverages and sell to patrons and wholesalers and allows the holder to sell malt beverages, wine and cider for consumption at the business and "to go".	<input type="checkbox"/> LIMITED ON-PREMISES SALES: Allows the sale of malt beverages, wine and cider for consumption on the licensed premises and the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off the licensed premises. <input type="checkbox"/> OFF-PREMISES SALES: Allows the sale of malt beverages, wine and cider in factory sealed containers for consumption off the licensed premises and allows approved licensees to offer sample tasting of malt beverages, wine and cider.
<input type="checkbox"/> Business <input type="checkbox"/> Change in Ownership <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____	<input type="checkbox"/> F – CAT Caterer <input checked="" type="checkbox"/> F – COM Commercial Establishment <input type="checkbox"/> F – PC Passenger Carrier <input type="checkbox"/> F – CLU Private Club <input type="checkbox"/> F – SEW or SEG Special Event <input type="checkbox"/> F – PL Other Public Location	<input type="checkbox"/> Brewery Public House <input type="checkbox"/> Fuel Pumps <input type="checkbox"/> Grower <input type="checkbox"/> Warehouse <input type="checkbox"/> Winery/Grower <input type="checkbox"/> Other: _____

APPLICABLE CRIMINAL/DRIVING RECORD:

NONE SUPPORTING DOCUMENTATION ATTACHED

RECOMMENDED ACTION:

FORWARD WITH APPROVAL REJECT APPLICATION (Memorandum Required)

Janie Schutz
Janie Schutz, Chief of Police
 - or Designee

4/3/15
Date



FOR CITY USE ONLY
(Please return to City Recorder)

The City of Forest Grove
Recommends that license be

Granted Denied

\$100.00 Original App Fee: Paid: _____

\$ 75.00 Change App Fee:

\$ 35.00 Renewal or Temp App Fee

\$ 20.25 Special Event

Acct No. 100-21-10-450050 Receipt#: _____

FOREST GROVE POLICE DEPARTMENT
LIQUOR LICENSE ANNUAL RENEWAL RECOMMENDATION

NAME OF APPLICANT/BUSINESS: McMenamins Grand Lodge

APPLICANT/BUSINESS ADDRESS: 3505 Pacific Avenue – Forest Grove

LIQUOR LICENSE NO: 201058

CITY BUSINESS LICENSE: BL-000298

TYPE OF LICENSE REQUESTED:

Application is being made for

ACTION: <input type="checkbox"/> Change in Application <input checked="" type="checkbox"/> Renewal <input type="checkbox"/> Renewal <input type="checkbox"/> Special Event <input type="checkbox"/> Temporary <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> FULL ON-PREMISES SALES: F-COM licenses are required to have dining seating. Allows the sale and service of distilled spirits, malt beverages, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises. <input type="checkbox"/> BREWERY – PUBLIC HOUSE This license allows the holder to manufacture malt beverages and sell to patrons and wholesalers and allows the holder to sell malt beverages, wine and cider for consumption at the business and "to go".	<input type="checkbox"/> LIMITED ON-PREMISES SALES: Allows the sale of malt beverages, wine and cider for consumption on the licensed premises and the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off the licensed premises. <input type="checkbox"/> OFF-PREMISES SALES: Allows the sale of malt beverages, wine and cider in factory sealed containers for consumption off the licensed premises and allows approved licensees to offer sample tasting of malt beverages, wine and cider.
<input type="checkbox"/> Business <input type="checkbox"/> Change in Ownership <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____	<input type="checkbox"/> F – CAT Caterer <input checked="" type="checkbox"/> F – COM Commercial Establishment <input type="checkbox"/> F – PC Passenger Carrier <input type="checkbox"/> F – CLU Private Club <input type="checkbox"/> F – SEW or SEG Special Event <input type="checkbox"/> F – PL Other Public Location	<input type="checkbox"/> Brewery Public House <input type="checkbox"/> Fuel Pumps <input type="checkbox"/> Grower <input type="checkbox"/> Warehouse <input type="checkbox"/> Winery/Grower <input type="checkbox"/> Other: _____

APPLICABLE CRIMINAL/DRIVING RECORD:

NONE SUPPORTING DOCUMENTATION ATTACHED

RECOMMENDED ACTION:

FORWARD WITH APPROVAL REJECT APPLICATION (Memorandum Required)

Janie Schutz, Chief of Police
- or Designee

3-19-2015
Date



FOR CITY USE ONLY
(Please return to City Recorder)

The City of Forest Grove
Recommends that license be

Granted Denied

\$100.00 Original App Fee: Paid: _____
 \$ 75.00 Change App Fee:
 \$ 35.00 Renewal or Temp App Fee
 \$ 20.25 Special Event
 Acct No.100-21-10-450050 Receipt#: _____

FOREST GROVE POLICE DEPARTMENT
LIQUOR LICENSE ANNUAL RENEWAL RECOMMENDATION

NAME OF APPLICANT/BUSINESS: Tienda La Rosa

APPLICANT/BUSINESS ADDRESS: 3012 Pacific Avenue, Suite F – Forest Grove

LIQUOR LICENSE NO: 201411

CITY BUSINESS LICENSE: BL-001022

TYPE OF LICENSE REQUESTED:
Application is being made for

<p>ACTION:</p> <input type="checkbox"/> Change in Application <input checked="" type="checkbox"/> Renewal <input type="checkbox"/> Renewal <input type="checkbox"/> Special Event <input type="checkbox"/> Temporary <input type="checkbox"/> Other: _____	<p><input type="checkbox"/> FULL ON-PREMISES SALES: F-COM licenses are required to have dining seating. Allows the sale and service of distilled spirits, malt beverages, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises.</p> <p><input type="checkbox"/> BREWERY – PUBLIC HOUSE This license allows the holder to manufacture malt beverages and sell to patrons and wholesalers and allows the holder to sell malt beverages, wine and cider for consumption at the business and "to go".</p>	<p><input type="checkbox"/> LIMITED ON-PREMISES SALES: Allows the sale of malt beverages, wine and cider for consumption on the licensed premises and the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off the licensed premises.</p> <p><input checked="" type="checkbox"/> OFF-PREMISES SALES: Allows the sale of malt beverages, wine and cider in factory sealed containers for consumption off the licensed premises and allows approved licensees to offer sample tasting of malt beverages, wine and cider.</p>
<input type="checkbox"/> Business <input type="checkbox"/> Change in Ownership <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____	<input type="checkbox"/> F – CAT Caterer <input type="checkbox"/> F – COM Commercial Establishment <input type="checkbox"/> F – PC Passenger Carrier <input type="checkbox"/> F – CLU Private Club <input type="checkbox"/> F – SEW or SEG Special Event <input type="checkbox"/> F – PL Other Public Location	<input type="checkbox"/> Brewery Public House <input type="checkbox"/> Fuel Pumps <input type="checkbox"/> Grower <input type="checkbox"/> Warehouse <input type="checkbox"/> Winery/Grower <input type="checkbox"/> Other: _____

APPLICABLE CRIMINAL/DRIVING RECORD:

NONE SUPPORTING DOCUMENTATION ATTACHED

RECOMMENDED ACTION:

FORWARD WITH APPROVAL REJECT APPLICATION (Memorandum Required)

Janie Schutz
Janie Schutz, Chief of Police
- or Designee

4/3/15
Date

MEMORANDUM

To: City Council

From: Jon Holan, Community Development Director
Janie Schutz, Police Chief
Tom Gamble, City Manager Pro Tem

Date: April 13, 2015

Re: Proposed Amendment to Development Code pertaining to Medical Marijuana Dispensaries

Issue: The request is for the City Council to adopt proposed Development Code regulations addressing the placement of Medical Marijuana dispensaries.

Background: The Oregon Legislature enacted House Bill 3460 in 2013, which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities. Section 2 of that bill established the medical marijuana registration system and has been codified in ORS 475.314. House Bill 3460 directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b).

The Oregon Legislature enacted Senate Bill 1531 in 2014 affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015. The City of Forest Grove adopted Ordinance 2014-04 on April 28, 2014, to establish such a moratorium.

At this time, staff is proposing two amendments to the Development and City Codes. The Development Code amendment addresses the location and development requirements for medical marijuana dispensaries. The City Code amendment is to establish operational standards for these establishments. In essence, the Development Code requirements would be administered by the Community Development Department as part of its permit review for a new dispensary. The City Code would be administered by the Police Department for ongoing operation of these dispensaries. Both code amendments have been reviewed by Police and Community Development staff as well as the City Attorney.

In summary, the Development Code would:

- Define medical marijuana facilities as a medical center but can be a “stand-alone” operation;
- Require the buffer standards as established by the State;
- Allow dispensaries in the Community Commercial zone district; and
- Establish standards for the location and development of dispensaries with the following requirements:
 - Compliance with state law;
 - Hours of closure to the public;
 - Entrances and off-street parking areas to be well-lit and visible from public view and public rights-of-way;
 - Be in a permanent facility and not allow outdoor storage;
 - Compliance with design requirements and integrate any bars and grates into the design.

The attached staff report to the Planning Commission provides an explanation of these requirements. The Development Code was reviewed by the Planning Commission at their meeting on March 23, 2015. Issues the Planning Commission discussed include:

- The use category for these facilities;
- The prohibition of the facilities in Institutional and Town Center Zone Districts;
- Hours of operation; and
- Require a buffer around day care centers (similar to Cornelius).

The Commission adopted Planning Commission Decision Number 15-01 recommending adoption of the amendment as proposed by staff except that they recommended prohibition of dispensaries in the Institutional zone district because of conflicts with state law. Staff concurs with this change.

Fiscal Impact: Marijuana dispensaries will create additional demands for law enforcement; primarily due to the all-cash nature of the operations. Development Code requirements about requiring visible and well-lit entrances, permanent facilities and no drive-throughs are intended to reduce those demands.

Staff Recommendation: Staff recommends the City Council adopt the proposed ordinance amending the Development Code (Exhibit A) as modified by the Planning Commission and as may be modified by Council deliberations.



**NOTICE OF PUBLIC HEARING
PROPOSED ORDINANCES ADOPTING PROPOSED
AMENDMENTS TO DEVELOPMENT AND CITY CODE RELATING
TO MEDICAL MARIJUANA DISPENSARIES IN CERTAIN ZONE DISTRICTS
WITHIN THE CITY OF FOREST GROVE**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, April 13, 2015, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider a proposed ordinances adopting:

PROPOSAL: Amendment of the Development Code to permit Medical Marijuana Dispensaries in certain zone districts within the City of Forest Grove under certain requirements and to add definitions pertaining to medical marijuana dispensaries.

Applicant: City of Forest Grove

File Number: ZA-15-00267

Criteria: Before the City Council can adopt this amendment, it shall determine that the proposal meets the following requirements:

A. The text amendment is consistent with the relevant goals and policies of the Forest Grove Comprehensive Plan; and

B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.

PROPOSAL: Amendment to add new Sections 7.850 to 7.853 to the City Code to establish standards for the operation of medical marijuana dispensaries in the City of Forest Grove.

Applicant: City of Forest Grove

The proposed ordinances, if enacted by the Forest Grove City Council, would take effect on the thirtieth day (30th) after enactment unless an emergency is declared. At this time and place, all persons will be given reasonable opportunity to give testimony about this proposal. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing. A copy of the report and proposed ordinances are available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing or e-mailed to City Recorder's Office, aruggles@forestgrove-or.gov, or sent to P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information pertaining to this proposal, please contact Community Development Director, Community Development Department, 1924 Council Street, 503.992.3224, 9am-5pm, jholan@forestgrove-or.gov.

Anna D. Ruggles, CMC, City Recorder

Published Wednesday, April 8, 2015
(FG Leader/Hillsboro Argus)

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ORDINANCE NO. 2015-02

**ORDINANCE OF THE CITY OF FOREST GROVE
ADOPTION OF AMENDMENTS TO DEVELOPMENT CODE, ARTICLES
3, 8 AND 12, TO ESTABLISH PLACEMENT AND REQUIREMENTS FOR
MEDICAL MARIJUANA DISPENSARIES, FILE NO. ZA-15-00267**

WHEREAS, the Oregon Legislature enacted House Bill 3460 (2013), which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities;

WHEREAS, Section 2 of House Bill 3460 (2013) that established the medical marijuana registration system has been codified as ORS 475.314;

WHEREAS, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b),

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015;

WHEREAS, the City Council adopted Ordinance Number 2014-04 on April 28, 2014, to establish a moratorium for marijuana dispensaries until May 1, 2015;

WHEREAS, the City has prepared proposed amendments to the Development Code pertaining to the placement and requirements for medical marijuana dispensaries; and

WHEREAS, the Planning Commission held Public Hearing on the proposed amendments to the Development Code on March 23, 2015; and

WHEREAS, the Planning Commission adopted Planning Commission Decision Number 15-01 recommending approval of the proposed amendments with one change to prohibit medical marijuana dispensaries in the Institutional zone district since it is not authorized by state law; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on April 13 and continued the hearing on April 27, 2015.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Forest Grove hereby adopts text amendments to the Development Code, Articles 3, 8 and 12, as shown on Exhibit A.

Section 2. The City Council hereby adopts the Planning Commission's staff report dated March 16, 2015.

Section 3. The City Council hereby finds that the proposed amendments are consistent with and meet the provisions of Development Code Section 10.2.630 *Review Criteria* pertaining to Zoning Text amendments:

A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and

Finding: Applicable Comprehensive Plan Goals and Policies is Health Services Goal 1, which states:

"Provide opportunities through City land use and development policy to ensure the health service needs of the entire community are met locally."

The proposed amendment would establish land use and development requirements to allow medical marijuana facilities in the community. There are specific locations within the Community Commercial zone district where such uses may be established. The proposed development requirements establish reasonable requirements given the nature of medical marijuana dispensaries handling a controlled substance and assure the applicable City design standards are maintained. Thus, health service needs related to medical marijuana would be allowed to be provided locally by this amendment and is consistent with the Comprehensive Plan Health Services Goal 1.

B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.

Finding: Statewide and regional planning goals, programs and rules do not specifically address dispensaries. They are therefore not applicable to this text amendment.

However, the proposed amendment is consistent with and relies on State laws and regulations for medical marijuana facilities. The proposed amendments references and uses the locational requirements established by state law by limiting their location within the Community Commercial District. Consistent with the City's industrial provisions, these facilities are not allowed in the industrial zoned lands. In addition, they are not allowed in the Town Center districts because their impact is unknown at this time and may impact the redevelopment of the Town Center area. Further, the proposed amendment: prevents the use of drive-through service which is consistent with State directives, requires well viewed entrances to enhance security and allows security bars and grates if they are integrated in design to maintain the visual integrity of commercial districts while providing security.

Section 4. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading this 13th day of April, 2015.

PASSED the second reading this 27th day of April, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 27th day of April, 2015.

Peter B. Truax, Mayor

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Ordinance No. 2015-02
Exhibit A

**Proposed Amendments to the Development Code
for Medical Marijuana Dispensaries**

Article 3 Proposed Amendments:

1. Amend Table 3-8 to add new footnote to Medical Centers that allows medical marijuana dispensaries at certain locations consistent with state statutes and references proposed requirements in Article 8 for those facilities.

TABLE 3-8
Institution Zone: Use Table

USE CATEGORY	INST
<u>RESIDENTIAL</u>	
Household Living	N
Group Living	N
Transitional Housing	C
Home Occupation	N
Bed and Breakfast	N
<u>CIVIC / INSTITUTIONAL</u>	
Basic Utilities	P
Major Utility Transmission Facilities	C
Colleges	C
Community Recreation	P/C ^[1]
Cultural Institutions	C
Day Care	C
Emergency Services	C
Postal Services	C
Religious Institutions	C
Schools	C
Social/ Fraternal Clubs / Lodges	N
Government Offices	P
<u>COMMERCIAL</u>	
Commercial Lodging	L ^[2]
Eating and Drinking Establishments	N ^[3]
Entertainment – Oriented:	
- Major Event Entertainment	N
- Outdoor Entertainment	N
- Indoor Entertainment	N
General Retail:	
- Sales – Orientated	N
- Personal Services	N
- Repair – Oriented	N
- Bulk Sales	N

- Outdoor Sales	N
- Animal – Related	N
Medical Centers	C ^[4]
Motor Vehicle Related:	
- Motor Vehicles Sale / Rental	N
- Motor Vehicle Servicing / Repair	N
- Motor Vehicle Fuel Sales	N
Non-Accessory Parking	N
Office	C
Self-Service Storage	N
<u>INDUSTRIAL</u>	
Industrial Services	N
Manufacturing and Production:	
- Light Industrial	N
- General Industrial	N
Call Centers	N
Railroad Yards	N
Research and Development	C
Warehouse / Freight Movement	N
Waste – Related	C
Wholesale Sales	N
Water Treatment Plants and Government Corporation Yards	C
<u>OTHER</u>	
Agriculture / Horticulture	C
Cemeteries	C
Detention Facilities	C
Mining	N
Wireless Communication Facilities	L ^[4 3]
Information	N

P=Permitted L=Limited C=Conditional Use N=Not Permitted

Footnotes:

- [1] Community recreation facilities including trails, parks, playgrounds and open space are permitted uses and require a Type II process. Recreation centers and other facilities used by organized team sports require a Conditional Use Permit.
- [2] Limited to Recreational Vehicle Parks subject to obtaining a conditional use permit and compliance with the requirements of Section 10.5.500 et. seq.
- [3] All uses listed as *N = Not Permitted* may be allowed if it is demonstrated by the applicant that these are traditionally permitted as part of the institution and are incidental and accessory to the primary use.
- [4] Medical marijuana dispensaries must be located consistent with the requirements of ORS 475.314 and comply with the provisions of Section 10.8.1100 of this code. Medical marijuana dispensaries are prohibited.

[45] Wireless communication facilities are regulated by the standards in Article 7.

COMMERCIAL ZONES

- Amend Table 3-10 to add new footnote to Medical Centers in the Community Commercial District that allows medical marijuana dispensaries at certain locations consistent with state statutes and references proposed requirements in Article 8 for those facilities.

TABLE 3-10 Commercial Zones Use Table

USE CATEGORY	NC	CC
<u>RESIDENTIAL</u>		
Household Living	L ^[1]	L ^[2]
Group Living	N	P
Transitional Housing	N	C
Home Occupation	L ^[3]	L ^[3]
Bed and Breakfast	L ^[4]	P
<u>CIVIC / INSTITUTIONAL</u>		
Basic Utilities	P	P
Major Utility Transmission Facilities	C	C
Colleges	N	C
Community Recreation	N	P
Cultural Institutions	P	P
Day Care	P	P
Emergency Services	C	C
Postal Services	C	P
Religious Institutions	C	P
Schools	C	C
Social/ Fraternal Clubs / Lodges	C	P
<u>COMMERCIAL</u>		
Commercial Lodging	N	L ^[5]
Eating and Drinking Establishments	L ^[6]	P
Entertainment – Oriented:		
- Major Event Entertainment	N	N
- Outdoor Entertainment	N	N
- Indoor Entertainment	N	P
General Retail:		
- Sales – Oriented	P	P
- Personal Services	P	P
- Repair – Oriented	P	P
- Bulk Sales	N	P
- Outdoor Sales	L ^[7]	L ^[7]
- Animal – Related	N	P
Medical Centers	N	P-L ^[8]
Motor Vehicle Related:	N	L ^[8 9]

- Motor Vehicles Sale / Rental		
COMMERCIAL (continued)	NC	CC
- Motor Vehicle Servicing / Repair	N	P
- Motor Vehicle Fuel Sales	P ^[9 10]	P
Non-Accessory Parking	N	P
Office	P	P
Self-Service Storage	N	C
INDUSTRIAL		
Industrial Services	N	N
Manufacturing and Production:		
- Light Industrial	N	C ^[10 11]
- General Industrial	N	N
Railroad Yards	N	N
Research and Development	N	N
Warehouse / Freight Movement	N	N
Waste – Related	N	N
Wholesale Sales	N	N
OTHER		
Agriculture / Horticulture	L ^[12 13]	L ^[12 13]
Cemeteries	N	N
Detention Facilities	N	N
Mining	N	N
Wireless Communication Facilities	L ^[14 12]	L ^[14 12]

P=Permitted L=Limited C=Conditional Use N=Not Permitted

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 20.28 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses.
- [3] Home occupations permitted as an accessory use to residential development, subject to compliance with the home occupation standards in Article 7.
- [4] Bed & breakfast inn limited to three (3) guest rooms in the NC zone, subject to compliance with the bed & breakfast inn standards in Article 7.
- [5] Recreational Vehicle Parks require obtaining a conditional use permit and compliance with the requirements of Section 10.5.500 et. seq. All other commercial lodging uses are permitted.
- [6] Restaurants are permitted in the NC zone (drive-through service is prohibited).
- [7] Outdoor sales in the NC zone are limited to plants and produce. Outdoor sales areas in the CC zone must be set back at least ten (10) feet from street lot lines and lot lines abutting residential zones and the setback area must be landscaped.

- [8] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright in the CC zone; sales and rental or heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted with conditional use approval.
- [9] Automobile service station in the NC zone is limited to fuel sales and incidental repair service.
- [10] As a conditional use pursuant to Section 10.2.200 et. seq., light industrial uses limited within a building no larger than 5,000 square feet in size with no visible emissions or odor outside the building, and with the added criteria that such use does not detract from the commercial viability of the area.
- [11] Medical marijuana dispensaries must be located consistent with the requirements of ORS 475.314 and comply with the provisions of Section 10.8.1100 of this code.
- [12] Wireless communication facilities are regulated by the standards in Article 7.
- [13] Domesticated fowl are allowed in conjunction with existing single-family uses and primarily for personal use. Domesticated fowl are allowed subject to these conditions.
 - a. Up to 4 adult fowl over 6 months of age may be kept on any lot with a minimum area of 5,000 square feet. One additional adult fowl shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.
 - b. No roosters shall be permitted.
 - c. Animal waste matter shall not be allowed to accumulate.
 - d. All animal food shall be stored in metal or other rodent-proof containers.
 - e. Fencing shall be designed and constructed to confine all animals to the owner's property.
 - f. All structures that house fowl shall be located at least 20 feet from all residences (except the animal owner's).
 - g. All structures that house fowl shall be located at least 5 feet from any side or rear property line.

TOWN CENTER ZONES

- 3. Amend Table 3-12 to add new footnote to Medical Centers that allows medical marijuana dispensaries at certain locations consistent with state statutes and references proposed requirements in Article 8 for those facilities.

**TABLE 3-12
Town Center Zones: Use Table**

USE CATEGORY	TC-Core	TC-Transition	TC-Support
<u>RESIDENTIAL</u> Household Living	L ^[1]	L ^[1]	L ^[1]
Group Living	P ^[1]	P	P
Transitional Housing	N	C	C
Home Occupation	L ^[2]	L ^[2]	L ^[2]
Bed and Breakfast	C ^[2]	P	P
<u>CIVIC / INSTITUTIONAL</u> Basic Utilities	P	P	P

Major Utility Transmission Facilities	C	C	C
Colleges	C	C	C
Community Recreation	N	P	P
Cultural Institutions	P	P	P
Day Care	P	P	P
Emergency Services	C	C	C
Postal Services	C	P	P
Religious Institutions	C	P	P
Schools	C	C	C
Social/ Fraternal Clubs / Lodges	C	P	P

<u>COMMERCIAL</u>			
Commercial Lodging	L ^[3]	L ^[3]	L ^[3]
Eating and Drinking Establishments	P ^[4]	P	P
Entertainment – Oriented:			
- Major Event Entertainment	N	N	C
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	P	P	P
General Retail:			
- Sales – Oriented	P	P	P
- Personal Services	P	P	P
- Repair – Oriented	P	P	P
- Bulk Sales	L ^[5]	L ^[5]	L ^[5]
- Outdoor Sales	N	N	N
- Animal – Related	N	N	N
Medical Centers	N	C ^[6]	C ^[6]
Motor Vehicle Related:			
- Motor Vehicles Sale / Rental	N	N	N
- Motor Vehicle Servicing / Repair	N	N	N
- Motor Vehicle Fuel Sales	N	N	N
Non-Accessory Parking	N	C	C
Office	L ^[3]	P	P
Self-Service Storage	N	N	N

<u>INDUSTRIAL</u>			
Industrial Services	N	N	N
Manufacturing and Production:			
- Light Industrial	N	C	C
- General Industrial	N	N	N
Call Centers	L ^{[6 7][2 3]}	L ^[6 7]	L ^[6 7]
Railroad Yards	N	N	N
Research and Development	N	N	P
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N
Wholesale Sales	N	N	N

<u>OTHER</u>			
Agriculture / Horticulture	N	N	N
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L ^[8 9]	L ^[8 9]	L ^[8 9]
Information	L ^{[9 10][40 11]}	L ^[9 10]	L ^[9 10]

P=Permitted L=Limited C=Conditional Use N=Not Permitted

Footnotes:

- [1] New dwellings in the TCC zone are only permitted on or above the 2nd floor. There are no minimum density requirements when housing is part of a mixed-use building. In the TCT and TCS zones new dwellings are permitted as “stand-alone” developments or as part of mixed-use developments, but must meet density requirements.
- [2] Home occupations are permitted as an accessory use to residential uses, subject to compliance with the home occupation standards in Article 7.
- [3] Offices only permitted as part of a ground-floor retail or personal service use or as a stand-alone use above the first floor in the TC-Core zone. Recreational vehicle parks are prohibited in all districts.
- [4] Drive through service is prohibited from restaurants in the TC-Core and TC-Transition zones.
- [5] Bulk sales stores with ground floor building footprint small than 10,000 square feet are permitted. All merchandise must be enclosed within a building. All other bulk sales are prohibited.
- [6] Medical marijuana dispensaries are prohibited.
- [6 7] Permitted where there are no off premise impacts and no product is transported from the site. Centers with any offsite impacts or transport products from the site are to be located in either Light or General Industrial districts.
- [7 8] Call Centers shall not be allowed on the ground floor in the TC-Core Zone District.
- [8 9] Wireless communication facilities are regulated by the standards in Article 7.
- [9 10] Permitted where there are no off premise impacts.
- [40 11] Information business is not allowed on the ground floor in the TC-Core Zone District.

Article 8 Proposed Amendment:

4. Add new section 10.8.1100 to establish design standards and operational requirements for medical marijuana facilities.

MEDICAL MARIJUANA DISPENSARIES

10.8.1100 MEDICAL MARIJUANA DISPENSARIES

A medical marijuana dispensary shall comply with the following design standards and operational requirements in addition to all other applicable City requirements:

- A. The application shall demonstrate compliance with the locational requirements of State law and must maintain State certification at all times.
- B. A medical marijuana dispensary may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.
- C. Entrances and off-street parking areas for the medical marijuana facility shall be well-lit and not visually obscured from public view/right-of-way.
- D. The facility must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the facility is prohibited.
- E. Any modification to the site or the exterior of a building housing the facility must be consistent with the Design Standards of Section 10.8.700 et. seq. Security bars or grates on windows and doors are prohibited unless integrated into the design.
- F. The dispensary may not have facilities for drive-up use.
- G. The dispensary must provide for secure disposal of marijuana remnants or by-products, or items with marijuana residue of any kind.

Article 12 Proposed Amendments:

5. Amend Section 10.12.130 E to add medical marijuana dispensaries to the Medical Center use category.

USE CATEGORIES

10.12.130 COMMERCIAL USE CATEGORY

The commercial use category includes uses involved in the distribution, sale and/or rental of goods and the provision of services other than those classified in the Civic Use Category.

- E. Medical Centers: Facilities providing inpatient, outpatient and emergency and related ancillary services to the sick and infirm. Usually developed in campus setting. Accessory

uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities, laundry, housekeeping and maintenance facilities, administrative offices and parking. Medical centers may also include free-standing offices for hospital-based and/or private practice physicians and other allied health care professionals; these medical office buildings are regulated as Offices (see Section 10.12.025 H, Offices). A medical center also includes a marijuana dispensary, either as part of a medical center campus or as a stand-alone facility.

6. **Add new subsection 10.12.210 M6 to establish definition for medical marijuana dispensaries.**

10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

As used in this Code, the following words and phrases shall mean:

M6 Medical Marijuana Dispensary. A facility for selling marijuana and marijuana-related products to medical marijuana card holders and that is registered with the Oregon Health Authority under ORS 475.314.

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Forest Grove Code Text Amendment Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE: March 16, 2015

HEARING DATE: March 23, 2015

REQUEST: Amend Forest Grove Code Development Code Articles 3, 8 and 12 to establish requirements and definitions for Medical Marijuana Dispensaries. (See Exhibit A)

FILE NUMBER: ZA-15- 00267

PROPERTY LOCATION: Not applicable

LEGAL DESCRIPTION: Not applicable

APPLICANT: City of Forest Grove, PO Box 326, Forest Grove, Oregon 97116

APPLICABLE STANDARDS AND CRITERIA: City of Forest Grove Code:

- Municipal Code Section 1.040 *Amendment and Repeal of Code Sections*
- Development Code (DC) Sections 10.1.700 et. seq. *Legislative Land Use Decision*
- DC Sections 10.2.600 et. seq. *Development Code Text Amendment*

REVIEWING STAFF: Jon Holan, Community Development Director

RECOMMENDATION: Staff recommends approval of the amendments

I. LAND USE HISTORY AND BACKGROUND

The Oregon Legislature enacted House Bill 3460 in 2013, which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities. Section 2 of that bill established the medical marijuana registration system and has been codified in ORS 475.314. House Bill 3460 directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b).

The Oregon Legislature enacted Senate Bill 1531 in 2014 affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015. The City of Forest Grove adopted Ordinance 2014-04 on April 28, 2014 to establish such a moratorium.

HB 3460 as modified by SB 1531 established the minimum locational criteria for medical marijuana facilities as follows:

- Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land and may not be located at the same address as a marijuana grow site;
- Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; and
- Must not be located within 1,000 feet of another medical marijuana facility.

Attachment 2 shows the areas affected by the buffer requirements in Forest Grove. This includes all public and private schools in the community. The two private schools are Westside Christian School (K-7th Grade) located at Pacific Avenue and E Street, and Elizabeth Perry Montessori School (K-4th Grade) on Cedar Street between 17th and 18th avenues. The State requirements for the regulation of medical marijuana facilities is contained in ORS 475.314 (see Attachment 3) and final administrative rules (see Attachment 4).

There are two aspects to the local regulation of medical marijuana dispensaries, location and initial requirements for these facilities and ongoing operation requirements. The location and initial requirements for medical marijuana facilities or dispensaries is a land use determination and is proposed to be addressed within the Development Code. As a land use provision, Code amendments are a Type IV process, requiring the Planning Commission to make a recommendation to the City Council.

The operation of these facilities is an enforcement matter which requires an amendment to the Municipal Code (see Attachment 1). Because the Municipal Code amendments are not land use related, there is no requirement for the Planning Commission review these proposed changes. However, the proposed Muni Code amendment is included to provide the Planning Commission the complete amendments being considered to address medical marijuana dispensaries.

The dual code approach reflects the departments involved in the administration of both functions. The enforcement of ongoing operations will be the responsibility of the Police Department. Community Development Department will be responsible for determining the initial placement and requirements as part of its land use role.

The focus of this staff report will be on the Development Code amendments.

II. PROPOSAL DESCRIPTION AND ANALYSIS

The amendments in the Development Code affects three articles, Article 3, Zoning Districts, Article 8, General Development Standards and Article 12, Use Categories and Use Definitions. The proposed amendments were developed through a review process involving Police and Community Development department staff as well as the City Attorney. Aside from a restriction in the City's Town Center zones, the State locational requirements are imposed and no greater limitation is proposed. The State regulations are considered minimums and the City could establish more restrictive standards. For example, Washington County requires that distances between dispensaries be 2,000 feet rather than the 1,000 feet required by state law. The Commission may wish to consider more restrictive provisions.

Discussion of the specific amendments is provided below:

Article 3

The proposed approach regarding medical marijuana facilities is to classify them as a medical center. As will be discussed below under Article 12, they can either be a stand-alone facility or as part of a medical center complex. This is the only listed use category on the use tables that reflects the medical aspect of the dispensaries. This use category also limits the districts that could be considered. The medical center use is allowed in the Institutional, Community Commercial and Town Center zone districts. They are not allowed in the Neighborhood Commercial or the industrial districts.

As an alternative, medical marijuana dispensaries might be compared with a pharmacy. However, the State of Oregon draws a distinction between the activities in that medical marijuana dispensaries are not required to be registered by the State Board of Pharmacy. Further, pharmacies do not have any locational restriction by the State that medical marijuana facilities are required to conform.

The amendment is to modify the use table for each of the three zones (Tables 3-8 (Institutional Zone), 3-10 (Commercial zones) and 3-12 (Town Center zones)) to change "Medical Centers" from "permitted" to "limited" with the addition of a note. For the Institutional and Commercial zones, the note states:

"Medical marijuana dispensaries must be located consistent with the requirements of ORS 475.314 and comply with the provisions of Section 10.8.1100 of this code."

This establishes the State buffer and other requirements as well as links the proposed standards in Article 8 (see discussion below).

For the Town Center zones, the note would prohibit the dispensaries.

Neighborhood Commercial and Industrial districts: By taking this approach, it avoids placing such facilities in an area surrounded by residential development as is the situation with Neighborhood Commercial. It also maintains the industrial district for industrial uses. The two industrial districts do not allow services or retail uses except in two instances. A retail component for an industrial use is permitted to allow a manufacturer to sell their products onsite. The other exception is retail or service can be allowed if limited to 3,000 square feet in size and is primarily serving the needs of people working in that particular district area.

Institutional District: The proposed amendment would allow medical marijuana facilities in the Institutional and Community Commercial zone districts but would be prohibited in the Town Center districts. The Institutional District is applied to public facilities such as City facilities and parks, and schools. It is not anticipated that any medical marijuana facility would be developed on these sites. The Institutional Zone is also applied to the medical facilities around Tuality Hospital. No such dispensaries would be allowed at this location because of the state buffer requirement of not being located within 1,000 feet of an elementary school (Joseph Gale Elementary in this instance).

Community Commercial District: The Community Commercial zone district is applied along the Pacific/19th avenues couplet both east and west of the Town Center. There are a number of smaller parcels and spaces long the couplet that could accommodate dispensaries. While not precluded to be located adjacent to residential areas where the district is adjacent to high density residential, most of the sites would be oriented towards the couplet and away from these residential areas.

Applying the State buffer standards (see Attachment 2), the only areas these uses could be located would be two and one-half blocks from Cedar to Elm Street and then the entire Community Commercial District east of Elm Street to the Ballard Town shopping center. While the northerly portion of the shopping center could accommodate a dispensary, it is the location of the parking lot and Safeway. Such a dispensary could be allowed anywhere along the north side of Pacific Avenue until in the vicinity of Mountain View. Between Oak and near Mountain View, these facilities could locate along the south side of the Pacific Avenue within the Community Commercial District.

Town Center Districts: As noted above, the proposed amendment would prohibit dispensaries in any of the Town Center districts. This is the same approach being considered by the City of Hillsboro. The reason for the prohibition is that very little is known about the medium- and long-term impacts of medical marijuana dispensaries on surrounding property values or redevelopment efforts in downtown areas. However, several issues have been raised regarding potential impacts for both medical dispensaries facilities:

- Risk to family-friendly tourism images of downtowns (several cities in Colorado)
- Impacts in areas where social services agencies are located (Boston)
- Increased sensitivity to odors in pedestrian-oriented environments (Denver)

Staff believes that, unlike pharmacies, liquor stores, or restaurants serving alcohol, medical marijuana dispensaries have an "unknown track record" with regard to economic impacts in downtowns. For this reason, staff recommends at this time that the Commission consider not allowing medical marijuana dispensaries in the Town Center districts. As the medical marijuana economy and market become more visible and further information is available, the Commission may wish to revisit this provision.

In addition, even if the code allowed such facilities, State law would prohibit them in the Town Center due to the presence of two schools (Community School and Elizabeth Perry Montessori School). The 1000 foot buffer from these two schools covers the entire Town Center districts. When the Town Center districts expand to Elm Street to implement the Comprehensive Plan, this would prohibit the dispensaries on two and one-half blocks located outside the buffer area including the shopping center immediately east of Cedar Street and north of Pacific Avenue.

Article 8

The amendment is to add a new Section 10.8.1100 to the Development Code. The purpose is to establish seven development requirements for marijuana dispensaries. These requirements were taken from provisions adopted by the City of Ashland and Washington County. These provisions and discussion on each provision are as follows:

A. The application shall demonstrate compliance with the locational requirements of State law and must maintain State certification at all times.

Staff Comment: This is a fairly standard provision and maintains the 1000 foot separation from elementary and secondary schools as required by the State. Any amendment of these locational requirements by the State would automatically be enforced by the City without the need for a revision to this subsection.

B. A medical marijuana dispensary may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.

Staff Comment: The intent is to correspond hours similar to Oregon Liquor Control Commission (OLCC) requirement on alcohol and reflects the hours approved by Washington County on the same basis. However, the "Retail Services" page of the OLCC web site provides the following information:

To ensure adequate service, liquor stores are required to be open a minimum of eight hours a day, except Sundays and legal holidays. Stores must be open between 12:00 p.m. and 6:00 p.m., but cannot open before 7:00 a.m. or close later than 10:00 p.m. Liquor store operators have the option of being open on Sundays and legal holidays with hours of operation varying from store to store.

Based on this provision, the City of Hillsboro is considering the following hours of operation for dispensaries which the Commission may want to consider:

- o 10:00 am to 8:00pm Monday - Thursday
- o 10:00 am to 10:00 pm Friday, Saturday, and Sunday

The hours of operation provision is written in the negative to address an observation made by legal staff from the Oregon League of Cities. The reason is to minimize exposure to possible future federal legal action.

C. Entrances and off-street parking areas for the medical marijuana facility shall be well-lit and not visually obscured from public view/right-of-way.

Staff Comment: This provision is taken from the adopted Washington County provisions. The purpose is to provide better security for patrons and improved surveillance by the Police Department. It should be kept in mind that these facilities would be storing controlled substances where criminal mischievous may occur. In addition, it is staff's understanding that because of the lack of bank financing, it appears these businesses will be operating on a cash basis; thereby increasing the desirability for illegal intrusions.

D. The facility must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the facility is prohibited.

Staff Comment: For both security and urban design needs, this provision is included to avoid the development of temporary type of facilities with which the City has minimal regulatory provisions. In particular, design requirements in the Development Code are applicable to new building construction involving a permanent structure and have not been applied to temporary facilities.

E. Any modification to the site or the exterior of a building housing the facility must be consistent with the Design Standards of Section 10.8.700 et. seq. Security bars or grates on windows and doors are prohibited unless integrated into the design.

Staff Comment: The first portion of this provision is to clarify that the design requirements under Section 10.8.700 are applicable. This inclusion is to clarify the relationship between the two provisions and avoid the contention that design requirements do not apply.

The provision regarding prohibiting security bars or grates is again a design issue and an attempt to avoid negative visual impacts such features create. Given the nature of these facilities housing controlled substances and possibly large amounts of cash, staff is sensitive to the security needs. It is anticipated that

the typical method to address this is either to integrate security features into the glass or on the interior side of the window.

F. The dispensary may not have facilities for drive-up use.

Staff Comment: Drive-through service is not allowed by the State and is inappropriate for this type of use due to nature of dispensaries in handling a controlled substance and potentially large sums of cash. The following is taken from "Frequently Asked Questions" on the Medical Marijuana Dispensaries Program webpage provided by the Oregon Health Authority:

"Mobile services, including but not limited to farmer markets, drive-throughs, and mobile dispensaries are not allowed. Any transfer of marijuana to or from a dispensary must take place at the registered address of the dispensary."

G. The dispensary must provide for secure disposal of marijuana remnants or by-products, or items with marijuana residue of any kind.

Staff Comment: This provision is included to assure that residue from a dispensary operation is properly controlled and to minimize inappropriate searching of discards generated by the facility operation.

Article 12

There are two proposed changes in Article 12:

- The modification of Section 10.12.130 E to include medical marijuana dispensaries as part of the use definition for Medical Centers; and
- The addition of a definition of "Medical Marijuana Dispensary" to Section 10.12.210.

The use category, "Medical Centers" envisioned development of a campus style conglomeration of medical facilities. However, the term also allows, "free-standing offices for hospital-based and/or private practice physicians and other allied health care professionals."

Staff does not anticipate that medical marijuana dispensaries would likely develop in such complexes. Medical complexes where these facilities could locate would be around Tuality Hospital or the medical complex east of Mountain View. State law would prohibit the location of dispensaries at either location because of the school buffer requirement. Thus, the use category as proposed to be amended would allow for stand-alone dispensaries which are consistent with the use category as noted above.

III. APPROVAL CRITERIA AND FINDINGS

Development Code Section 10.2.630 *Review Criteria* lists two standards to be satisfied to adopt a text amendment:

- A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and

Finding: Applicable Comprehensive Plan Goals and Policies is Health Services Goal 1, which states:

“Provide opportunities through City land use and development policy to ensure the health service needs of the entire community are met locally.”

The proposed amendment would establish land use and development requirements to allow medical marijuana facilities in the community. There are specific locations within the Community Commercial zone district where such uses may be established. The proposed development requirements establish reasonable requirements given the nature of medical marijuana dispensaries handling a controlled substance and assure the applicable City design standards are maintained. Thus, health service needs related to medical marijuana would be allowed to be provided locally by this amendment and is consistent with the Comprehensive Plan Health Services Goal 1.

- B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.

Finding: Statewide and regional planning goals, programs and rules do not specifically address dispensaries. They are therefore not applicable to this text amendment.

However, the proposed amendment is consistent with and relies on State laws and regulations for medical marijuana facilities. The proposed amendments references and uses the locational requirements established by state law by limiting their location within the Community Commercial District. Consistent with the City’s industrial provisions, these facilities are not allowed in the industrial zoned lands. In addition, they are not allowed in the Town Center districts because their impact is unknown at this time and may impact the redevelopment of the Town Center area. Further, the proposed amendment: prevents the use of drive-through service which is consistent with State directives, requires well viewed entrances to enhance security and allows security bars and grates if they are integrated in design to maintain the visual integrity of commercial districts while providing security.

IV. ALTERNATIVES

The Planning Commission may recommend that the City Council approve the proposal as submitted, approve it with modifications, deny it, or the Commission may continue deliberations to a date certain.

V. RECOMMENDATION

Based on the findings above, staff recommends approval of the proposal, with any amendments found appropriate by the Planning Commission.

VI. LIST OF EXHIBITS AND ATTACHMENTS

The following exhibits and attachments were received, marked, and entered into the record as evidence for this application at the time this staff report was written. Materials received after the date of this report will be marked as "Exhibit" beginning with the next consecutive letter and will be entered into the record at the time the public hearing is opened, prior to oral testimony.

Exhibit A	Proposed Development Code Amendments
Attachment 1	Proposed Municipal Code Amendments
Attachment 2	Map of Forest Grove Depicting Buffer Areas pursuant to State Law
Attachment 3	ORS 475.314
Attachment 4	Final Rules for the Medical Marijuana Program dated January 28, 2015

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PLANNING COMMISSION DECISION NUMBER 15-01

**RECOMMENDATION TO CITY COUNCIL ON AMENDMENT TO THE
DEVELOPMENT CODE TO ADDRESS MEDICAL MARIJUANA DISPENSARIES**

WHEREAS, the Oregon Legislature enacted House Bill 3460 (2013), which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities;

WHEREAS, Section 2 of House Bill 3460 (2013) that established the medical marijuana registration system has been codified as ORS 475.314;

WHEREAS, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b),

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015;

WHEREAS, the City Council adopted Ordinance Number 2014-04 on April 28, 2014 to establish a moratorium for marijuana dispensaries until May 1, 2015;

WHEREAS, the City has prepared proposed amendments to the Development Code pertaining to the placement and requirements for medical marijuana dispensaries; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments to the Development Code on March 23, 2015.

Now, therefore, the Planning Commission of the City of Forest Grove recommends to the City Council the adoption of proposed amendments to the Development Code as provided in Exhibit A, making the following findings in support of the recommendation:

Section 1. ORS Section 476.314 does not authorize the placement of medical marijuana dispensaries in the Institutional zone district and changes the staff recommended amendments to prohibit dispensaries within the Institutional Zone District.

Section 2. The proposed amendments are consistent with and meet the provisions of Development Code Section 10.2.630 *Review Criteria* pertaining to Zoning Text amendments:

- A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and

Finding: Applicable Comprehensive Plan Goals and Policies is Health Services Goal 1, which states:

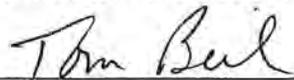
“Provide opportunities through City land use and development policy to ensure the health service needs of the entire community are met locally.”

The proposed amendment would establish land use and development requirements to allow medical marijuana facilities in the community. There are specific locations within the Community Commercial zone district where such uses may be established. The proposed development requirements establish reasonable requirements given the nature of medical marijuana dispensaries handling a controlled substance and assure the applicable City design standards are maintained. Thus, health service needs related to medical marijuana would be allowed to be provided locally by this amendment and is consistent with the Comprehensive Plan Health Services Goal 1.

- B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.

Finding: Statewide and regional planning goals, programs and rules do not specifically address dispensaries. They are therefore not applicable to this text amendment.

However, the proposed amendment is consistent with and relies on State laws and regulations for medical marijuana facilities. The proposed amendments references and uses the locational requirements established by state law by limiting their location within the Community Commercial District. Consistent with the City’s industrial provisions, these facilities are not allowed in the industrial zoned lands. In addition, they are not allowed in the Town Center districts because their impact is unknown at this time and may impact the redevelopment of the Town Center area. Further, the proposed amendment: prevents the use of drive-through service which is consistent with State directives, requires well viewed entrances to enhance security and allows security bars and grates if they are integrated in design to maintain the visual integrity of commercial districts while providing security.



TOM BECK, Chair

3-25-15

Date

Exhibit A

Proposed Amendments to the Development Code for Medical Marijuana Dispensaries

Article 3 Proposed Amendments:

1. Amend Table 3-8 to add new footnote to Medical Centers that allows medical marijuana dispensaries at certain locations consistent with state statutes and references proposed requirements in Article 8 for those facilities.

**TABLE 3-8
Institution Zone: Use Table**

USE CATEGORY	INST
<u>RESIDENTIAL</u>	
Household Living	N
Group Living	N
Transitional Housing	C
Home Occupation	N
Bed and Breakfast	N
<u>CIVIC / INSTITUTIONAL</u>	
Basic Utilities	P
Major Utility Transmission Facilities	C
Colleges	C
Community Recreation	P/C ^[1]
Cultural Institutions	C
Day Care	C
Emergency Services	C
Postal Services	C
Religious Institutions	C
Schools	C
Social/ Fraternal Clubs / Lodges	N
Government Offices	P
<u>COMMERCIAL</u>	
Commercial Lodging	L ^[2]
Eating and Drinking Establishments	N ^[3]
Entertainment – Oriented:	
- Major Event Entertainment	N
- Outdoor Entertainment	N
- Indoor Entertainment	N
General Retail:	
- Sales – Orientated	N
- Personal Services	N
- Repair – Oriented	N
- Bulk Sales	N

- Outdoor Sales	N
- Animal – Related	N

Medical Centers	C ^[4]
Motor Vehicle Related:	
- Motor Vehicles Sale / Rental	N
- Motor Vehicle Servicing / Repair	N
- Motor Vehicle Fuel Sales	N
Non-Accessory Parking	N
Office	C
Self-Service Storage	N

<u>INDUSTRIAL</u>	
Industrial Services	N
Manufacturing and Production:	
- Light Industrial	N
- General Industrial	N
Call Centers	N
Railroad Yards	N
Research and Development	C
Warehouse / Freight Movement	N
Waste – Related	C
Wholesale Sales	N
Water Treatment Plants and Government Corporation Yards	C
<u>OTHER</u>	
Agriculture / Horticulture	C
Cemeteries	C
Detention Facilities	C
Mining	N
Wireless Communication Facilities	L ^[4,3]
Information	N

P=Permitted L=Limited C=Conditional Use N=Not Permitted

Footnotes:

- [1] Community recreation facilities including trails, parks, playgrounds and open space are permitted uses and require a Type II process. Recreation centers and other facilities used by organized team sports require a Conditional Use Permit.
- [2] Limited to Recreational Vehicle Parks subject to obtaining a conditional use permit and compliance with the requirements of Section 10.5.500 et. seq.
- [3] All uses listed as *N = Not Permitted* may be allowed if it is demonstrated by the applicant that these are traditionally permitted as part of the institution and are incidental and accessory to the primary use.
- [4] ~~Medical marijuana dispensaries must be located consistent with the requirements of ORS 475.314 and comply with the provisions of Section 10.8.1100 of this code. Medical marijuana dispensaries are prohibited.~~

[45] Wireless communication facilities are regulated by the standards in Article 7.

COMMERCIAL ZONES

- Amend Table 3-10 to add new footnote to Medical Centers in the Community Commercial District that allows medical marijuana dispensaries at certain locations consistent with state statutes and references proposed requirements in Article 8 for those facilities.

TABLE 3-10 Commercial Zones Use Table

USE CATEGORY	NC	CC
RESIDENTIAL		
Household Living	L ^[1]	L ^[2]
Group Living	N	P
Transitional Housing	N	C
Home Occupation	L ^[3]	L ^[3]
Bed and Breakfast	L ^[4]	P
CIVIC / INSTITUTIONAL		
Basic Utilities	P	P
Major Utility Transmission Facilities	C	C
Colleges	N	C
Community Recreation	N	P
Cultural Institutions	P	P
Day Care	P	P
Emergency Services	C	C
Postal Services	C	P
Religious Institutions	C	P
Schools	C	C
Social/ Fraternal Clubs / Lodges	C	P
COMMERCIAL		
Commercial Lodging	N	L ^[5]
Eating and Drinking Establishments	L ^[6]	P
Entertainment – Oriented:		
- Major Event Entertainment	N	N
- Outdoor Entertainment	N	N
- Indoor Entertainment	N	P
General Retail:		
- Sales – Oriented	P	P
- Personal Services	P	P
- Repair – Oriented	P	P
- Bulk Sales	N	P
- Outdoor Sales	L ^[7]	L ^[7]
- Animal – Related	N	P
Medical Centers	N	P-L ^[8]

Motor Vehicle Related:		
- Motor Vehicles Sale / Rental	N	L ^[8 2]
COMMERCIAL (continued)	NC	CC
- Motor Vehicle Servicing / Repair	N	P
- Motor Vehicle Fuel Sales	P ^[9 10]	P
Non-Accessory Parking	N	P
Office	P	P
Self-Service Storage	N	C
INDUSTRIAL		
Industrial Services	N	N
Manufacturing and Production:		
- Light Industrial	N	C ^[10 11]
- General Industrial	N	N
Railroad Yards	N	N
Research and Development	N	N
Warehouse / Freight Movement	N	N
Waste – Related	N	N
Wholesale Sales	N	N
OTHER		
Agriculture / Horticulture	L ^[12 13]	L ^[12 13]
Cemeteries	N	N
Detention Facilities	N	N
Mining	N	N
Wireless Communication Facilities	L ^[14 12]	L ^[14 12]

P=Permitted L=Limited C=Conditional Use N=Not Permitted

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 20.28 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses.
- [3] Home occupations permitted as an accessory use to residential development, subject to compliance with the home occupation standards in Article 7.
- [4] Bed & breakfast inn limited to three (3) guest rooms in the NC zone, subject to compliance with the bed & breakfast inn standards in Article 7.
- [5] Recreational Vehicle Parks require obtaining a conditional use permit and compliance with the requirements of Section 10.5.500 et. seq. All other commercial lodging uses are permitted.
- [6] Restaurants are permitted in the NC zone (drive-through service is prohibited).

- [7] Outdoor sales in the NC zone are limited to plants and produce. Outdoor sales areas in the CC zone must be set back at least ten (10) feet from street lot lines and lot lines abutting residential zones and the setback area must be landscaped.
- [8] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright in the CC zone; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted with conditional use approval.
- [9] Automobile service station in the NC zone is limited to fuel sales and incidental repair service.
- [10] As a conditional use pursuant to Section 10.2.200 et. seq., light industrial uses limited within a building no larger than 5,000 square feet in size with no visible emissions or odor outside the building, and with the added criteria that such use does not detract from the commercial viability of the area.
- [11] Medical marijuana dispensaries must be located consistent with the requirements of ORS 475.314 and comply with the provisions of Section 10.8.1100 of this code.
- [~~11~~ 12] Wireless communication facilities are regulated by the standards in Article 7.
- [~~12~~ 13] Domesticated fowl are allowed in conjunction with existing single-family uses and primarily for personal use. Domesticated fowl are allowed subject to these conditions.
 - a. Up to 4 adult fowl over 6 months of age may be kept on any lot with a minimum area of 5,000 square feet. One additional adult fowl shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.
 - b. No roosters shall be permitted.
 - c. Animal waste matter shall not be allowed to accumulate.
 - d. All animal food shall be stored in metal or other rodent-proof containers.
 - e. Fencing shall be designed and constructed to confine all animals to the owner's property.
 - f. All structures that house fowl shall be located at least 20 feet from all residences (except the animal owner's).
 - g. All structures that house fowl shall be located at least 5 feet from any side or rear property line.

TOWN CENTER ZONES

- 3. Amend Table 3-12 to add new footnote to Medical Centers that allows medical marijuana dispensaries at certain locations consistent with state statutes and references proposed requirements in Article 8 for those facilities.

**TABLE 3-12
Town Center Zones: Use Table**

USE CATEGORY	TC-Core	TC-Transition	TC-Support
<u>RESIDENTIAL</u> Household Living	L ^[1]	L ^[1]	L ^[1]
Group Living	P ^[1]	P	P
Transitional Housing	N	C	C
Home Occupation	L ^[2]	L ^[2]	L ^[2]
Bed and Breakfast	C ^[2]	P	P

<u>CIVIC / INSTITUTIONAL</u>			
Basic Utilities	P	P	P
Major Utility Transmission Facilities	C	C	C
Colleges	C	C	C
Community Recreation	N	P	P
Cultural Institutions	P	P	P
Day Care	P	P	P
Emergency Services	C	C	C
Postal Services	C	P	P
Religious Institutions	C	P	P
Schools	C	C	C
Social/ Fraternal Clubs / Lodges	C	P	P

<u>COMMERCIAL</u>			
Commercial Lodging	L ^[3]	L ^[3]	L ^[3]
Eating and Drinking Establishments	P ^[4]	P	P
Entertainment – Oriented:			
- Major Event Entertainment	N	N	C
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	P	P	P
General Retail:			
- Sales – Oriented	P	P	P
- Personal Services	P	P	P
- Repair – Oriented	P	P	P
- Bulk Sales	L ^[5]	L ^[5]	L ^[5]
- Outdoor Sales	N	N	N
- Animal – Related	N	N	N
Medical Centers	N	C ^[6]	C ^[6]
Motor Vehicle Related:			
- Motor Vehicles Sale / Rental	N	N	N
- Motor Vehicle Servicing / Repair	N	N	N
- Motor Vehicle Fuel Sales	N	N	N
Non-Accessory Parking	N	C	C
Office	L ^[3]	P	P
Self-Service Storage	N	N	N

<u>INDUSTRIAL</u>			
Industrial Services	N	N	N
Manufacturing and Production:			
- Light Industrial	N	C	C
- General Industrial	N	N	N
Call Centers	L ^{[6 2][7 8]}	L ^[6 2]	L ^[6 2]
Railroad Yards	N	N	N
Research and Development	N	N	P
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N

Wholesale Sales	N	N	N
<u>OTHER</u>			
Agriculture / Horticulture	N	N	N
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L ^[8 9]	L ^[8 9]	L ^[8 9]
Information	L ^{[9 10][10 11]}	L ^[9 10]	L ^[9 10]

P=Permitted L=Limited C=Conditional Use N=Not Permitted

Footnotes:

- [1] New dwellings in the TCC zone are only permitted on or above the 2nd floor. There are no minimum density requirements when housing is part of a mixed-use building. In the TCT and TCS zones new dwellings are permitted as “stand-alone” developments or as part of mixed-use developments, but must meet density requirements.
- [2] Home occupations are permitted as an accessory use to residential uses, subject to compliance with the home occupation standards in Article 7.
- [3] Offices only permitted as part of a ground-floor retail or personal service use or as a stand-alone use above the first floor in the TC-Core zone. Recreational vehicle parks are prohibited in all districts.
- [4] Drive through service is prohibited from restaurants in the TC-Core and TC-Transition zones.
- [5] Bulk sales stores with ground floor building footprint small than 10,000 square feet are permitted. All merchandise must be enclosed within a building. All other bulk sales are prohibited.
- [6] Medical marijuana dispensaries are prohibited.
- [6 7] Permitted where there are no off premise impacts and no product is transported from the site. Centers with any offsite impacts or transport products from the site are to be located in either Light or General Industrial districts.
- [7 8] Call Centers shall not be allowed on the ground floor in the TC-Core Zone District.
- [8 9] Wireless communication facilities are regulated by the standards in Article 7.
- [9 10] Permitted where there are no off premise impacts.
- [10 11] Information business is not allowed on the ground floor in the TC-Core Zone District.

Article 8 Proposed Amendment:

4. Add new section 10.8.1100 to establish design standards and operational requirements for medical marijuana facilities.

MEDICAL MARIJUANA DISPENSARIES

10.8.1100 MEDICAL MARIJUANA DISPENSARIES

A medical marijuana dispensary shall comply with the following design standards and operational requirements in addition to all other applicable City requirements:

- A. The application shall demonstrate compliance with the locational requirements of State law and must maintain State certification at all times.
- B. A medical marijuana dispensary may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.
- C. Entrances and off-street parking areas for the medical marijuana facility shall be well-lit and not visually obscured from public view/right-of-way.
- D. The facility must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. Outdoor storage of merchandise, raw materials, or other material associated with the facility is prohibited.
- E. Any modification to the site or the exterior of a building housing the facility must be consistent with the Design Standards of Section 10.8.700 et. seq. Security bars or grates on windows and doors are prohibited unless integrated into the design.
- F. The dispensary may not have facilities for drive-up use.
- G. The dispensary must provide for secure disposal of marijuana remnants or by-products, or items with marijuana residue of any kind.

Article 12 Proposed Amendments:

5. Amend Section 10.12.130 E to add medical marijuana dispensaries to the Medical Center use category.

USE CATEGORIES

10.12.130 COMMERCIAL USE CATEGORY

The commercial use category includes uses involved in the distribution, sale and/or rental of goods and the provision of services other than those classified in the Civic Use Category.

E. Medical Centers: Facilities providing inpatient, outpatient and emergency and related ancillary services to the sick and infirm. Usually developed in campus setting. Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities, laundry, housekeeping and maintenance facilities, administrative offices and parking. Medical centers may also include free-standing offices for hospital-based and/or private practice physicians and other allied health care professionals; these medical office buildings are regulated as Offices (see Section 10.12.025 H, Offices). A medical center also includes a marijuana dispensary, either as part of a medical center campus or as a stand-alone facility.

6. **Add new subsection 10.12.210 M6 to establish definition for medical marijuana dispensaries.**

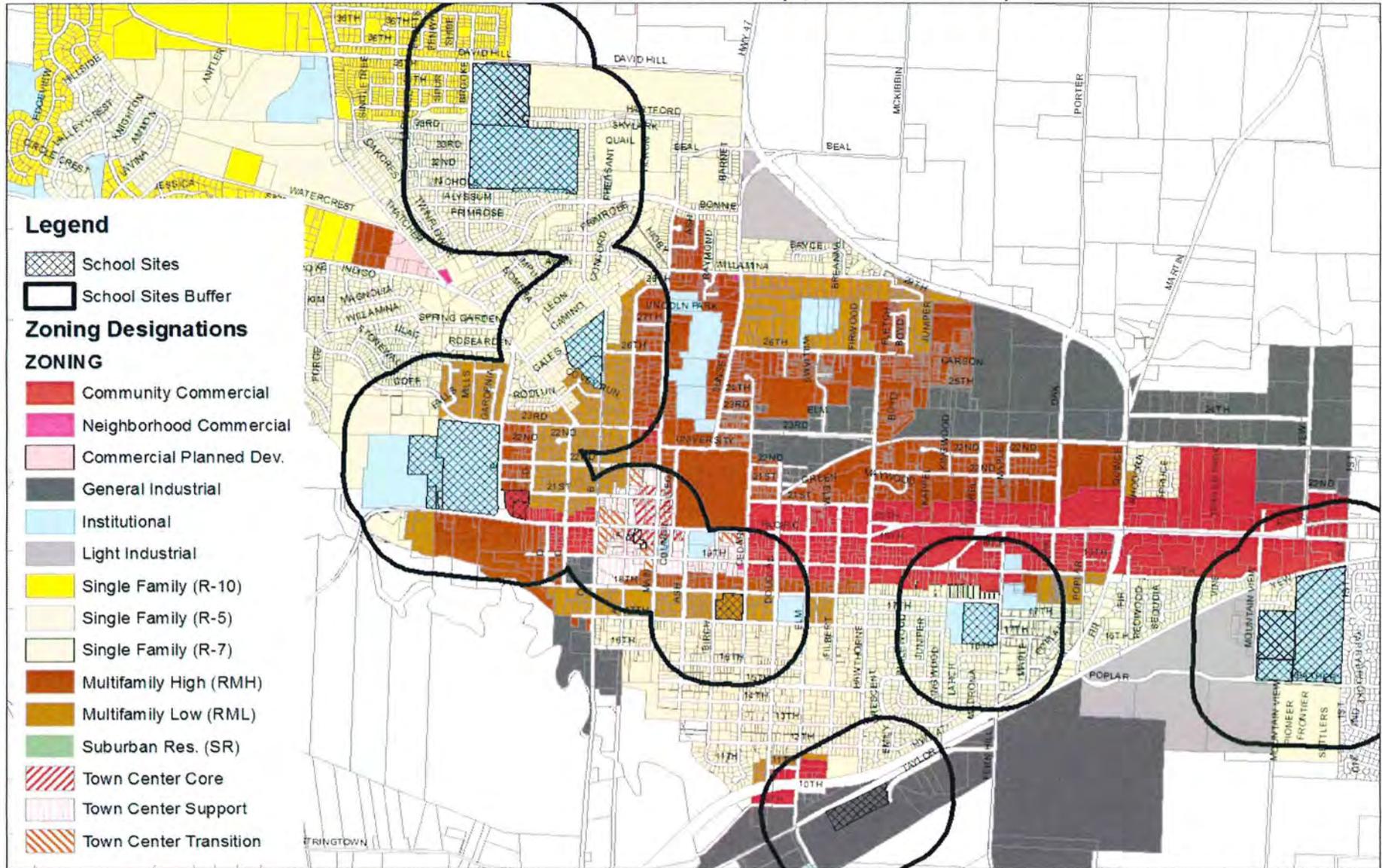
10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

As used in this Code, the following words and phrases shall mean:

M6 **Medical Marijuana Dispensary.** A facility for selling marijuana and marijuana-related products to medical marijuana card holders and that is registered with the Oregon Health Authority under ORS 475.314.

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Attachment 2 Public and Private Schools (1,000 Foot Buffer)



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Attachment 3

ORS 475.302 and 475.314

475.302. As used in ORS 475.300 to 475.346:

(1) “Attending physician” means a physician licensed under ORS chapter 677 who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

(2) “Authority” means the Oregon Health Authority.

(3) “Debilitating medical condition” means:

(a) Cancer, glaucoma, agitation incident to Alzheimer’s disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the treatment of these medical conditions;

(b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(A) Cachexia;

(B) Severe pain;

(C) Severe nausea;

(D) Seizures, including seizures caused by epilepsy; or

(E) Persistent muscle spasms, including spasms caused by multiple sclerosis;

(c) Post-traumatic stress disorder; or

(d) Any other medical condition or side effect related to the treatment of a medical condition adopted by the authority by rule or approved by the authority pursuant to a petition submitted under ORS 475.334.

(4) “Delivery” has the meaning given that term in ORS 475.005. “Delivery” does not include transfer of marijuana by a registry identification cardholder to another registry identification cardholder if no consideration is paid for the transfer.

(5) “Designated primary caregiver” means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person’s application for a registry identification card or in other written notification to the authority. “Designated primary caregiver” does not include the person’s attending physician.

(6) “Marijuana” has the meaning given that term in ORS 475.005.

(7) “Marijuana grow site” means a location registered under ORS 475.304 where marijuana is produced for use by a registry identification cardholder.

(8) “Medical use of marijuana” means the production, possession, delivery, distribution or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person’s debilitating medical condition.

(9) “Production” has the meaning given that term in ORS 475.005.

(10) “Registry identification card” means a document issued by the authority that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475.312, the person’s designated primary caregiver.

(11) “Usable marijuana” means the dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed in ORS 475.300 to 475.346. “Usable marijuana” does not include the seeds, stalks and roots of the plant.

(12) "Written documentation" means a statement signed by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records.

475.314 Medical marijuana facility registration; qualifications; inspections; revocation; rules; fees. (1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana and immature marijuana plants from:

(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

(b) A medical marijuana facility to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

(2) The registration system established under subsection (1) of this section must require a medical marijuana facility to submit an application to the authority that includes:

(a) The name of the person responsible for the medical marijuana facility;

(b) The address of the medical marijuana facility;

(c) Proof that the person responsible for the medical marijuana facility is a resident of Oregon;

(d) Documentation, as required by the authority by rule, that demonstrates the medical marijuana facility meets the qualifications for a medical marijuana facility as described in subsection (3) of this section; and

(e) Any other information that the authority considers necessary.

(3) To qualify for registration under this section, a medical marijuana facility:

(a) Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land and may not be located at the same address as a marijuana grow site;

(b) Must be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;

(c) Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

(d) Must not be located within 1,000 feet of another medical marijuana facility; and

(e) Must comport with rules adopted by the authority related to:

(A) Installing a minimum security system, including a video surveillance system, alarm system and safe; and

(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.

(4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person whose name is submitted as the person responsible for a medical marijuana facility under subsection (2) of this section.

(b) A person convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility for five years from the date the person is convicted.

(c) A person convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility.

(5) If a person submits the application required under subsection (2) of this section, the medical marijuana facility identified in the application meets the qualifications for a medical marijuana facility described in subsection (3) of this section and the person responsible for the medical marijuana facility passes the criminal records check required under subsection (4) of this section, the authority shall register the medical marijuana facility and issue the person responsible for the medical marijuana facility proof of registration. The person responsible for the medical marijuana facility shall display the proof of registration on the premises of the medical marijuana facility at all times when usable marijuana or immature marijuana plants are being transferred as described in subsection (1) of this section.

(6)(a) A registered medical marijuana facility may receive usable marijuana or immature marijuana plants only from a registry identification cardholder, designated primary caregiver or person responsible for a marijuana grow site if the registered medical marijuana facility obtains authorization, on a form prescribed by the authority by rule and signed by a registry identification cardholder, to receive the usable marijuana or immature marijuana plants.

(b) A registered medical marijuana facility shall maintain:

(A) A copy of each authorization form described in paragraph (a) of this subsection; and

(B) Documentation of each transfer of usable marijuana or immature marijuana plants.

(7) A medical marijuana facility registered under this section may possess usable marijuana and immature marijuana plants in excess of the limits imposed on registry identification cardholders and designated primary caregivers under ORS 475.320.

(8) The authority may inspect:

(a) The premises of an applicant for a medical marijuana facility or a registered medical marijuana facility to ensure compliance with the qualifications for a medical marijuana facility described in subsection (3) of this section; and

(b) The records of a registered medical marijuana facility to ensure compliance with subsection (6)(b) of this section.

(9)(a) A registry identification cardholder or the designated primary caregiver of a registry identification cardholder may reimburse a medical marijuana facility registered under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

(b) A medical marijuana facility may reimburse a person responsible for a marijuana grow site under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

(10) The authority may revoke the registration of a medical marijuana facility registered under this section for failure to comply with ORS 475.300 to 475.346 or rules adopted under ORS 475.300 to 475.346. The authority may release to the public a final order revoking a medical marijuana facility registration.

(11) The authority shall adopt rules to implement this section, including rules that:

(a) Require a medical marijuana facility registered under this section to annually renew that registration; and

(b) Establish fees for registering and renewing registration for a medical marijuana facility under this section. [2013 c.726 §2]

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Attachment 4

Final Rules for the Medical Marijuana Dispensary Program

January 28th, 2015

These are the final rules governing medical marijuana dispensaries in Oregon. Individuals intending to file an application to register a dispensary should use these rules as a guide. Visit mmj.oregon.gov for more information.

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OREGON ADMINISTRATIVE RULES
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION
CHAPTER 333

DIVISION 8

MEDICAL MARIJUANA

Medical Marijuana Facilities

333-008-1000

Applicability

- (1) A person may not establish, conduct, maintain, manage or operate a facility on or after March 1, 2014, unless the facility has been registered by the Authority under these rules.
 - (2) Nothing in these rules exempts a PRF, an employee of a registered facility, or a registered facility from complying with any other applicable state or local laws.
 - (3) Registration of a facility does not protect a PRF or employees from possible criminal prosecution under federal law.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: ORS 475.314

333-008-1010

Definitions

For the purposes of OAR 333-008-1000 through 333-008-1400 the following definitions apply:

- (1) "Agricultural land" means land that is located within an exclusive farm use zone as that term is described in ORS 215.203.
- (2) "Attended primarily by minors" means that a majority of the students are minors.
- (3) "Authority" means the Oregon Health Authority.
- (4) "Batch" means a quantity of usable marijuana of a single strain or a number of immature plants transferred at one time to a facility by a person authorized by a patient to transfer usable marijuana to a registered facility.
- (5) "Business day" means Monday through Friday excluding legal holidays.
- (6) "Career school" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.
- (7) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.
- (8)(a) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Authority.
- (b) "Designated primary caregiver" does not include the person's attending physician.
- (9) "Domicile" means the place of abode of an individual where the person intends to remain and to which, if absent, the individual intends to return.
- (10) "Edible" means a product made with marijuana that is intended for ingestion.

- (11) "Elementary school" means a learning institution containing any combination of grades Kindergarten through 8 or age level equivalent.
- (12)(a) "Employee" means any person, including aliens, employed for remuneration or under any contract of hire, written or oral, express or implied, by an employer.
- (b) "Employee" does not include a person who volunteers or donates services performed for no remuneration or without expectation or contemplation of remuneration as the adequate consideration for the services performed for a religious or charitable institution or a governmental entity.
- (13) "Facility" means a medical marijuana facility.
- (14) "Farm use" has the meaning given that term in ORS 215.203.
- (15) "Finished product" means a useable marijuana product, including but not limited to edible products, ointments, concentrates and tinctures. A finished product does not mean dried marijuana flowers.
- (16) "Grower" has the same meaning as "person responsible for a marijuana grow site."
- (17) "Grow site" means a specific location registered by the Authority and used by the grower to produce marijuana for medical use by a specific patient.
- (18)(a) "Immature marijuana plant or immature plant" means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter.
- (b) A seedling or start that does not meet all three criteria in subsection (18)(a) is a mature plant.
- (19) "Macroscopic screening" means visual observation without the aid of magnifying lens(es).
- (20) "Microscopic screening" means visual observation with a minimum magnification of 40x.
- (21) "Minor" means an individual under the age of 18.
- (22) "Oregon Medical Marijuana Program" or "OMMP" means the program operated and administered by the Authority that registers patients, designated primary caregivers, and growers.
- (23) "Patient" has the same meaning as "registry identification cardholder."
- (24) "Person" means an individual.
- (25) "Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose and has the same meaning as "grower".
- (26) "Person responsible for a medical marijuana facility" or "PRF" means an individual who owns, operates, or otherwise has legal responsibility for a facility and who meets the qualifications established in these rules and has been approved by the Authority.
- (27) "Pesticide" means any substance or mixture of substances, intended to prevent, destroy, repel, or mitigate any pest.
- (28) "Premises" means a location registered by the Authority under these rules and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where individuals are permitted to be present.
- (29) "Random sample" means an amount of usable marijuana taken from a batch in which different fractions of the usable marijuana have an equal probability of being represented.
- (30) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.

- (31) “Remuneration” means compensation resulting from the employer-employee relationship, including wages, salaries, incentive pay, sick pay, compensatory pay, bonuses, commissions, stand-by pay, and tips.
- (32) “Resident” means an individual who has a domicile within this state.
- (33) “Restricted area” means a secure area where usable marijuana and immature plants are present.
- (34) “Safe” means:
- (a) A metal receptacle with a locking mechanism capable of storing all usable marijuana at a registered facility that:
 - (A) Is rendered immobile by being securely anchored to a permanent structure of the building; or
 - (B) Weighs more than 750 pounds.
 - (b) A vault; or
 - (c) A refrigerator or freezer capable of being locked for storing edibles or other finished products that require cold storage that:
 - (A) Is rendered immobile by being securely anchored to a permanent structure of the building; or
 - (B) Weighs more than 750 pounds.
- (35) “Secondary school” means a learning institution containing any combination of grades 9 through 12 or age level equivalent and includes those institutions that provide junior high schools which include 9th grade.
- (36) “Secure area” means a room:
- (a) With doors that are kept locked and closed at all times except when the doors are in use; and
 - (b) Where access is only permitted as authorized in these rules.
- (37) “Single strain” means a pure breed or hybrid variety of Cannabis reflecting similar or identical combinations of properties such as appearance, taste, color, smell, cannabinoid profile, and potency.
- (38) “These rules” means OAR 333-008-1000 through 333-008-1400.
- (39) “Usable marijuana” has the meaning given that term is ORS 475.302 and includes “finished product”.
- (40) “Valid testing methodology” means a scientifically valid testing methodology described in a published national or international reference and validated by the testing laboratory.
- (41) “Vault” means an enclosed area that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: ORS 475.314

333-008-1020

Application for Medical Marijuana Facility Registration

- (1) A PRF wishing to apply to register a facility must provide to the Authority:
- (a) An application on a form prescribed by the Authority;
 - (b) The applicable fee as specified in OAR 333-008-1030;
 - (c) Documentation that demonstrates the facility is registered as a business or has filed an application to register as a business with the Office of the Secretary of State;
 - (d) Documentation that shows the current zoning of the location of the proposed facility;

- (e) Documentation, on a form prescribed by the Authority, with the applicant's affirmation that the proposed facility is not within 1,000 feet of the real property comprising a public or private elementary, secondary or career school;
 - (f) Information and fingerprints required for a criminal background check in accordance with OAR 333-008-1130; and
 - (g) Proof that the PRF resides in Oregon in accordance with OAR 333-008-1120(1)(a).
- (2) An application for the registration of a facility must be submitted by a PRF electronically via the Authority's website, <http://mmj.oregon.gov>. The documentation required in subsections (1)(c) through (g) of this rule may be submitted electronically to the Authority or may be mailed. If documentation is mailed, it must be postmarked within five calendar days of the date the application was submitted electronically to the Authority or the application will be considered to be incomplete. If documentation is submitted electronically it must be received by the Authority by 5 p.m. Pacific Standard Time (PST) within five calendar days of the date the application was submitted electronically to the Authority or the application will be considered incomplete. Applicable fees must be paid online at the time of application.
- (3) Applications will be reviewed in the order they are received by the Authority. An application is considered received as of the date and time that payment of fees is authorized by the entity that issued the credit or debit card used by the PRF to pay the fees.
- (4) The Authority shall return an incomplete application to the person that submitted the application. A person may re-submit an application that was returned as incomplete at any time. An application that is returned as incomplete must be treated by the Authority as if it was never received. An application is considered incomplete if:
- (a) An application does not contain all the requested information in the form;
 - (b) The applicant does not submit the required documentation described in subsections (1)(c) through (g) of this rule; or
 - (c) The application and registration fees are not paid.
- (5) A PRF who wishes to register more than one location must submit a separate application, registration fees, and all documentation described in section (1) of this rule for each location.
- (6) At the time of application the PRF will be asked, by the Authority, to sign an authorization waiving the confidentiality of the location of the facility and permitting the Authority to make the location and name of the facility public if the facility is registered.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1030

Fees

- (1) The initial fees for the registration of a facility are:
 - (a) A non-refundable application fee of \$500; and
 - (b) A \$3,500 registration fee.
- (2) The annual renewal fees for the registration of a facility are:
 - (a) A \$500 non-refundable renewal fee; and
 - (b) A \$3,500 registration fee.
- (3) The Authority must return the registration fee if:
 - (a) An application is returned to the applicant as incomplete;
 - (b) The Authority denies an application; or
 - (c) An applicant withdraws an application.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1040

Application Review

- (1) Once the Authority has determined that an application is complete it will review an application to the extent necessary to determine compliance with ORS 475.314 and these rules.
- (2) The Authority may, in its discretion, prior to acting on an application:
 - (a) Contact the applicant and request additional documentation or information;
 - (b) Inspect the premises of the proposed facility; and
 - (c) Verify any information submitted by the applicant.
- (3) Prior to making a decision whether to approve or deny an application the Authority must:
 - (a) Ensure that the criminal background check process has been completed and review the results;
 - (b) Contact the OMMP and obtain documentation of whether the location of the facility is the same location as a registered grow site under OAR 333-008-0025;
 - (c) Review documentation submitted by the applicant to determine, based on the information provided by the applicant, whether the proposed facility is located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school;
 - (d) Review the list of registered facilities to determine whether any registered facilities are within 1,000 feet of the proposed facility; and
 - (e) Verify that the business that operates the facility is registered with the Office of the Secretary of State.
- (4) If during the review process the Authority determines that the application or supporting documentation contains intentionally false or misleading information the Authority must return the application to the applicant as incomplete.
- (5) If the proposed facility is in compliance with ORS 475.314(3)(a) through (d) and the PRF has passed the criminal background check and resides in Oregon, the Authority must notify the applicant in writing that the dispensary and PRF have met the initial criteria for registration. Within 60 days of the Authority's notification the applicant must submit a form, prescribed by the Authority, that the proposed facility and PRF are in compliance with these rules, including but not limited to:
 - (a) Installation of a security system, including a video surveillance system, and alarm system that are all operational, and installation of a safe in accordance with OAR 333-008-1140 through 333-008-1180;
 - (b) Having policies and procedures as required by OAR 333-008-1200 and training for employees on the policies and procedures;
 - (c) Identification of at least one laboratory that will perform the testing required in OAR 333-008-1190;
 - (d) Having a fully operational electronic data management system in accordance with OAR 333-008-1210; and
 - (e) Having packaging and labeling that complies with OAR 333-008-1220 and 333-008-1225.
- (6) If the Authority does not receive the form described in section (5) of this rule within 60 days of the applicant being notified that the dispensary and PRF met initial criteria for registration, the applicant's application will be returned as incomplete.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1050

Approval of Application

- (1) If the Authority receives the form required to be submitted under OAR 333-008-1040(5) the Authority must perform a site visit within 30 days of receiving the form to determine whether the PRF and facility are in compliance with these rules.
- (2) If, after the site visit the Authority determines that the facility is in compliance with these rules the Authority must provide the applicant with proof of registration that includes a unique registration number, and notify the PRF in writing that the facility may operate.
- (3) If, after the site visit the Authority determines that the facility is not in compliance with these rules the Authority may:
 - (a) Give the PRF 10 business days to come into compliance;
 - (b) Propose to deny the facility's registration in accordance with OAR 333-008-1275(2); or
 - (c) Consider the application to be incomplete.
- (4) A facility that has been registered must display proof of registration in a prominent place inside the facility so that proof of registration is easily visible to individuals authorized to transfer usable marijuana and immature plants to the facility and individuals who are authorized to receive a transfer of usable marijuana and immature plants from the facility at all times when usable marijuana or immature plants are being transferred.
- (5) A registered facility may not use the Authority or the OMMP name or logo except to the extent that information is contained on the proof of registration on any signs at the facility, on its website, or in any advertising or social media.
- (6) A facility's registration is only valid for the location indicated on the proof of registration and is only issued to the PRF that is listed on the application or subsequently approved by the Authority.
- (7) A facility's registration may not be transferred to another location.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1060

Denial of Application

- (1) The Authority must deny an application if:
 - (a) An application, supporting documentation provided by the PRF, or other information obtained by the Authority shows that the qualifications for a facility in ORS 475.314 or these rules have not been met; or
 - (b) The PRF has been:
 - (A) Convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application was received by the Authority; or
 - (B) Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
 - (C) Prohibited by a court from participating in the OMMP.
- (2) If the PRF that is identified in the application is not qualified to be a PRF, the Authority will permit a change of PRF form to be submitted in accordance with OAR 333-008-1120, along with

the applicable criminal background check fee. If the proposed PRF is not qualified to be a PRF, the Authority must deny the application in accordance with section (1) of this rule.

(3) If the Authority intends to deny an application for registration it must issue a Notice of Proposed Denial in accordance with ORS 183.411 through 183.470.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1070

Expiration and Renewal of Registration

(1) A facility's registration expires one year following the date of application approval.

(2) If a PRF wishes to renew the facility's registration, the person must submit to the Authority within 60 calendar days of the registration's expiration:

(a) An application renewal form prescribed by the Authority;

(b) The required renewal fees;

(c) Forms required for the Authority to do a criminal background check on the PRF.

(3) A PRF that does not submit timely renewal documentation in accordance with section (2) of this rule may not operate the facility if the previous registration expires prior to the Authority issuing a renewed registration. The facility will remain registered until a renewal is either issued or denied, but the facility may not operate with an expired registration.

(4) If a PRF does not submit a renewal form and the required renewal fees prior to the registration's expiration, the registration is expired and is no longer valid, and the PRF may reapply for registration.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1080

Notification of Changes or Events

(1) A PRF must notify the Authority within 10 calendar days of any of the following:

(a) The PRF's conviction for the manufacture or delivery of a controlled substance in Schedule I or Schedule II;

(b) The issuance of a court order that prohibits the PRF from participating in the OMMP;

(c) A decision to change the PRF;

(d) A decision to permanently close the facility at that location;

(e) A decision to move to a new location;

(f) A change in ownership;

(g) A change in the person's residency;

(h) The location of a public or private elementary, secondary or career school attended primarily by minors within 1,000 feet of the facility;

(i) Any structural changes within the facility that will result in a change to the secure or restricted areas, or entrances or exits to the facility; and

(j) The theft of usable marijuana or immature plants.

(2) The notification required in section (1) of this rule must include a description of what has changed or the event and any documentation necessary for the Authority to determine whether the facility is still in compliance with ORS 474.314 and these rules including but not limited to, as applicable:

(a) A copy of the criminal judgment or order;

- (b) A copy of the court order prohibiting the PRF from participating in the OMMP;
 - (c) The location of the school that has been identified as being within 1,000 feet of the facility;
 - (d) The information required in OAR 333-008-1120 and 333-008-1130 to determine the residency of the new PRF and to perform the criminal background check; or
 - (e) A copy of the police report documenting that the theft of usable marijuana or immature plants was reported to law enforcement.
- (3) Failure of the PRF to notify the Authority in accordance with this rule may result in revocation of a facility's registration.
Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1090

Required Closures

A facility may not receive transfers of usable marijuana or immature plants or transfer usable marijuana or immature plants if:

- (1) The PRF is convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II;
 - (2) The PRF changes and the Authority has not:
 - (a) Performed a criminal background check on the proposed PRF in accordance with OAR 333-008-1130;
 - (b) Determined whether the individual is a resident of Oregon; and
 - (c) Provided written approval that the new PRF meets the requirements of ORS 475.314.
 - (3) The PRF has been ordered by the court not to participate in the OMMP; or
 - (4) A public or private elementary, secondary or career school attended primarily by minors is found to be within 1,000 of the registered facility.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1100

Business Qualifications for Medical Marijuana Facility Registration

A facility must maintain a current registration as a business with the Office of the Secretary of State in order to receive or maintain registration.

Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1110

Locations of Medical Marijuana Facilities

- (1) In order to be registered a facility must be located in an area that is zoned by the local governing agency for commercial, industrial or mixed use or as agricultural land.
- (2) Registration by the Authority is not a guarantee that a facility is permitted to operate under applicable land use or other local government laws where the facility is located.
- (3) A facility may not be located:
 - (a) At the same address as a registered marijuana grow site;
 - (b) Within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; or
 - (c) Within 1,000 feet of another medical marijuana facility.

(4) For purposes of implementing ORS 475.314(3)(c), the Authority will consider a location to be a school if it has at least the following characteristics:

(a) Is a public or private elementary, secondary or career school as those terms are defined OAR 333-008-1010;

(b) There is a building or physical space where students gather together for education purposes on a regular basis;

(c) A curriculum is provided;

(d) Attendance at the location meets Oregon's mandatory attendance law, ORS 339.010 or an exemption under ORS 339.030(1)(a); and

(e) Faculty is present to teach or guide student education.

(5) For purposes of determining the distance between a facility and a school referenced in subsection (3)(b) of this rule, "within 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 comprising an existing public or private elementary, secondary or career school to the closest point of the premises of a facility. If any portion of the premises of a proposed or registered facility is within 1,000 feet of a public or private elementary, secondary or career school it may not be registered.

(6) For purposes of determining the distance between a facility and another registered facility "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a registered facility to the closest point anywhere on the premises of a proposed facility. If any portion of the premises of a proposed facility is within 1,000 feet of a registered facility it may not be registered.

(7) In order to be registered a facility must operate at a particular location as specified in the application and may not be mobile.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1120

Person Responsible for a Medical Marijuana Facility (PRF)

(1) A PRF must:

(a) Be a resident of Oregon. Residency may be proved by submitting to the Authority:

(A) A valid Oregon driver's license, a valid Oregon identification card that includes a photograph of the person, a valid passport, or a valid military identification card that includes a photograph of the person; and

(B) Copies of utility bills, rental receipts, mortgage statements or similar documents that contain the name and address of the domicile of the PRF.

(b) Have legal authority to act on behalf of the facility; and

(c) Be responsible for ensuring the facility complies with applicable laws, if registered.

(2) A PRF may not:

(a) Have been convicted in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date of application; or

(b) Have been convicted more than once in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II.

(3) A PRF is accountable for any intentional or unintentional action of its owners, officers, managers, employees or agents, with or without the knowledge of the PRF, who violate ORS 475.314 or these rules.

- (4) If a PRF no longer meets the criteria of a PRF the Authority shall inform the PRF and the owner of the facility if different that:
 - (a) The PRF may no longer serve in that capacity;
 - (b) In order to remain registered, a change of PRF form must be submitted along with a criminal background check fee of \$35; and
 - (c) The facility may not operate until the Authority has approved a PRF.
 - (5) If the Authority is notified that a change of PRF is needed, the current PRF is no longer able to serve as the PRF, or the PRF has been or will be removed by the owner of a facility, the owner of the facility must submit a change of PRF form to the Authority within 10 business days of the notification or the Authority will begin proceedings to revoke the registration of the facility.
 - (6) If the PRF of record for the facility is no longer serving in that capacity the facility may not operate until a new PRF has been approved by the Authority.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1130

Criminal Background Checks

- (1) A PRF must, at the time of application, provide to the Authority:
 - (a) A criminal background check request form, prescribed by the Authority that includes but is not limited to:
 - (A) First, middle and last name;
 - (B) Any aliases;
 - (C) Date of birth;
 - (D) Driver's license information; and
 - (E) Address and recent residency information.
 - (b) Fingerprints in accordance with the instructions on the Authority's webpage:
<http://mmj.oregon.gov>.
 - (2) The Authority may request that the PRF disclose his or her Social Security Number if notice is provided that:
 - (a) Indicates the disclosure of the Social Security Number is voluntary; and
 - (b) That the Authority requests the Social Security Number solely for the purpose of positively identifying the PRF during the criminal records check process.
 - (3) The Authority shall conduct a criminal records check in order to determine whether the PRF has been convicted of the manufacture or delivery of a controlled substance in Schedule I or Schedule II in any state.
 - (4) The Authority must conduct a criminal background check in accordance with this rule on a PRF every year at the time of application renewal.
 - (5) If a PRF wishes to challenge the accuracy or completeness of information provided by the Department of State Police, the Federal Bureau of Investigation and agencies reporting information to the Department of State Police or Federal Bureau of Investigation, those challenges must be made through the Department of State Police, Federal Bureau of Investigation or reporting agency and not through the contested case process specified in OAR 333-008-1060(2).
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1140

Security for Registered Facilities

- (1) The PRF must ensure that a registered facility complies with OAR 333-008-1140 through 333-008-1180.
- (2) The PRF is responsible for the security of all usable marijuana and immature plants in the registered facility, including providing adequate safeguards against theft or diversion of usable marijuana and immature plants and records that are required to be kept.
- (3) The PRF must ensure that commercial grade, non-residential door locks are installed on every external door at a registered facility prior to opening for business and used while a facility is registered.
- (4) During all hours when the registered facility is open for business, the PRF must ensure that:
 - (a) All usable marijuana and immature plants received and all usable marijuana and immature plants available for transfer to a patient or a designated primary caregiver are kept in a locked, secure area that can only be accessed by authorized personnel.
 - (b) All areas where usable marijuana or immature plants are received for transfer by a registered facility are identified as a restricted access area by posting a sign not less than 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height that reads, "Restricted Access Area – Authorized Personnel Only".
 - (c) All areas where usable marijuana or immature plants are available for transfer to a patient or designated primary caregiver are:
 - (A) Identified as a restricted access area and clearly identified by the posting of a sign not less than 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height that reads "Restricted Access Area – No Minors Allowed";
 - (B) Supervised by the PRF or an employee of the registered facility at all times when a patient or designated primary caregiver is present; and
 - (C) Separate from any area where usable marijuana or immature plants are being transferred to a registered facility.
- (5) During all hours when the registered facility is not open for business the PRF must ensure that:
 - (a) All entrances to and exits from the facility are securely locked and any keys or key codes to the facility remain in the possession of the PRF or authorized employees;
 - (b) All usable marijuana is kept in a safe; and
 - (c) All immature plants are in a locked room.
- (6) The PRF must ensure that:
 - (a) Electronic records are encrypted, and securely stored to prevent unauthorized access and to ensure confidentiality;
 - (b) There is an electronic back-up system for all electronic records; and
 - (c) All video recordings and archived required records not stored electronically are kept in a locked storage area. Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the registered facility is open.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1150

Alarm System for Registered Facilities

(1) Prior to being registered a PRF must ensure that the facility has a fully operational security alarm system, installed by an alarm installation company, on all facility entry or exit points and perimeter windows.

(2) The security alarm system for the registered facility must:

- (a) Be able to detect movement inside the registered facility;
- (b) Be programmed to notify a security company that will notify the PRF or his or her designee in the event of a breach; and
- (c) Have at least two operational “panic buttons” located inside the registered facility that are linked with the alarm system that notifies a security company.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1160

Video Surveillance Equipment for Registered Facilities

(1) Prior to being registered a PRF must ensure that a fully operational video surveillance recording system is installed in the facility.

(2) Video surveillance equipment must, at a minimum:

(a) Consist of:

- (A) Digital or network video recorders;
- (B) Cameras capable of meeting the requirements of OAR 333-008-1170 and this rule;
- (C) Video monitors;
- (D) Digital archiving devices; and
- (E) A color printer capable of producing still photos.

(b) Be equipped with a failure notification system that provides prompt notification to the PRF or employees of any prolonged surveillance interruption or failure; and

(c) Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.

(3) All video surveillance equipment and recordings must be stored in a locked secure area that is accessible only to the PRF, authorized employees of the registered facility and the Authority.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1170

Required Camera Coverage and Camera Placement for Registered Facilities

(1) Prior to being registered a PRF must ensure that the facility has camera coverage for:

- (a) All secure and restricted access areas described in OAR 333-008-1140;
- (b) All point of sale areas;
- (c) All points of entry to or exit from secure and restricted access areas; and
- (d) All points of entry to or exit from the registered facility.

(2) A PRF must ensure that cameras are placed so that they capture clear and certain images of any individual and activity occurring:

- (a) Within 15 feet both inside and outside of all points of entry to and exit from the registered facility; and
- (b) Anywhere within secure or restricted areas on the facility premises.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1180

Video Recording Requirements for Registered Facilities

- (1) A PRF must ensure that all cameras are continuously monitored by motion sensor video equipment or similar technology 24 hours a day when usable marijuana or immature plants are on the premises of the facility.
- (2) A PRF must ensure that:
 - (a) All surveillance recordings are kept for a minimum of 30 calendar days and are in a format that can be easily accessed for viewing;
 - (b) The surveillance system has the capability to produce a color still photograph from any camera image;
 - (c) The date and time is embedded on all surveillance recordings without significantly obscuring the picture;
 - (d) Video recordings are archived in a format that ensures authentication of the recording as a legitimately-captured video and guarantees that no alterations of the recorded image has taken place; and
 - (e) Video surveillance records and recordings are available upon request to the Authority for the purpose of ensuring compliance with ORS 475.314 and these rules.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1190

Testing

- (1) Prior to being registered a PRF must have documentation that identifies at least one laboratory that will do the testing in accordance with these rules and identify who will do the testing for immature plants.
- (2) A PRF must ensure that usable marijuana and immature plants are tested for pesticides, mold and mildew in accordance with this rule prior to the usable marijuana or immature plants being transferred to a patient or a designated primary caregiver. A PRF may accept test results from a grower or other individual for flowers or other usable plant material if:
 - (a) The grower or other individual provides a copy of the test results;
 - (b) The PRF can demonstrate that the grower or other individual took random samples from the batch to be tested; and
 - (c) The PRF can demonstrate that the batch from where samples were taken were sealed and not tampered with from the time samples for testing were taken and when they were delivered to the facility.
- (3) Upon usable marijuana being transferred to a registered facility in accordance with OAR 333-008-1230, the PRF must ensure the usable marijuana is segregated into batches, that each batch is placed in an individual container or bag, and that a label is attached to the container or bag that includes at least the following information:
 - (a) A unique identifier;
 - (b) The name of the person who transferred it; and
 - (c) The date the usable marijuana was received by the registered facility.

- (4) Sampling. A PRF must ensure that random samples from each batch are taken in an amount necessary to conduct the applicable test, that the samples are labeled with the batch's unique identifier, and submitted for testing.
- (5) Testing. A PRF must ensure that each sample is tested for pesticides, mold, and mildew and for an analysis of the levels of tetrahydrocannabinol (THC) and cannabidiol (CBD).
- (a) Immature Plants. An immature plant may be tested for pesticides, mold or mildew by conducting a macroscopic or microscopic screening to determine if the plant has visible pesticide residue, mold or mildew. Testing for mold and mildew on immature plants must be done at least every 30 calendar days.
- (b) Flowers or other usable marijuana plant material. Usable marijuana in the form of flowers or other plant material must be:
- (A) Tested for pesticides, mold and mildew using valid testing methodologies and macroscopic or microscopic screening may not be used;
- (B) Tested for pesticides by testing for the following analytes:
- (i) Chlorinated Hydrocarbons;
- (ii) Organophosphates;
- (iii) Carbamates; and
- (iv) Pyrethroids; and
- (C) Analyzed, using valid testing methodologies, to determine the levels of THC and CBD.
- (c) Finished Products. If a facility receives a transfer of a pre-packaged finished product the facility may, in lieu of testing the finished product, obtain from the individual who transferred the finished product, lab results that show the usable marijuana in the finished product was tested in accordance with this rule, and that the finished product was tested for levels of THC and CBD.
- (6) Laboratory Requirements. A PRF must ensure that all testing, except for testing of immature plants, is done by a third party or in-house laboratory that:
- (a) Uses valid testing methodologies; and
- (b) Has a Quality System for testing of pesticides, mold and mildew that is compliant with the:
- (A) 2005 International Organization for Standardization 17025 Standard; or
- (B) 2009 National Environmental Laboratory Accreditation Conference Institute TNI Standards.
- (7) Macroscopic or microscopic screening of immature plants must be conducted by a person who has a minimum of a bachelor's degree in horticulture, botany, plant pathology, or microbiology but is not required to be done by a laboratory.
- (8) Testing Results. A laboratory must provide testing results to the PRF signed by an official of the laboratory who can attest to the accuracy of the results, and that includes the levels of pesticides, mold or mildew detected and the levels of THC and CBD.
- (a) If an immature plant has visible pesticide residue, mold or mildew it must be deemed to test positive and must be returned to the person who transferred the immature plant to the registered facility.
- (b) A sample of usable marijuana shall be deemed to test positive for mold and mildew if the sample has levels that exceed the maximum acceptable counts in Appendix A.
- (c) A sample of usable marijuana shall be deemed to test positive for pesticides with a detection of more than 0.1 parts per million of any pesticide.
- (9) If an immature plant or sample of usable marijuana tests positive for pesticides, mold or mildew based on the standards in this rule the PRF must ensure the entire batch from which the sample was taken is returned to the person who transferred the immature plant or usable

marijuana to the registered facility and must document how many or how much was returned, to whom, and the date it was returned.

(10) A registered facility may perform its own testing as long as the testing complies with this rule.

(11) The PRF may permit laboratory personnel or other persons authorized to do testing access to secure or restricted access areas of the registered facility where usable marijuana or immature plants are stored. The PRF must log the date and time in and out of all such persons.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1200

Operation of Registered Facilities

(1) A PRF must ensure that a registered facility does not permit:

(a) A minor to be present in any area of a registered facility where usable marijuana or immature plants are present, even if the minor is a patient or an employee; and

(b) Consumption, ingestion, inhalation or topical application of usable marijuana anywhere on the premises of the registered facility, except that an employee of a registered facility who is a patient may consume usable marijuana during his or her work shift on the premises of the registered facility as necessary for his or her medical condition, if the employee is:

(A) Alone and in a closed room if the usable marijuana is being smoked;

(B) Not visible to patients or caregivers on the premises of the registered facility to receive a transfer of usable marijuana or an immature plant; and

(C) Not visible to the public outside the facility.

(2) A PRF must ensure that a registered facility uses an Oregon Department of Agriculture licensed and certified scale to weigh all usable marijuana.

(3) The following persons are the only persons permitted in any area of a registered facility where usable marijuana or immature plants are present, and only in accordance with these rules, as applicable:

(a) A PRF;

(b) An owner of a registered facility;

(c) An employee of the registered facility;

(d) Laboratory personnel in accordance with OAR 333-008-1190;

(e) A contractor authorized by the PRF to be on the premises of a registered facility;

(f) A patient, designated primary caregiver, or growers;

(g) An authorized employee or authorized contractor of the Authority;

(h) Other government officials that have jurisdiction over some aspect of the registered facility or that otherwise have authority to be on the premises of the registered facility; and

(i) A governmental official authorized by the Authority to be on the premises if accompanied by an Authority representative and the facility has been provided notice and has agreed to permit the governmental official access.

(4) A PRF must have written detailed policies and procedures and training for employees on the policies and procedures that at a minimum, cover the following:

(a) Security;

(b) Testing;

(c) Transfers of usable marijuana and plants to and from the facility;

(d) Operation of a registered facility;

- (e) Required record keeping;
 - (f) Labeling; and
 - (g) Violations and enforcement.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1210

Record Keeping

- (1) A PRF must ensure that the following information is documented and maintained electronically in a manner that can easily be shared with the Authority or accessed by the Authority:
- (a) All Authorization to Transfer forms, including the date on which a form was received;
 - (b) Any written notifications from a patient with regard to any change in status as required by ORS 475.309(7)(a)(B) or (10)(a);
 - (c) Any revocation of an Authorization to Transfer form;
 - (d) All transfer information required in OAR 333-008-1230 and 333-008-1245;
 - (e) Documentation of the costs of doing normal and customary business used to establish the reimbursement amounts for transfers of usable marijuana or immature plants, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.
 - (f) The amount of money paid by a registered facility to a grower for each transfer of usable marijuana or immature plants;
 - (g) The amount of money paid by each patient or designated primary caregiver for a transfer of usable marijuana or an immature plant;
 - (h) The laboratory reports of all testing and other information required to be documented in OAR 333-008-1190; and
 - (i) All other information required to be documented and retained by these rules.
- (2) The PRF must ensure that information required to be documented pursuant to section (1) of this rule is maintained in a safe and secure manner that protects the information from unauthorized access, theft, fire, or other destructive forces, and is easily retrievable for inspection by the Authority upon request, either at the registered facility or online.
- (3) A PRF must ensure that a registered facility uses an electronic data management system for the recording of transfers of usable marijuana and immature plants. The system must meet the following minimum requirements:
- (a) Record the information required to be documented in this rule and OAR 333-008-1230 and 333-008-1245;
 - (b) Provide for off-site or secondary backup system;
 - (c) Assign a unique transaction number for each transfer to or from the registered facility;
 - (d) Monitor date of testing and testing results;
 - (e) Track products by unique transaction number through the transfer in, testing and transfer out processes;
 - (f) Generate transaction and other reports requested by the Authority viewable in PDF format;
 - (g) Produce reports, including but not limited to inventory reports; and
 - (h) Provide security measures to ensure patient and grower records are kept confidential.
- (4) Documents and information required to be maintained in these rules must be retained by the PRF for at least one year.

(5) A PRF must provide the Authority with any documentation required to be maintained in these rules upon request, in the format requested by the Authority, or permit the Authority access to such documentation on-site.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1220

Labeling

(1) Prior to transferring usable marijuana a PRF must ensure that a label is affixed to the usable marijuana that includes but is not limited to:

(a) Flowers or other usable plant material:

(A) Percentage of THC and CBD;

(B) Weight in grams;

(C) Testing batch number and date tested;

(D) Who performed the testing ; and

(E) Description of the product (strain).

(b) Finished product:

(A) THC and CBD potency;

(B) The weight or volume of useable marijuana in the packaged finished product in grams, milligrams, or milliliters, as applicable;

(C) Testing batch number and date tested;

(D) Who performed the testing; and

(E) Warning label in accordance with section (2) of this rule.

(2) If the registered facility transfers a finished product, the PRF must ensure that the finished product has a warning label on the outside of the packaging that includes the following:

“WARNING: MEDICINAL PRODUCT – KEEP OUT OF REACH OF CHILDREN” in bold capital letters, in a font size that is larger than the type-size of the other printing on the label such that it is easy to read and prominently displayed on the product.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1225

Packaging

(1) For purposes of this rule:

(a) “Child-resistant safety packaging” means:

(A) Containers designed and constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly;

(B) Opaque so that the product cannot be seen from outside the packaging;

(C) Closable for any product intended for more than a single use or containing multiple servings; and

(D) Labeled in accordance with OAR 333-008-1220.

(b) “Container” means a sealed, hard or soft-bodied receptacle in which a tetrahydrocannabinol-infused product is placed prior to being transferred to a patient or caregiver.

(c) “Packaged in a manner not attractive to minors” means the tetrahydrocannabinol-infused product is not in a container that is brightly colored, depicts cartoons or images other than the

logo of the facility, unless the logo of the facility depicts cartoons, in which case only the name of the facility is permitted.

(2) A registered facility may not transfer any tetrahydrocannabinol-infused product that is meant to be swallowed or inhaled, unless the product is:

- (a) In child-resistant safety packaging; and
- (b) Packaged in a manner that is not attractive to minors.

Stat. Auth.: ORS 475.314

Stats. Implemented: ORS 475.314

333-008-1230

Transfers to a Registered Facility

(1) A patient may authorize usable marijuana or immature marijuana plants to be transferred to a registered facility by signing an Authorization to Transfer form prescribed by the Authority. A patient may authorize transfers to more than one registered facility. A separate form must be provided for each registered facility. The Authorization must include, but is not limited to, the following information:

- (a) The patient's name, OMMP card number and expiration date and contact information;
- (b) The name and contact information of the individual who is authorized to transfer the usable marijuana or immature marijuana plants to the registered facility and that individual's OMMP card number and expiration date;
- (c) The name and address of the registered facility that is authorized to receive the usable marijuana or immature marijuana plants; and
- (d) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card.

(2) Only a patient, the patient's designated primary caregiver, or the patient's grower may be authorized to transfer usable marijuana or immature plants to a registered facility.

(3) The original Authorization to Transfer form must be provided to the registered facility to which a transfer may be made by the patient or person authorized to transfer the usable marijuana or immature plants. The patient should retain a copy of the Authorization to Transfer form for his or her records and provide a copy to the person authorized to transfer the usable marijuana or immature plants.

(4) An Authorization to Transfer form automatically expires on the date the patient's OMMP card expires, unless the patient has specified an earlier expiration date. If the patient renews his or her OMMP card the patient may execute a new Authorization to Transfer form in accordance with this rule.

(5) Once usable marijuana or an immature plant is transferred to a registered facility pursuant to a valid Authorization to Transfer form, the usable marijuana or immature plant is no longer the property of the patient unless the usable marijuana or immature plants are returned by the registered facility.

(6) Prior to a registered facility accepting a transfer of usable marijuana or immature plants the PRF must ensure that:

- (a) It has a valid Authorization to Transfer form on file that authorizes the individual that is transferring the usable marijuana or immature plants to make the transfer; and
- (b) The individual transferring the usable marijuana or immature plants is the individual authorized to make the transfer.

(7) A PRF must ensure that when a registered facility accepts a transfer of usable marijuana or an immature plant the batch of usable marijuana and each immature plant are segregated in accordance with the testing rule, OAR 333-008-1190 and that the following information is documented, as applicable:

- (a) The unique identifier;
- (b) The weight in metric units of all usable marijuana received by the registered facility;
- (c) The number of immature plants received by the registered facility;
- (d) The amount of a finished product received by the registered facility, including, as applicable, the weight in metric units, or the number of units of a finished product;
- (e) A description of the form the usable marijuana was in when it was received, for example, oil or an edible product;
- (f) Who transferred the usable marijuana or the immature plant, the individual's OMMP card number and expiration date of the card, a copy of the individual's picture identification, the date the usable marijuana or an immature plant was received, and the name of the patient who authorized the transfer; and
- (g) The amount of reimbursement paid by the registered facility.

(8) Nothing in these rules requires a PRF or a registered facility to accept a transfer of usable marijuana or immature plants.

(9) A PRF must ensure that:

(a) From the time that a batch or plant has been received by the registered facility until it is tested in accordance with these rules, the usable marijuana and immature plants are segregated, withheld from use, and kept in a secure location so as to prevent the marijuana or plants from becoming contaminated or losing efficacy, or from being tampered with or transferred except that samples may be removed for testing; and

(b) No usable marijuana or immature plants are transferred to a patient or designated primary caregiver until testing has been completed, the registered facility has received a written testing report, and the usable marijuana and immature plants have tested negative for pesticides, mold and mildew.

(10) Usable marijuana and immature plants must be kept on-site at the facility. The Authority may cite a PRF for a violation of these rules if during an inspection it cannot account for its inventory or if the amount of flowers or other usable marijuana plant material at the registered facility is not within five percent of the documented inventory.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1245

Transfers to a Patient or Designated Primary Caregiver

(1) A registered facility may not transfer a tetrahydrocannabinol-infused product that is manufactured in a manner that is attractive to minors. For purposes of this section a product is considered to be manufactured in a manner that is attractive to minors if it is:

- (a) Brightly colored; or
- (b) In the shape of an animal or any other commercially recognizable toy or candy.

(2) Prior to a registered facility transferring usable marijuana or an immature plant to a patient or a designated primary caregiver the PRF must ensure that:

- (a) The usable marijuana or an immature plant has not tested positive for mold, mildew or pesticides as specified in OAR 333-008-1190; and

(b) The identity and cardholder status of the person requesting usable marijuana or an immature plant is verified by viewing the person's OMMP card and picture identification and making sure the two match.

(3) The PRF must ensure that for each transfer of usable marijuana or an immature plant to a patient or a designated primary caregiver the following information is documented:

(a) The name, OMMP card number and expiration date of the card of each person to whom the registered facility transfers usable marijuana or an immature plant;

(b) A copy of the person's picture identification;

(c) The amount of usable marijuana transferred in metric units, if applicable;

(d) The number of immature plants transferred, if applicable;

(e) The amount of a finished product transferred in metric units, or units of the finished product, if applicable;

(f) A description of what was transferred;

(g) The date of the transfer; and

(h) The amount of money paid by a patient or a designated primary caregiver to a registered facility for the transfer of usable marijuana or an immature plant.

(4) The PRF must ensure that a registered facility does not transfer at any one time more usable marijuana or immature plants than a patient or designated primary caregiver is permitted to possess under ORS 475.320(1)(a). A PRF is not responsible for determining whether a patient or designated primary caregiver is limited in the amount of usable marijuana he or she can possess under 475.320(1)(b).

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1250

Inspections

(1) The Authority must conduct an initial inspection of every registered facility within six months of approving an application to ensure compliance with these rules, and must conduct a routine inspection of every registered facility at least every year.

(2) The Authority may conduct a complaint inspection at any time following the receipt of a complaint that alleges a registered facility is in violation of ORS 475.314 or these rules.

(3) The Authority may conduct an inspection at any time if it believes, for any reason, that a registered facility or a PRF is in violation of ORS 475.314 or these rules.

(4) A PRF and any employees, contractors, or other individuals working at a registered facility must cooperate with the Authority during an inspection.

(5) If an individual at a registered facility fails to permit the Authority to conduct an inspection the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431.262.

Stat. Auth.: ORS 431.262, 475.314, 475.338

Stats. Implemented: ORS 431.262, 475.314

333-008-1260

Violations

(1) The following are violations of ORS 475.314 or these rules:

(a) A PRF or an employee of a facility failing to cooperate with an inspection;

- (b) The submission by a PRF, employee, or owner of a facility of false or misleading information to the Authority;
 - (c) Transferring usable marijuana or immature plants to an individual who is not a patient or a designated primary caregiver;
 - (d) Accepting a transfer of usable marijuana or immature plants without a valid authorization from the patient;
 - (e) Possessing a mature marijuana plant at the registered facility;
 - (f) Failing to document and maintain information in the manner required by these rules;
 - (g) Failing to account for flowers or other usable marijuana plant material in accordance with OAR 333-008-1230(10);
 - (h) Failing to submit a plan of correction in accordance with OAR 333-008-1275;
 - (i) Failing to comply with an emergency suspension or final order of the Authority, including failing to pay a civil penalty; or
 - (j) Failing to comply with ORS 475.314 or any of these rules.
- (2) It is a violation of ORS 475.314 and these rules to operate a facility without being registered by the Authority.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1275

Enforcement

(1)(a) Informal Enforcement. If, during an inspection the Authority documents violations of ORS 475.314 or any of these rules, the Authority may issue a written Notice of Violation to the PRF that cites the laws alleged to have been violated and the facts supporting the allegations.

(b) The PRF must submit to the Authority a signed plan of correction within 10 business days from the date the Notice of Violation was mailed to the person. A signed plan of correction will not be used by the Authority as an admission of the violations alleged in the Notice.

(c) A PRF must correct all deficiencies within 10 business days from the date of the Notice, unless an extension of time is requested from the Authority. A request for such an extension shall be submitted in writing and must accompany the plan of correction.

(d) The Authority must determine if a written plan of correction is acceptable. If the plan of correction is not acceptable to the Authority it must notify the PRF in writing and request that the plan of correction be modified and resubmitted no later than 10 business days from the date the letter of non-acceptance was mailed.

(e) If the registered facility does not come into compliance by the date of correction reflected on the plan of correction, the Authority may propose to revoke the registration of the facility or impose civil penalties.

(f) The Authority may conduct an inspection at any time to determine whether a registered facility has corrected the deficiencies in a Notice of Violation.

(2) Formal Enforcement. If, during an inspection or based on other information the Authority determines that a registered facility or PRF is in violation of ORS 475.314 or these rules the Authority may issue:

(a) A Notice of Proposed Revocation in accordance with ORS 183.411 through 183.470.

(b) A Notice of Imposition of Civil Penalties in accordance with ORS 183.745. Civil penalties may be issued for any violation of ORS 475.314 and these rules, not to exceed \$500 per violation per day.

- (c) An Order of Emergency Suspension pursuant to ORS 183.430.
 - (3) The Authority must determine whether to use the informal or formal enforcement process based on the nature of the alleged violations, whether there are mitigating or aggravating factors, and whether the PRF or the registered facility has a history of violations.
 - (4) The Authority must issue a Notice of Proposed Revocation if the:
 - (a) Facility no longer meets the criteria in ORS 475.314(3)(a) to (d); or
 - (b) PRF is not a resident of Oregon, has disqualifying criminal convictions as described in OAR 333-008-1120, or a court has issued an order that prohibits the PRF from participating in the OMMP under ORS 475.300 through 475.346 unless a new PRF is approved by the Authority.
 - (5) The Authority may maintain a civil action against a facility that is operating but not registered in accordance with ORS 475.314 and these rules.
 - (6) The Authority may revoke the registration of a facility for failure to comply with an ordinance adopted by a city or county pursuant to Oregon Laws 2014, chapter 79, section 2, if the city or county:
 - (a) Has provided the facility with due process substantially similar to the due process provided to a registration or license holder under the Administrative Procedures Act, ORS 183.413 to 183.470; and
 - (b) Provides the Authority with a final order that is substantially similar to the requirements for a final order under ORS 183.470 that establishes the facility is in violation of the local ordinance.
 - (7) The Authority must post a final order revoking the registration of a facility on the Authority's website and provide a copy of the final order to the OMMP.
 - (8) To the extent permitted by law, if the Authority discovers violations that may constitute criminal conduct or conduct that is in violation of laws within the jurisdiction of other state or local governmental entities, the Authority may refer the matter to the applicable agency.
 - (9) If the registration of a facility is revoked the PRF must make arrangements to return the usable marijuana and immature plants in amounts still possessed by the facility, to the person who transferred the usable marijuana or immature plants and must document the same.
 - (10) The Authority is not required to accept the surrender of a registration and may proceed with an enforcement action even if a PRF has surrendered the facility's registration.
- Stat. Auth.: ORS 431.262, 475.314 & 475.338
Stats. Implemented: ORS 431.262 & 475.314

333-008-1280

Confidentiality

- (1) Any criminal background information received by the Authority about a PRF during the criminal background check process is confidential and is not subject to disclosure without a court order.
- (2) The name of a PRF and the address of a registered facility is confidential and is not subject to disclosure without a court order, except as provided in ORS 475.331(2) and section (5) of this rule, or unless a PRF has authorized disclosure.
- (3) If an application has been denied, the information submitted to the Authority in an application for registration of a facility is not confidential and may be subject to disclosure under ORS 192.410 through 192.505.
- (4) A final order revoking the registration of a facility is not confidential and may be posted on the Authority's website or otherwise made public by the Authority.

(5) Authorized employees of state and local law enforcement agencies may verify with the Authority at all times whether:

- (a) A location is the location of a registered facility; or
- (b) A person is listed as the PRF of a registered facility.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314, 475.331

333-008-1290

Change of Location

(1) A registered facility that changes location must submit a new application that complies with OAR 333-008-1020.

(2) A facility may not operate at a new location unless it is registered by the Authority.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1400

Moratoriums

(1) For purposes of this rule, “moratorium” means an ordinance, adopted by the governing body of a city or county by May 1, 2014, that specifically suspends the operation of registered medical marijuana facilities within the area subject to the jurisdiction of the city or county, for a period of time that does not extend past May 1, 2015.

(2) If a city or county adopts a moratorium it must notify the Authority and provide a copy of the ordinance.

(3) An applicant applying for registration of a facility proposing to operate in an area subject to a moratorium may submit a request, in writing, to withdraw the application and may request a refund of the fees.

(4) A PRF of a registered facility located in an area subject to a moratorium may submit a request, in writing, to surrender its registration and request a refund of the fees.

(5) Upon receipt of a request to withdraw an application or surrender a registration under sections (3) or (4) of this rule the Authority shall determine whether the ordinance falls within the definition of moratorium and inform the applicant or PRF in writing whether:

(a) The application is considered withdrawn and the fees refunded; or

(b) The registration has been surrendered and the fees refunded.

(6) The Authority may refund all fees, including the non-refundable registration fee.

(7) Notifications or requests described in sections (2) to (4) of this rule may be submitted to the Authority:

(a) By mail at P.O. Box 14116, Portland, OR 97293; or

(b) By electronic mail to medmj.dispensaries@state.or.us.

Stat. Auth.: Oregon Laws 2014, Chapter 79, Section 3

Stats. Implemented: Oregon Laws 2014, Chapter 79, Section 3

333-008-1190
Appendix A

Mold and Mildew limits for cannabis products (CFU/g)

	Total yeast and mold (mold and mildew)
Unprocessed materials*	10^4
Processed materials*	10^4
CO₂ and solvent based extracts	10^3

*Unprocessed materials include minimally processed crude cannabis preparations such as inflorescences, accumulated resin glands (kief), and compressed resin glands (hashish). Processed materials include various solid or liquid infused edible preparations, oils, topical preparations, and water-processed resin glands (“bubble hash”).

Source: American Herbal Pharmacopoeia Monograph, December 18th, 2013

Oregon Medical Marijuana Program rules

333-008-0010

Definitions

For the purposes of OAR 333-008-0000 through 333-008-0120, the following definitions apply:

- (1) "Act" means the Oregon Medical Marijuana Act.
- (2) "Applicant" means a person applying for an Oregon Medical Marijuana registry identification card on a form prescribed by the Authority.
- (3) "Attending physician" means a Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677, who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.
- (4) "Authority" means the Oregon Health Authority.
- (5) "Debilitating medical condition" means:
 - (a) Cancer, glaucoma, agitation incident to Alzheimer's disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the treatment of these medical conditions;
 - (b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
 - (A) Cachexia;
 - (B) Severe pain;
 - (C) Severe nausea;
 - (D) Seizures, including but not limited to seizures caused by epilepsy; or
 - (E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;
 - (c) Post-traumatic stress disorder; or
 - (d) Any other medical condition or side effect related to the treatment of a medical condition adopted by the Authority by rule or approved by the Authority pursuant to a petition submitted under OAR 333-008-0090.
- (6) "Delivery" means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, whether or not there is an agency relationship, but does not include transfer of marijuana from one patient to another patient if no consideration is paid for the transfer.
- (7) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Authority. "Designated primary caregiver" does not include the person's attending physician.
- (8) "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS 411.806 through 411.845.
- (9) "Grow site" means a specific location registered by the Authority used by the grower to produce marijuana for medical use by a specific patient.
- (10) "Grow site registration card" means the card issued to the patient and displayed at the grow site.
- (11) "Grower" has the same meaning as "person responsible for a marijuana grow site."
- (12) "Immature plant" has the same meaning as "seedling or start."
- (13) "Marijuana" means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks

of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(14) "Mature plant" means a marijuana plant that does not fall within the definition of a seedling or a start.

(15) "Medical marijuana facility" is a facility, registered by the Authority, under OAR 333-008-1050.

(16) "Medical use of marijuana" means the production, possession, delivery, or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her debilitating medical condition.

(17) "Oregon Health Plan (OHP)" means the medical assistance program administered by the Authority under ORS chapter 414.

(18) "OMMP" refers to the office within the Authority that administers the provisions of the OMMA, and all policies and procedures pertaining thereto, as set forth in these rules.

(19) "Parent or legal guardian" means the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age.

(20) "Patient" has the same meaning as "registry identification cardholder."

(21) "Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose.

(22) "Person responsible for a medical marijuana facility" has the meaning given that term in OAR 333-008-1010.

(23) "Primary responsibility" as that term is used in relation to an attending physician means that the physician:

(a) Provides primary health care to the patient; or

(b) Provides medical specialty care and treatment to the patient as recognized by the American Board of Medical Specialties; or

(c) Is a consultant who has been asked to examine and treat the patient by the patient's primary care physician licensed under ORS chapter 677, the patient's physician assistant licensed under ORS chapter 677, or the patient's nurse practitioner licensed under ORS chapter 678; and,

(d) Has reviewed a patient's medical records at the patient's request and has conducted a thorough physical examination of the patient, has provided or planned follow-up care, and has documented these activities in the patient's medical record.

(24) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(25) "Registry identification card" means a document issued by the Authority that identifies a person authorized to engage in the medical use of marijuana, and the person's designated primary caregiver, if any.

(26) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.

(27) "Replacement registry identification card" means a new card issued in the event that a registry identification cardholder's card, designated primary caregiver identification card, grower

identification card, or grow site registration card is lost or stolen, or if a registry identification cardholder's designation of primary caregiver, grower, or grow site has changed.

(28) "Seedling or start" means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter. A seedling or start that does not meet all three criteria shall be considered a mature plant.

(29) "Supplemental Security Income (SSI)" means the monthly benefit assistance program administered by the federal government for persons who are age 65 or older, or blind, or disabled and who have limited income and financial resources.

(30) "Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae and any mixture or preparation thereof, that are appropriate for medical use. "Usable marijuana" does not include the seeds, stalks and roots of the plant.

(31) "Written documentation" means a statement signed and dated by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records, maintained in accordance with standard medical record practices.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0020

New Registration Application and Verification

(1) A person may apply for a registry identification card on forms prescribed by the Authority. In order for an application to be considered complete, an applicant must submit the following:

(a) An application form signed and dated by the applicant;

(b) Copies of legible and valid U.S. state or federal issued photographic identification that includes last name, first name, and date of birth from the applicant, the designated primary caregiver, and grower, as applicable. Acceptable forms of current U.S. state or federal issued photographic identification include but are not limited to:

(A) Driver's license;

(B) State identification card;

(C) Passport; or

(D) Military identification card.

(c) Written documentation, which may consist of relevant portions of the applicant's medical record, signed by the applicant's attending physician within 90 days of the date of receipt by the Authority, which describes the applicant's debilitating medical condition and states that the use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical condition;

(d) If applicable, a completed and notarized "Declaration of Person Responsible for Minor" form for any person under 18 years of age, signed and dated by the person responsible for the minor;

(e) The name of a designated primary caregiver, if any;

(f) The name of a designated grower (either the patient or another person), if any and the location of the grow site; and

(g) An application fee and grow site registration fee, if applicable, in the form of cash, bank check, money order, or personal check.

(2) The Authority shall process an application prior to issuing registry identification cards to assure that the application is complete and information provided has been verified.

(a) The Authority shall only accept applications that are mailed or are hand-delivered.

(b) If an applicant does not provide all the information required and the application is considered incomplete, the Authority shall notify the applicant of the information that is missing, and shall allow the applicant 14 days to submit the missing information.

(c) If an applicant does not provide the information necessary to declare an application complete, or to complete the verification process within the timelines established in subsections (2)(b) and (3)(e) of this rule, the application shall be rejected as incomplete. An applicant whose application is rejected as incomplete may reapply at any time. If an applicant submits an application fee and the application is subsequently denied or rejected, the application fee may be applied toward a new application submitted within one year of the denial or rejection date.

(d) The Authority may reject an application if the application or supporting documents appear to be altered (for example, writing is whited out). An application shall be denied in accordance with OAR 333-008-0030 if an application or supporting documents are determined to have been falsified.

(e) The Authority may verify information on each application and accompanying documentation, including:

(A) Contacting each applicant by telephone or by mail. If proof of identity is uncertain, the Authority may require a face-to-face meeting and may require the production of additional identification materials;

(B) Contacting a minor's parent or legal guardian;

(C) Contacting the Oregon Medical Board to verify that an attending physician is licensed to practice in the state and is in good standing;

(D) Contacting the attending physician to request further documentation to support a finding that the physician is the applicant's attending physician. The Authority shall notify the applicant of the intent to review the medical records and request the applicant's authorization to conduct the review. Failure to authorize a review of medical records may result in the application being declared incomplete, or denial of an application. If the Authority is unable to verify that the applicant's attending physician meets the definition under OAR 333-008-0010(3) the applicant will be allowed 30 days to submit written documentation or a new attending physician's declaration from a physician meeting the requirements of these rules. Failure to submit the required attending physician documentation is grounds for denial under ORS 475.309 and OAR 333-008-0030;

(E) Contacting the Division of Medical Assistance Programs, Department of Human Services-Self Sufficiency, or the Social Security Administration (SSA) to verify eligibility for benefits; and

(F) Conducting a criminal records check under ORS 181.534 of any person whose name is submitted as a grower.

(3) Application fees.

(a) A non-refundable application fee of \$200 is required at the time of application.

(b) If applicable as specified in OAR 333-008-0025, a non-refundable grow site registration fee of \$50 is required at the time of application.

(c) An applicant who can demonstrate current receipt of SSI benefits, current eligibility for OHP benefits or current receipt of food stamp benefits through the Oregon SNAP program qualifies for a reduced non-refundable application fee.

(A) An applicant demonstrating receipt of SSI benefits by providing a copy of a current monthly SSI benefit card showing dates of coverage is entitled to a reduced application fee of \$20.

(B) An applicant demonstrating current eligibility for OHP benefits by providing a copy of the applicant's current eligibility statement is entitled to a reduced application fee of \$50.

(C) An applicant demonstrating receipt of current food stamp benefits, verified by enrollment in Oregon's Food Stamp Management Information System database system and by providing current proof of his or her food stamp benefits, is entitled to a reduced application fee of \$60.

(D) An applicant who falls within one of the categories listed in subparagraph (i) or (ii) of this paragraph and who provides a copy of the applicable determination from the United States Department of Veteran's Affairs (VA), is entitled to a reduced application fee of \$20:

(i) Receives service-connected compensation from the VA based on a finding by the VA of 100% service-connected disability; or

(ii) Receives a needs-based pension from the VA based on a finding by the VA of non-service connected disability.

(d) The Authority shall place a 10-day hold on the issuance of a registry identification card for an application accompanied by a personal check. Upon receipt by the Authority of a notice of non-sufficient funds (NSF) or stop payment, an applicant will be allowed 14 days to submit payment in the form of a bank check or cash. Application fees paid in the form of cash must be hand-delivered. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.

(e) The Authority shall notify an applicant who submits a reduced application fee for which the applicant is not eligible and will allow the applicant 14 days from the date of notice to pay the correct application fee and submit a current valid proof of eligibility.

(4) The application forms referenced in this rule may be obtained by contacting the Oregon Medical Marijuana Program (OMMP) at PO Box 14450, Portland, OR 97293-0450 or by calling 971-673-1234.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0025

Marijuana Grow Site Registration

(1) A patient may register a marijuana grow site with the Authority. The address of a medical marijuana facility may not be listed by a patient on the grow site application as the location of the marijuana grow site. The Authority will register only one grow site per patient, and will only register grow sites in Oregon.

(2) To register a marijuana grow site, an applicant or patient must submit to the Authority an application, prescribed by the Authority, that includes:

(a) The name of the grower;

(b) The date of birth of the grower;

(c) The physical address of the marijuana grow site where marijuana is to be produced;

(d) The mailing address of the grower;

(e) The registry identification card number of the patient, if known, for whom the marijuana is being produced; and

(f) A non-refundable grow site registration fee of \$50 in the form of cash, bank check, money order, or personal check. If the grower is the applicant, he or she is not required to pay the grow site registration fee. The Authority shall place a 10-day hold on the issuance of a registry identification card for an application accompanied by a personal check. Upon receipt by the

Authority of a notice of non-sufficient funds (NSF) or stop payment, an applicant will be allowed 14 days to submit payment in the form of a bank check or cash. Application fees paid in the form of cash must be hand-delivered. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.

(3) The Authority shall conduct a criminal background check on the grower as authorized under ORS 475.304.

(a) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, if the offense occurred on or after January 1, 2006, may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder for five years from the date of conviction.

(b) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, if the offenses occurred after January 1, 2006, may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder.

(c) The Authority shall notify a patient by certified mail that the grower is ineligible and the patient will be allowed the opportunity to identify another grower.

(4) The Authority shall issue a marijuana grow site registration card to a patient who has met the requirements of section (2) of this rule, unless the grower is disqualified under section (3) of this rule.

(5) A grower must display a marijuana grow site registration card for each patient for whom marijuana is being produced, at the marijuana grow site at all times.

(6) All usable marijuana, plants, seedlings and seeds, associated with the production of marijuana for a patient by a grower, are the property of the patient and must be provided to the patient, or, if the marijuana is usable marijuana or an immature marijuana plant, transferred to a registered medical marijuana facility, upon request.

(7) All marijuana produced for a patient must be provided to the patient or designated primary caregiver when the grower ceases producing marijuana for the patient.

(8) A grower must return the grow site registration card to the patient to whom the card was issued when requested to do so by the patient or when the grower ceases producing marijuana for the patient.

(9) A patient or the designated primary caregiver of the patient may reimburse the grower for the costs of supplies and utilities associated with production of marijuana for patient. No other costs associated with the production of marijuana for the patient, including the cost of labor, may be reimbursed.

(10) A grower may produce marijuana for no more than four patients or designated primary caregivers concurrently.

(11) The Authority may not register a grow site if the location of the grow site is the same location as a medical marijuana facility.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0045

Interim Changes

- (1) A patient shall notify the Authority within 30 calendar days of any change in the patient's name, address, telephone number, attending physician, designated primary caregiver, grower or grow site address.
 - (2) A patient shall notify, as applicable, the designated primary caregiver, the grower, and the person responsible for a medical marijuana facility of any changes in status including, but not limited to:
 - (a) The assignment of another individual as the designated primary caregiver for the patient;
 - (b) The assignment of another individual as a grower for the patient;
 - (c) The revocation of an Authorization to Transfer form under OAR 333-008-1230; or
 - (d) The end of eligibility of the patient to hold a registry identification card.
 - (3) If the Authority is notified by the patient that a designated primary caregiver or a grower has changed, the Authority shall notify the designated primary caregiver or the grower by mail at the address of record confirming the change in status and informing the caregiver or grower that their card is no longer valid and must be returned to the Authority within seven calendar days.
 - (4) A patient who has been diagnosed by an attending physician as no longer having a debilitating medical condition or whose attending physician has determined that the medical use of marijuana is contraindicated for the patient's debilitating medical condition shall return the registry identification card and all associated OMMP cards to the Authority within 30 calendar days of notification of the diagnosis or notification of the contraindication. If, due to circumstances beyond control of the patient he or she is unable to obtain a second medical opinion about the patient's continuing eligibility to use medical marijuana before the 30-day period has expired, the Authority may grant the patient additional time to obtain a second opinion before requiring the patient to return the registry identification card and all associated cards.
 - (5) Change forms may only be submitted to the Authority via mail or in person at the OMMP office.
 - (6) If a patient's designated primary caregiver, grower or grow site has changed, the non-refundable fee to receive a replacement card is \$100. If the patient qualifies for the reduced application fee of \$20, the non-refundable fee to receive a replacement card is \$20.
 - (7) If a patient is registering a new grow site at any time other than when submitting a new application or a renewal application, a grow site registration fee will not be charged.
- Stat. Auth.: ORS 475.309 & 475.312
Stats. Implemented: ORS 475.309 & 475.312

333-008-0050

Confidentiality

- (1) The Authority shall create and maintain either paper or computer data files of patients, designated primary caregivers, growers, and grow site addresses. The data files shall include all information collected on the application forms or equivalent information from other written documentation, plus a copy of OMMP registry identification cards, effective date, date of issue, and expiration date. Except as provided in section (2) of this rule, the names and identifying information of registry identification cardholders and the name and identifying information of a pending applicant for a card, a designated primary caregiver, a grower, and a marijuana grow site location, shall be confidential and not subject to public disclosure.

(2) Names and other identifying information made confidential under section (1) of this rule may be released to:

(a) Authorized employees of the Authority as necessary to perform official duties of the Authority, including the production of any reports of aggregate (i.e., non-identifying) data or statistics;

(b) Authorized employees of state or local law enforcement agencies when they provide a specific name or address. Information will be supplied only as necessary to verify:

(A) That a person is or was a lawful possessor of a registry identification card;

(B) That a person is or was a person responsible for a registered medical marijuana facility;

(C) That the address is or was a documented grow site, and how many people are authorized to grow at that grow site;

(D) How many people a person was or is authorized to grow for; or

(E) That an address is or was the location of a registered medical marijuana facility.

(c) Other persons (such as, but not limited to, employers, lawyers, family members) upon receipt of a properly executed release of information signed by the patient, the patient's parent or legal guardian, designated primary caregiver or grower. The release of information must specify what information the Authority is authorized to release and to whom.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0120

System to Allow Verification of Data at All Times

(1) The Authority shall establish an interactive method to allow authorized employees of state and local law enforcement agencies to use the Oregon State Police Law Enforcement Data System (LEDS) to query an OMMP data file in order to verify at any time whether a particular patient, designated primary caregiver, grower, person responsible for a medical marijuana facility, grow site location, or medical marijuana facility is listed or registered with the Authority.

(2) LEDS access will only allow a yes or no answer to the query and the information obtained may not be used for any other purpose other than verification.

(3) The Authority may allow the release of reports related to verification if it is without identifying data.

(4) The Authority shall have staff available by phone to verify law enforcement agency employee questions during regular business hours in case the electronic verification system is down, and in the event the system is expected to be down for more than two business days, the Authority shall ensure program staff are available by phone for verification purposes.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 – 475.346

MEMORANDUM

To: City Council

From: Jon Holan, Community Development Director
Janie Schutz, Police Chief
Tom Gamble, City Manager Pro Tem

Date: April 13, 2015

Re: Proposed Amendment to City Code pertaining to Medical Marijuana Dispensaries

Issue: The request is for the City Council to adopt proposed City Code regulations addressing the operation of Medical Marijuana dispensaries.

Background: The Oregon Legislature enacted House Bill 3460 in 2013, which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities. Section 2 of that bill established the medical marijuana registration system and has been codified in ORS 475.314. House Bill 3460 directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b).

The Oregon Legislature enacted Senate Bill 1531 in 2014 affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015. The City of Forest Grove adopted Ordinance 2014-04 on April 28, 2014, to establish such a moratorium.

At this time, staff is proposing two amendments to the Development and City Codes. The Development Code amendment, which is under a separate action, addresses the location and development requirements for medical marijuana dispensaries. The City Code amendment is to establish operational standards for these establishments. In essence, the Development Code requirements would be administered by the Community Development Department as part of its permit review for a new dispensary. The City Code would be administered by the Police Department for ongoing operation of these dispensaries. Both code amendments have been reviewed by Police and Community Development staff as well as the City Attorney.

The City Code amendments would:

- Require compliance with State law;
- Require a business license;
- Establish hours the operation is not opened to the public;
- Require all sales enclosed in an opaque bag; and
- Provide secure disposal for marijuana remnants and by-products.

The hours of closure to the public and opaque bag are those established by the Oregon Liquor Control Commission for liquor store operations. The secure disposal requirement was modified by the Police Department from a requirement adopted by the City of Ashland.

Fiscal Impact: Marijuana dispensaries will create additional demands for law enforcement; primarily due to the all-cash nature of the operations. Development Code requirements about requiring visible and well-lit entrances, permanent facilities and no drive-throughs are intended to reduce those demands.

Staff Recommendation: Staff recommends the City Council adopt the proposed ordinance amending Forest Grove Code (Exhibit A) and/or as may be modified by Council deliberations.



ORDINANCE NO. 2015-03

**ORDINANCE AMENDING FOREST CITY CODE CHAPTER 7
BY ADDING NEW CODE SECTION 7.850 THROUGH 7.865 ESTABLISHING
OPERATION OF MEDICAL MARIJUANA DISPENSARIES**

WHEREAS, the Oregon Legislature enacted House Bill 3460 (2013), which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities;

WHEREAS, Section 2 of House Bill 3460 (2013) that established the medical marijuana registration system has been codified as ORS 475.314;

WHEREAS, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b),

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015;

WHEREAS, the City Council adopted Ordinance Number 2014-04 on April 28, 2014, to establish a moratorium for marijuana dispensaries until May 1, 2015;

WHEREAS, the City has prepared proposed amendments to City Code pertaining to the placement and requirements for medical marijuana dispensaries; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed amendments on April 13 and continued the hearing on April 27, 2015.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. Forest Grove City Council hereby adopts amendments to Forest Grove Code Chapter 7 by adding new Code Section 7.850 – 7.865, titled “Medical Marijuana Dispensaries”, and new Code Section 7.865, titled “Violations and Penalties”, as set forth in the attached Exhibit A.

Section 2. The City Council hereby finds that the proposed amendments are necessary to assure adequate public protection and are consistent with state requirements for the operation of liquor stores based on the hours opened to the public and requirement for the use of opaque bags, and requires facilities to be operated consistent with state requirements for medical marijuana dispensaries.

Section 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading this 13th day of April, 2015.

PASSED the second reading this 27th day of April, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 27th day of April, 2015.

Peter B. Truax, Mayor

ORDINANCE NO. 2015-03

EXHIBIT A

FOREST GROVE CODE

AMENDING CHAPTER 7, BUSINESS

ADDING NEW CODE SECTION 7.850 – 7.865

MEDICAL MARIJUANA DISPENSARIES

7.850 Statement of Purpose.

The purpose of Code Section 7.850 to 7.865 is to promote the public health, safety and general welfare by establishing standards for the operation of medical marijuana dispensaries in the City of Forest Grove.

7.855 Definitions.

Medical Marijuana Dispensary. A facility for selling marijuana and marijuana-related products to medical marijuana card holders and which is registered with the Oregon Health Authority under ORS 475.314 (2013).

7.860 License Requirements.

- A. A medical marijuana dispensary must comply with all applicable requirements of State law.
- B. A medical marijuana dispensary must obtain a City Business License pursuant to Code Sections 7.000 to 7.070 prior to opening.
- C. A medical marijuana dispensary may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.
- D. All products and paraphernalia must be enclosed in an opaque bag or container upon exiting the facility.
- E. A medical marijuana dispensary must provide secure disposal for marijuana remnants or by-products, including any item with marijuana residue.

7.865 Violations and Penalties.

- A. Notwithstanding the provisions of Code Section 7.070, a person who commits, permits, assists in or attempts a violation of any provision of Section 7.850 – 7.860 is subject to a civil penalty in the amount of not less than \$100 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation within a two (2) year period starting from the issuance of the first notice of violation.
- B. Each day during which any provision of Code Section 7.850 – 7.860 is violated constitutes a separate offense.
- C. The Enforcement Officer may cite into Municipal Court for the violations.

Underline is new language.

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Date: April 13, 2015

RESOLUTION AUTHORIZING THE MAYOR TO ENDORSE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND WASHINGTON COUNTY FOR THE CONSTRUCTION OF UTILITIES IN DAVID HILL ROAD

PROJECT TEAM: Tom Gamble, City Manager Pro Tem
Robert Foster, Director of Public Works
Nick Kelsay, Project Engineer

ISSUE STATEMENT: Staff seeks Council authorization for Mayor to sign an Intergovernmental Agreement between Washington County and the City of Forest Grove for installation of city utilities as part of the construction of David Hill Road from Nehalem Highway - OR 47 to its current terminus to the west (*Forest Grove High School*).

The David Hill Road project is part of the Major Streets and Transportation Improvement Program (MSTIP 3d) and as such is approved and funded. The City desires to install public utilities as part of this project as follows: new waterline, sanitary sewer line, and electrical facilities.

BACKGROUND: The City's Transportation Master Plan (TSP) identifies David Hill Road as a thoroughfare connector between Thatcher Road and Highway 47. The proposed roadway is seen as a primary improvement of access to State Highway 47 and will reduce traffic on Purdin Road. This project will serve traffic from the north and west section of Forest Grove.

Two sections of this road have been completed to date. The first section from Thatcher Road to Brooke Street was constructed by adjacent development. The second section was just recently completed as a joint project between The City and Washington County. This section extended through a wetland area and to the east edge of the Forest Grove School District property. There is approximately 1,500 feet remaining that needs to be improved in order to make the connection with Highway 47. The installation of these utilities will be made a part of David Hill Road construction contract and will be administered by Washington County. The City will provide funding.

FISCAL IMPACT: City will be responsible for infrastructure costs pertaining to waterline installation, sanitary sewer installation, and electrical facilities installation (*not including illumination*) at a total cost of approximately \$232,000.00.

STAFF RECOMMENDATION: Staff recommends the City Council approve the attached resolution authorizing the Mayor to endorse the Intergovernmental Agreement (Exhibit A) between the City and Washington County for the construction of David Hill Road.



RESOLUTION NO. 2015-24

RESOLUTION AUTHORIZING THE MAYOR TO ENDORSE THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND WASHINGTON COUNTY FOR CONSTRUCTION OF UTILITIES ON DAVID HILL ROAD (WC BC-15-0181)

WHEREAS, Washington County has an approved project to improve David Hill Road from the Forest Grove High School to Nehalem Highway – OR 47. This project is part of the Major Streets and Transportation Improvement Program (MSTIP 3d); and

WHEREAS, The City desires to include additional public improvements within the road right of way and within or near the location of the road work as follows: waterline installation, sanitary sewer installation, and electrical facilities; and

WHEREAS, Washington County has prepared an Intergovernmental Agreement to accommodate these conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1: The City Council of the City of Forest Grove hereby approves the Intergovernmental Agreement between the City of Forest Grove and Washington County attached as Exhibit A.

Section 2: The Mayor is hereby authorized to endorse the Intergovernmental Agreement on behalf of the City of Forest Grove.

Section 3: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 13th day of April, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of April, 2015.

Peter B. Truax, Mayor

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**INTERGOVERNMENTAL AGREEMENT
BETWEEN
Washington County and City of Forest Grove**

**FOR ROAD IMPROVEMENTS, WATERLINE INSTALLATION, AND
ELECTRICAL FACILITIES**

THIS INTERGOVERNMENTAL AGREEMENT is entered into between Washington COUNTY, a political subdivision of the State of Oregon, acting by and through its elected officials, hereinafter referred to as "COUNTY"; and City of Forest Grove, a municipal corporation, acting by and through its City Council, hereinafter referred to as "CITY".

RECITALS

1. COUNTY has an approved project to improve David Hill Road from Forest Grove High School to Nehalem Highway – OR 47. This project is part of the Major Streets and Transportation Improvement Program (MSTIP 3d), which has been approved and funded.
2. CITY desires to include additional public improvements within the road right of way and within or near the location of the road work as follows: installation of a new waterline, and installation of electric power conduits.
3. CITY has requested and COUNTY has agreed that the above-described public improvements be added to the David Hill Road Project, and constructed as a single public improvement project as further detailed in this agreement.

NOW, THEREFORE, in consideration of the terms, conditions and covenants set forth below, the parties hereto agree as follows:

ARTICLE I – PROJECT DESCRIPTION

- 1.1 The ROAD WORK shall improve David Hill Road from Forest Grove High School to Nehalem Highway – OR 47, including two vehicle lanes, raised median, bike lanes, sidewalks and intersection improvements at David Hill Road and Nehalem Highway – OR 47.
- 1.2 The WATERLINE WORK shall include the design and installation of approximately 2500 feet of 8 inch ductile iron waterline. New waterline will be designed and installed according to the Oregon Standards for Construction and American Water Work Association Standards.
- 1.3 The ELECTRICAL FACILITIES WORK shall include installation of illumination, several size conduits, electrical vaults, and junction boxes on

the north side of David Hill Road and within the project limits.

- 1.4 SANITARY SEWER WORK shall include one crossing of David Hill Road at Main Street with manholes and piping.
- 1.5 The PROJECT shall consist of the ROAD WORK, the WATERLINE WORK, and the ELECTRICAL FACILITIES WORK and SANITARY SEWER WORK.

ARTICLE II - COUNTY OBLIGATIONS

- 2.1 Assign a liaison (Project Manager) responsible for coordinating the PROJECT with CITY. The liaison for County shall be Matt Meier. COUNTY's liaison shall be responsible for coordination of ROAD WORK, WATERLINE WORK, and ELECTRICAL FACILITIES WORK and SANITARY SEWER WORK with CITY.
- 2.2 COUNTY shall perform all tasks needed to implement ROAD WORK, together with WATERLINE WORK and ELECTRICAL FACILITIES WORK and SANITARY SEWER WORK, including but not limited to project design, right-of-way acquisition, construction, construction management, ROAD WORK inspection and administration, provided that COUNTY and CITY shall perform actions with respect to the WATERLINE WORK, ELECTRICAL FACILITIES WORK, and SANITARY SEWER WORK as further set forth in this agreement.
- 2.3 COUNTY shall design David Hill Road according to CITY standards and procedures, even if the subject portion of David Hill Road has not yet been transferred to CITY jurisdiction.
- 2.4 COUNTY shall include certain or all aspects of ELECTRICAL FACILITIES WORK, as designed by CITY, including but not limited to incorporating CITY's design as part of the bidding documents and construction.
- 2.5 COUNTY shall prepare WATERLINE WORK design plans and technical specifications. Final plans and specifications for WATERLINE WORK shall be incorporated as specific bid items in the bid documents for the David Hill Road Project.
- 2.6 COUNTY shall prepare SANITARY SEWER WORK design plans and technical specifications. Final plans and specifications for SANITARY SEWER WORK shall be incorporated as specific bid items in the bid documents for the David Hill Road Project.
- 2.7 COUNTY shall provide CITY with the opportunity to review and comment on design plans and specifications for ROAD WORK, WATERLINE

WORK and SANITARY SEWER WORK. In general, review comments shall be returned to COUNTY within two weeks following receipt of draft design documents. COUNTY shall revise the plans and specifications, based on CITY comments, and consult with CITY to resolve differences.

- 2.8 COUNTY shall advertise, award, and administer the construction contract for the David Hill Road Project.
- 2.9 COUNTY shall, following bid opening, notify CITY of the amount of the construction cost of the WATERLINE WORK, ELECTRICAL FACILITIES WORK, and SANITARY SEWER WORK as contained in the bid, and provide CITY with the opportunity for review of the contract bid. If CITY makes a timely request, COUNTY shall delete WATERLINE WORK and/or ELECTRICAL FACILITIES WORK, and/or SANITARY SEWER WORK bid schedules from the contract award. COUNTY shall have the right, in its discretion, to award or reject bids for the David Hill Road Project in accordance with applicable law.
- 2.10 COUNTY shall coordinate inspection services with CITY as set forth in Article III.
- 2.11 COUNTY shall be responsible for acceptance of the contractor's work on behalf of CITY.
- 2.12 COUNTY consents to the annexation by CITY of the existing right of way of SW David Hill Road from Thatcher Road to State Highway 47. Upon CITY annexation of the right of way, COUNTY shall transfer jurisdiction of David Hill Road to CITY under a separate agreement.

ARTICLE III – CITY OBLIGATIONS

- 3.1 Assign a liaison (Project Manager) responsible for coordinating the PROJECT with COUNTY. The liaison for CITY shall be Nick Kelsay. CITY liaison person shall be responsible for coordination of the David Hill Road Project, Waterline Work and ELECTRICAL POWER WORK with COUNTY.
- 3.2 CITY shall provide any available information in its possession that may assist COUNTY in WATERLINE WORK, ELECTRICAL POWER WORK and SANITARY SEWER WORK
- 3.3 CITY shall provide necessary design coordination including review of design plans for WATERLINE WORK and SANITARY SEWER WORK as the project plans are prepared. CITY shall indicate needed revisions to the waterline design, plans and specifications, and consult with COUNTY to resolve differences.

- 3.4 CITY shall provide final design and specifications for ELECTRICAL FACILITIES WORK to be included as part of this project bidding document.
- 3.5 CITY shall provide inspection and monitoring of WATERLINE WORK and SANITARY SEWER WORK in coordination with COUNTY. CITY shall monitor all "acceptance testing" conducted by the contractor as specified in the construction contract, which includes disinfecting, pressure testing, manhole and valve box installations. These services shall be at CITY's expense.
- 3.6 CITY shall provide, install, and connect to a power supply approximately forty 25-ft Tear Drop style light fixtures.
- 3.7 CITY shall provide inspection and monitoring of ELECTRICAL FACILITIES WORK in coordination with COUNTY. CITY shall monitor all "acceptance testing" conducted by the contractor as specified in the construction contract.
- 3.8 CITY shall request and accept transfer of David Hill Road jurisdictions within 6 months of COUNTY award of construction contract.

ARTICLE IV – COMPENSATION

- 4.1 CITY shall pay to COUNTY the cost of engineering, drafting, construction, administration and inspection for WATERLINE WORK and SANITARY SEWER WORK. The scope of WATERLINE WORK and SANITARY SEWER WORK that is to be compensated is generally located as shown on the David Hill Road Project plan sheets dated December 2014.
- 4.2 CITY shall pay to COUNTY the cost of the construction of ELECTRICAL FACILITIES WORK incorporated as part of this project, excluding the cost associated with the installation of street lights performed as part of the David Hill Road construction Contract.
- 4.3 The WATERLINE WORK and SANITARY SEWER WORK construction cost, includes contract bid items used for the WATERLINE WORK and SANITARY SEWER WORK, an allocated share of the cost of applicable lump sum contract items (for example, mobilization and erosion control), and the cost for any extra work required for WATERLINE WORK or SANITARY SEWER WORK.
- 4.4 The ELECTRICAL FACILITIES WORK construction cost, includes contract bid items used for the ELECTRICAL FACILITIES WORK, an allocated share of the cost of applicable lump sum contract items (for

example, mobilization and erosion control), and the cost for any extra work required for ELECTRICAL FACILITIES WORK.

4.5 CITY shall be responsible for the electrical power cost to illuminate the street lighting thereafter.

4.6 The estimated cost of CITY Work is not to exceed \$232,600 as shown below.

Waterline and Sanitary Sewer Design	\$32,600
Waterline Construction	\$135,000
Sanitary Sewer Construction	\$25,000
Electrical Facilities Work not Including Illumination	\$40,000
<hr/> Total	<hr/> \$232,600

4.7 COUNTY shall deduct the cost of supplying and installing approximately forty street light fixtures, estimated at \$125,000 from CITY invoice. This will reimburse City for the cost of illumination installed as part of the MSTIP project.

4.8 CITY and COUNTY understand that estimated costs are used to determine project budget used in this agreement. Final payments made by CITY to COUNTY will be based on actual cost encumbered by COUNTY for WATERLINE WORK, SANITARY SEWER WORK and ELECTRICAL FACILITIES WORK.

4.9 CITY shall, within thirty days of its receipt of a billing from COUNTY, pay COUNTY the amount due.

ARTICLE V - GENERAL PROVISIONS

5.1 Laws of Oregon

The parties shall comply with all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon. All relevant provisions required by ORS Chapter 279A and 279C to be included in public contracts are incorporated and made a part of this Agreement as if fully set forth herein.

5.2 Default

Either party shall be deemed to be in default if it fails to comply with any provision of this agreement. COUNTY and CITY agree time is of the essence in the performance of any of the obligations within this agreement. The complaining party shall provide the other party with

written notice of default and allow thirty (30) days within which to cure the defect. CITY shall pay COUNTY for costs incurred for satisfactorily completed and authorized work up to the time of default. CITY shall be liable for all costs and damages arising from default by CITY.

5.3 Indemnification

This agreement is for the benefit of the parties only. Each party agrees to indemnify and hold the other harmless, to include their respective officers, employees, agents and representatives, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omission of services or in any way resulting from the acts or omissions of the parties so indemnifying and/or its officers, employees, agents or representatives. Indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, each party shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of the party under this agreement.

5.4 Documents are Public Property

All records, reports, data, documents, systems, and concepts, whether in the form of writings, figures, graphs, or models which are prepared or developed in connection with this project shall become public property.

5.5 Modification of Agreement

No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing, signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in specific instances and for the specific purpose given.

5.6 Dispute Resolution

The parties shall attempt to informally resolve any dispute concerning any party's performance or decisions under this Agreement, or regarding the terms, conditions or meaning of this Agreement. A neutral third party may be used if the parties agree to facilitate these negotiations. In the event of an impasse in the resolution of any dispute, the issue shall be submitted to the governing bodies of both parties for a recommendation or resolution.

5.7 Severability

If any terms or provisions of this agreement or the application thereof to

any person or circumstance shall, to any extent, be determined by a court to be invalid or unenforceable, the remainder of this agreement and the application of those terms and provisions shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

5.8 Nondiscrimination

No person shall be denied or subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from this agreement on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age or marital status. Any violation of this provision shall be considered a material defect and shall be grounds for cancellation, termination or suspension in whole or in part by COUNTY.

5.9 Integration

This agreement includes the entire agreement of the parties and supersedes any prior discussions or agreements regarding the same subject. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this contract.

ARTICLE VI - TERM OF AGREEMENT

6.1 The term of the Agreement shall be from the date of execution until the completion of the PROJECT, but not to exceed three (3) years.

6.2 This Agreement may be amended or extended for periods of up to one (1) year by mutual consent of the parties. It may be canceled or terminated for any reason by either party. Termination or cancellation shall be effective thirty (30) days after written notice to the other party, or at such time as the parties may otherwise agree. The parties shall, in good faith, agree to such reasonable provisions for winding up the PROJECT and paying for any additional costs as necessary.

6.3 Notwithstanding completion of the PROJECT, and the term stated above, this Agreement shall remain in force for the purpose of enforcing the parties' obligations to operate and maintain portions of the project; and obligations related thereto.

WASHINGTON COUNTY, OREGON

CITY OF FOREST GROVE, OREGON

Andy Duyck Andy Duyck
CHAIR, BOARD OF COUNTY
COMMISSIONERS

MAYOR,
CITY OF FOREST GROVE

Date: 3-5-15

Date: _____

Barbara Heitmanek
RECORDING SECRETARY

Approved as to Form:

Court O. Ouellet
COUNTY Counsel

Date: March 3, 2015

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS
MINUTE ORDER # 15-43
DATE 3-3-15

Date: April 13, 2015

**LOCAL AGENCY AGREEMENT - AMMENDMENT NO. 02
SAFE ROUTES TO SCHOOL PROGRAM
INFRASTRUCTURE PROJECT
B STREET: 23RD AVENUE – PRIMROSE LANE**

PROJECT TEAM: Tom Gamble, City Manager Pro Tem
Robert Foster, Director of Public Works
Nick Kelsay, Project Engineer

ISSUE STATEMENT: Staff seeks Council authorization for Mayor and City Manager to sign Amendment No. 2 to the “Local Agency Agreement Safe Routes to School Program” for the ‘B’ Street Sidewalk project.

BACKGROUND: In 2012, the City entered into an agreement with ODOT for the ‘B’ Street Sidewalk project as part of the Safe Routes to School Program (SRTS). Since that time, estimated project costs have risen. As such, the City has requested additional funding from the State Bicycle and Pedestrian Program (SBPP). The SBPP has authorized an additional \$35,000 to the project. The City, and ODOT, will also have an obligation to set aside additional funds to cover the total project cost. The overall project cost is estimated at \$531,000.

FISCAL IMPACT: Increased funding from ODOT and the SBPP requires additional matching funds from the City. The City’s original obligation was \$50,000. ODOT has set aside \$381,000 in grant funds and SBPP has authorized \$35,000. This brings the total funding to \$466,000 of the \$531,000 projected. Therefore, an additional City obligation of \$65,000 is expected. These additional funds will be supported by the Street Fund – Capital Improvement Fund (TIF/TDT) as requested in the FY15/16 budget.

A breakdown of the estimated project cost and funding resources is below.

COST BREAKDOWN:

Original Grant Funds (ODOT)	\$350,000
Original City Match	\$50,000
Additional Grant Funds (ODOT)	\$31,000
Additional Grant Funds (SBPP) - <i>Amendment No. 2</i>	\$35,000
Additional City Match Obligation	\$65,000
Total <i>Estimated</i> Project Cost	\$531,000

STAFF RECOMMENDATION: Staff recommends the City Council approve the attached resolution authorization to Mayor and City Manager to endorse the Amendment No. 2 to the Local Agency Agreement.



RESOLUTION NO. 2015-25

RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER PRO TEM
TO ENDORSE AMENDMENT NO. 2 TO THE LOCAL AGENCY AGREEMENT
BETWEEN CITY OF FOREST GROVE AND OREGON DEPARTMENT OF
TRANSPORTATION SAFE ROUTES TO SCHOOL PROGRAM GRANT FUNDING
FOR HARVEY CLARKE ELEMENTARY ('B' STREET) SIDEWALK PROJECT
(CONTRACT NO. 28167)

WHEREAS, The City of Forest Grove entered into a Local Agency Agreement with Oregon Department of Transportation in 2012 for the Safe Routes To School funding of the 'B' Street Sidewalk Project; and

WHEREAS, If needed, the State will provide additional funds from the Bicycle and Pedestrian Program (SBPP) up to a maximum of \$35,000; and

WHEREAS, The Oregon Department of Transportation has written an amendment to the original agreement to reflect this change.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1: The City Council of the City of Forest Grove hereby approves the Amendment No. 2 to the Local Agency Agreement between City of Forest Grove and Oregon Department of Transportation as stated in the Amendment and subject to the conditions of this Amendment No. 2 (attached as Exhibit A).

Section 2: The Mayor and City Manager Pro Tem are hereby authorized to endorse Amendment No. 2 to the Local Agency Agreement on behalf of the City of Forest Grove.

Section 3: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 13th of April, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th of April, 2015.

Peter B. Truax, Mayor

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**AMENDMENT NUMBER 02
LOCAL AGENCY AGREEMENT
SAFE ROUTES TO SCHOOL PROGRAM
INFRASTRUCTURE PROJECT
B Street: 23rd Ave. – Primrose Ln. (Forest Grove)
City of Forest Grove**

This is Amendment No. 02 to Agreement No. 28167 between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," and the **City of Forest Grove**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into an Agreement on June 14, 2012, and Amendment No. 01 on November 17, 2014. Said Agreement covers the construction of pedestrian safety improvements in the vicinity of Harvey Clarke Elementary School.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to increase funding.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.
2. **Amendment to Agreement.**

Insert new RECITALS, Paragraph 4, to read as follows:

4. State established a Bicycle and Pedestrian Program fund in the Statewide Transportation Improvement Program (STIP) to meet the minimum requirement of one (1) percent requirement of State Highway funds to be spent on Pedestrian and Bicycle facilities. The 2012-2015 STIP programs \$29 million for the Bicycle and Pedestrian Program, allocated to three (3) programs: Grants, Sidewalk Improvement Programs and Quick Fixes.

TERMS OF AGREEMENT, Paragraph 2, Page 2, which reads:

2. The Project shall be conducted as a part of the SRTS Program under Title 23, United States Code. The total Project cost is estimated at \$431,000, which is subject to change. The SRTS Funds are estimated at \$381,000 and will be covered through a combination of SRTS and Transportation Alternatives Program (TAP) funds. Agency will provide the local match for all TAP funds, plus additional Agency funds for a total of \$50,000, any funds in excess of the available TAP and SRTS funds, and also pay any non-participating costs. The scope, schedule, progress report requirements and Project Change Request process are described in Exhibit B, attached hereto and by this reference made a part hereof. Agency agrees to the conditions set forth in Exhibit B.

Shall be deleted in its entirety and replaced with the following:

2. The Project shall be conducted as a part of the SRTS Program under Title 23, United States Code. The total Project cost is estimated at \$550,000, which is subject to change. The SRTS funds are estimated at \$416,000 and will be covered through a combination of SRTS and Transportation Alternatives Program (TAP) funds. Agency will provide the local match for all TAP funds and an additional Agency contribution of \$ 20,292. If needed, State will provide additional funds from the Bicycle and Pedestrian Program up to maximum of \$35,000. Agency will pay any funds in excess of the available TAP, SRTS and State funds, and also pay any non-participating costs. The scope, schedule, progress report requirements and Project Change Request process are described in Exhibit B, attached hereto and by this reference made a part hereof. Agency agrees to the conditions set forth in Exhibit B.
3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Recipient certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2012-2015 Statewide Transportation Improvement Program, (Key #16063) that was adopted by the Oregon Transportation Commission on March 21, 2012 (or subsequently approved by amendment to the STIP).

Signature Page to Follow

CITY OF FOREST GROVE, by and through its elected officials

By _____
Mayor

Date April 13, 2015

By _____
City Manager

Date April 13, 2015

APPROVED AS TO LEGAL SUFFICIENCY

By _____
City Recorder

Date April 13, 2015

Agency Contact:

Nick Kelsay, Project Engineer
PO Box 326
Forest Grove, OR 97116
503-992-3230
nkelsay@forestgrove-or.gov

State Contact:

Michele Thom, Local Agency Liaison
123 NW Flanders Street
Portland, OR 97209
503-731-8279
michele.r.thom@odot.state.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Region 1 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Active Transportation Section Manager

Date _____

By _____
Safe Routes to School Program Manager,
Active Transportation Section

Date _____

By _____
Pedestrian and Bicycle Program Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____

		Original Budget	Actual Budget	Comments
FUNDS AVAILABLE				
IGA Budget		\$350,000	\$381,000	with \$31,000 add from SRTS
City Matching		\$50,000	\$50,000	
Additional Metro Funds?			\$35,000	granted by Metro
		<u>\$400,000</u>	<u>\$466,000</u>	
PROJECT DESIGN AND ADMINISTRATION COSTS				
Design - Parametrix	Contracted	\$96,438	\$96,438	
Management - ODOT	Contracted	\$25,000	\$25,000	estimated based on ODOT input
		<u>\$121,438</u>	<u>\$121,438</u>	
Construction	Estimated	\$283,215	\$283,215	Advance Plan estimated construction costs only
Construction Management	Estimated	\$76,577	\$76,577	
Contingency (3.5%)		\$12,593	\$12,593	
	SUBTOTAL	<u>\$372,384</u>	<u>\$372,384</u>	
10% Budget Requirement		\$37,238	\$37,238	
TOTAL CONSTRUCTION		<u>\$409,623</u>	<u>\$409,623</u>	
TOTAL PROJECT CONST, DESIGN, ODOT		\$531,061	\$531,061	
FUNDS AVAILABLE		\$400,000	\$466,000	
PROJECT BUDGET STATUS		-\$131,061	-\$65,061	\$65,061 additional may be required over original \$50,000 commitment if bids come in 10% over

April 13, 2015

REPORT ON RESOLUTION ADOPTING INTERGOVERNMENTAL AGREEMENT WITH METRO FOR THE COMMUNITY ENHANCEMENT PROGRAM (CEP) AND REPLACING AND SUPERSEDING METRO CONTRACT NO. 901195; AND REPEALING RESOLUTION NO. 1989-35

PROJECT TEAM: Paul Downey, Administrative Services Director
Beverly Maughan, Executive Assistant to City Manager
Tom Gamble, City Manager Pro-tem

ISSUE STATEMENT: In 2014, Metro adopted Metro Ordinance 14-1344 that changed the structure of the Community Enhancement Program (CEP). Metro provided a proposed IGA between Metro and the City. Metro and City staff have reached agreement on the terms of the intergovernmental agreement (IGA). The IGA with attached exhibits is being presented tonight for Council consideration. A resolution authorizing the City Manager Pro-Tem to sign the IGA is attached.

BACKGROUND: In August 1989, Council authorized the City Manager to sign the Enhancement Fee Agreement with Metro. In October 1989, Metro signed the Enhancement Fee agreement. Based on the agreement, the City received \$.50 from Metro for each ton of solid waste transferred through the Forest Grove Transfer Station. The intent of the program is to provide funds to communities to offset the undesirable effects of transfer stations located in the community. Since that time, the City has operated the Community Enhancement Program under the original agreement with Metro with modifications to the program over the years. Following execution of the agreement, the Council established a boundary designating the area eligible for enhancement and the eligibility criteria.

The region's solid waste program has changed a lot since the inception of the program. There are six solid waste transfer stations in the region but only three of them charge the enhancement fee. The \$0.50 per ton fee has not changed since 1988. If the fee had kept pace with inflation, it would be \$0.98 per ton now.

DISCUSSION: In 2014, Metro reviewed its program and adopted Ordinance 14-1344 which made changes to the CEP. On February 23, 2015, staff presented the revised CEP to the Council. The major changes to the program are:

- Increased funding – starting July 1, 2015, CEP fee at transfer station increases from \$0.50 to \$1.00 per ton. Depending on the actual volume

of waste at the Forest Grove Transfer, the revenue to the CEP is expected to double.

- Revised committee structure – Council selected the option where it is the committee that determines funding along with the Metro Councilor for our district who has chosen to be co-chair and a voting member of the committee.
- Revised Eligibility Criteria for Community Enhancement Projects – the criteria are listed in Metro Code Section 5.06 which is attached as an exhibit to the IGA. The Code allows the committee to establish more restrictive eligibility requirements. Based on discussion with Metro staff, City staff do not expect changes to the type of projects the City has funded.
- Revised Goals for Community Enhancement Projects – the goals are also listed in Metro Code Section 5.06 which allows the committee to adopt additional funding goals.
- Programs established prior to January 1, 2014, that are administered by a local government through an IGA will be updated and reissued with an effective date of July 1, 2015. This is the IGA that Council is being asked to consider tonight.

Metro also adopted administrative procedures for the program. Metro Administrative Rule 6.1.2.4 discusses funding criteria for projects. One criteria states the project be from a local government advisory committee, department, or special district provided that they include documented support from the local government executive officer, and, as a guideline, the requested funding not exceed 15% of an annual community enhancement program or funding cycle, or more as otherwise provided in an intergovernmental agreement between Metro and host local government. This could be a potential issue to the City because in FY 2014-15, City advisory committees used 29% of the available funds. The Sustainability Advisory Commission, which was just forming when last year's projects were funded, requested only one small project. City staff discussed this concern with Metro staff. Metro revised Section 4.G of the IGA to read that "The City shall ensure funding decisions are made by a majority vote of the committee. Funding for projects or programs sponsored by the city, city advisory committees, departments, or special districts shall be approved at the discretion of the committee." This language allows the City to avoid potential issues that could have arisen from Metro Administrative Rule 6.1.2.4. The City is not allowed to use CEP to pay for projects it would normally fund from its regular budget.

The new program also permits the City to charge the program for the direct staff time and costs to administer the program up to 20% of the annual program budget. The City has never charged these direct costs to the program.

If this IGA is approved tonight, the Council will also be asked to adopt a resolution appointing the solid waste community enhancement advisory committee which will then meet to develop committee by-laws and determine any allowable additional criteria for funding eligibility and program goals.

FISCAL IMPACT: As stated earlier, the fee change is expected to double the amount of available funding for grants after the program has been in effect for a year if the tonnage of the waste at the transfer station does not decline. Council will need to decide if administrative costs will be charged to the program.

STAFF RECOMMENDATION: Staff recommends the Council approve the attached IGA and exhibits and authorize the City Manager Pro-Tem to sign the IGA (Exhibit A).

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RESOLUTION NO. 2015-26

RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN CITY OF FOREST GROVE (CITY) AND METRO FOR THE COMMUNITY ENHANCEMENT PROGRAM (CEP) AND REPLACING AND SUPERSEDING METRO CONTRACT NO. 901195; AND REPEALING RESOLUTION NO. 1989-35

WHEREAS, the City and Metro approved Metro Contract 901195 which established the CEP in the City of Forest Grove allowing the City to receive funds for the purpose of enhancing and rehabilitating the area impacted by operation of the Forest Grove Transfer Station; and

WHEREAS, Metro has revised the CEP and has provided a new IGA which revised the CEP and established new rules and criteria for operating the CEP; and

WHEREAS, the City desires to continue the CEP which has provided significant funding for enhancement projects within the City since the inception of the program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1: The City Council hereby approves the Intergovernmental Agreement between City of Forest Grove and Metro establishing the revised CEP (Exhibit A).

Section 2: The City Manager Pro-Tem is authorized to sign the IGA on behalf of the City.

Section 3: Upon execution of the IGA by both parties, Metro Contract No. 901195 is superseded and replaced by this IGA, and City Resolution No. 1989-35 is hereby repealed.

Section 4: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 13th day of April, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of April, 2015.

Peter B. Truax, Mayor

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Intergovernmental Agreement

METRO CONTRACT NO. 933295

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, entered into under the provisions of ORS Chapter 190, is between Metro, a Metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 NE Grand Avenue, Portland, Oregon 97232-2736, and the City of Forest Grove (the "City") an Oregon municipal corporation, whose address is 1924 Council Street, Forest Grove, Oregon 97116.

Section 1: Purpose

The purpose of this Agreement is to implement the provisions of Metro Code Chapter 5.06 related to the establishment of a Solid Waste Community Enhancement Program ("program") for the Forest Grove Transfer Station located at 1525 B Street in Forest Grove, Oregon.

Section 2: Term

This Agreement begins on July 1, 2015 and terminates on June 30, 2020. The parties may agree to terminate this Agreement earlier. Metro may terminate this Agreement under Section 8. The parties may extend the term of the Agreement by written amendment. This Agreement replaces and supersedes Metro Contract No. 901195.

Section 3: Collection and Distribution of Community Enhancement Fee Funds

- A. Under the terms of Metro Franchise No. F-004-08, Metro requires the Forest Grove Transfer Station (the "facility") to collect and remit to Metro a solid waste community enhancement fee of \$1.00 per ton for all putrescible solid waste, including yard debris mixed with food waste, and food waste received at the facility.
- B. Metro will send to the City the solid waste community enhancement fee funds ("funds") collected in A above by January 31, April 30, July 31, and October 31 of each year this Agreement is in effect.
- C. At the request of the City, Metro will provide quarterly reports of activity at the facility, including data on (1) the gross weight of solid waste received in vehicles that are weighed as they enter the facility; (2) the number of other vehicles assessed fees on an estimated volume basis; and (3) the tonnage of solid waste transferred from the facility.
- D. At the request of the City, Metro will assist with the establishment and implementation of the program.

Intergovernmental Agreement

- E. The Metro Councilor for the district where the facility is located shall have the option to serve on the community enhancement committee (as provided in Section 4B) including without limitation as: 1) a member of the committee with voting rights, 2) co-chair of the committee with voting rights, or 3) non-membership on the committee (with notification of committee meetings and actions only). The Metro Councilor may change their participation role by notifying the committee at the beginning of the calendar year. Whenever a new Metro Councilor is elected or appointed, they will indicate their preferred role to the committee within 90 days of taking office.

Section 4: City Obligations

- A. The City shall establish and implement a program that complies with Metro Code Chapter 5.06 (Exhibit A), and Metro Administrative Procedures (Exhibit B). Exhibits A and B are incorporated into this Agreement and are binding on the City.
- B. The City shall establish a solid waste community enhancement program advisory committee ("committee") that complies with Exhibit A and Exhibit B. The City shall ensure that the committee fulfills its duties, including without limitation establishment of a solid waste community enhancement area boundary and compliance with Exhibits A and B. The City Council and the Metro Councilor (as provided in Section 3E) whose district includes the City shall perform the functions of the committee.
- C. The City shall create a separate program account for deposit of the funds collected under Section 3. The City shall ensure that only projects chosen by the committee receive these funds. The City shall carry forward any funds not expended during a budget year to the following year. The City shall not use the funds for general government purposes.
- D. The City shall promote the program within the solid waste community enhancement program boundary area. The City shall publish information about the program, including without limitation funding criteria, goals, application process, and timeline, on its website and in the local newspaper.
- E. The City shall require the committee to provide an open public process for project review and selection.
- F. The City shall require the committee to review an annual budget. The budget shall identify the expected distribution of funds for projects during a fiscal year. The committee may propose that there be no distribution of funds during a fiscal year, for a maximum of three consecutive years.

Intergovernmental Agreement

- G. The City shall ensure funding decisions are made by a majority vote of the committee. Funding for projects or programs sponsored by the city, city advisory committees, departments or special districts shall be approved at the discretion of the committee.
- H. The City shall provide all necessary support to administer the program. The City may charge the fund no more than 20% of the annual program budget, not to exceed \$50,000, for the direct costs of administering the program. Direct costs include staff time and materials.
- I. No later than October 1 of each year, the City shall provide a written report to Metro on the program that includes revenues and expenditures of the program funds and the fund balance carried forward, if any. The report also shall include a general accounting of any funds expended for program administration.
- J. The City shall maintain complete and accurate records related to the administration of the program and all funds expended and carried forward, and shall make these records available to Metro for inspection, auditing and copying.

Section 5: Notices

Legal notice provided under this Agreement shall be delivered personally or by certified mail to the following individuals:

For the City:

City Recorder
City of Forest Grove
1924 Council Street
PO Box 326
Forest Grove, OR 97116-0326

For Metro:

Office of Metro Attorney
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Management of this Agreement will be conducted by the following designated Project Managers:

For the City:

Paul A. Downey
City of Forest Grove
1924 Council Street
PO Box 326
Forest Grove, OR 97116-0326
(503) 570-1503

For Metro:

Heather Nelson Kent
Metro
600 NE Grand Ave.
Portland, OR 97232
(503) 797-1739

The City may change the above-designated Project Manager by written notice to Metro. Metro may change the above-designated Project Manager by written notice to the City.

Intergovernmental Agreement

Section 6: Indemnification

Subject to the limits of the Oregon Constitution and Oregon Tort Claims Act, the City shall hold harmless Metro, its officers and employees from any claims or damages or property or injury to persons or for any penalties or fines, for the City's actions under this Agreement.

Section 7: Dispute Resolution

The parties shall attempt to negotiate resolutions to all disputes arising out of this Agreement.

Section 8: Termination or Modification

During the term of this Agreement, each party retains the right to terminate the Agreement as of any anniversary date by written notice delivered to the other party no later than 60 days prior to the anniversary date. The parties may terminate this Agreement at any time for nonperformance of any material term thereof. Metro may modify or terminate this Agreement related to changes based on a substantive amendment, renewal or termination of the Metro franchise issued to the facility described in Section 3A.

Section 9: Insurance

The City agrees to maintain insurance levels, or self-insurance in accordance with ORS 30.282, for the duration of this Agreement to levels necessary to protect against public body liability as specified in ORS 30.270. The City also agrees to maintain for the duration of this Agreement, Workers' Compensation Insurance coverage for all its employees as a self-insured employer, as provided by ORS chapter 656, or disability coverage under its Disability, Retirement and Death Benefits Plan.

Section 10: Integration and Amendment

This writing contains the entire Agreement between the parties, and may only be amended by written instrument, signed by both parties.

Section 11: Severability

If any portion of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken.

Intergovernmental Agreement

Section 12: Notice of Default

If a party determines that a default exists, that party shall give thirty days' written notice to the other party, which notice shall specify the nature of the default and shall give the other party an opportunity to cure the default before taking any further action.

City

Metro

By: _____

Thomas E. Gamble
City Manager Pro-Tem

Print name and title

By: _____

Print name and title

Date

Date

BM:bjl
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CHAPTER 5.06

SOLID WASTE COMMUNITY ENHANCEMENT PROGRAM

Section	Title
5.06.010	Policy and Purpose
5.06.020	Authority and Jurisdiction
5.06.030	Amount of Enhancement Fee
5.06.040	Enhancement Fee Requirements and Exemptions for Solid Waste Facilities
5.06.050	Establishment and Administration of a Solid Waste Community Enhancement Program
5.06.060	Solid Waste Community Enhancement Program Advisory Committee
5.06.070	Eligibility Criteria for Solid Waste Community Enhancement Projects
5.06.080	Goals for Solid Waste Community Enhancement Projects
5.06.090	Compliance and Dispute Resolution
5.06.100	Administrative Procedures

(Formerly Metro Code Chapter 5.06 "Community Enhancement Programs" repealed and replaced by Ordinance No. 14-1344, Sec. 1.)

5.06.010 Policy and Purpose

It is the policy of Metro to establish and implement a solid waste community enhancement program at all eligible solid waste facilities in the Metro region. The purpose of the program is to rehabilitate and enhance the area around the facility from which the fees are collected.

5.06.020 Authority and Jurisdiction

Metro's solid waste authority, including the authority to collect an enhancement fee and establish and implement a solid waste community enhancement program, is established under the Oregon Constitution, ORS Chapters 268 and 459, and the Metro Charter.

5.06.030 Amount of Enhancement Fee

Solid waste facilities subject to this chapter shall collect an amount not exceeding \$1.00 on each ton of putrescible solid waste delivered to the facility and remit the funds to Metro for use as a solid waste community enhancement fee. Eligible solid waste facilities may also collect an amount not exceeding \$1.00

on each ton of non-putrescible waste delivered to the facility when the Metro Chief Operating Officer and facility owner determines it is in the public interest. Metro will set the rate of the enhancement fee under Metro Code Section 5.02.020.

5.06.040 Enhancement Fee Requirements and Exemptions for Solid Waste Facilities

(a) Solid waste facilities that operate all or in part as disposal sites, transfer stations, reload facilities, compost facilities, and energy recovery facilities, as defined by Chapter 5.00, shall collect and remit an enhancement fee under this Chapter.

(b) Where only a portion of a solid waste facility's operations qualify for collection of a fee under subsection (a), the facility shall collect and remit an enhancement fee only on the solid waste it accepts as an eligible facility.

(c) Notwithstanding section (a) above, yard debris reload and yard debris composting facilities are not subject to the requirements of this Chapter.

5.06.050 Establishment of a Solid Waste Community Enhancement Program

(a) Upon approval of a license or franchise application, the Metro Chief Operating Officer will inform a solid waste facility of the requirement to collect a solid waste community enhancement fee. The Metro Chief Operating Officer will require collection of the fee in the facility license or franchise.

(b) The Metro Chief Operating Officer will inform the local government where the facility is located that a solid waste community enhancement fee will be collected by the facility and remitted to Metro.

(c) The solid waste community enhancement program will be administered by (1) Metro directly or through a contract; or (2) the local government where the facility is located, so long as Metro and the local government agree on the terms of an intergovernmental agreement.

(d) The Metro Councilor for the district where the facility is located shall be eligible to participate in the solid waste community enhancement program, including without limitation participation as a co-chair and voting member of the community enhancement committee, regardless of whether Metro or

the local government, through an intergovernmental agreement, administers the program.

(e) The Metro Chief Operating Officer will establish a timeline for implementation of a solid waste community enhancement program.

(f) The funds collected and remitted to Metro shall be used for solid waste community enhancement projects chosen by a community enhancement committee and may include administrative costs in an amount set by the Metro Chief Operating Officer.

5.06.060 Solid Waste Community Enhancement Program Advisory Committee

A solid waste community enhancement program established under this section shall have a solid waste community enhancement committee. The committee is responsible for implementation of the program, including without limitation:

(a) Establishment of the enhancement area boundary.

(b) Creation of committee bylaws.

(c) Development of a process for soliciting and selecting solid waste community enhancement projects.

(d) Compliance with the eligibility criteria set forth in Section 5.06.070 and the goals set forth in Section 5.06.080 and creation of additional criteria and goals where needed.

(e) Annually review enhancement program revenue estimates provided by Metro staff and propose how these funds will be allocated for the upcoming fiscal year or funding cycle.

(f) Presentation of an annual report to the Metro Council on all projects approved for funding.

(g) Maintenance of complete and accurate records related to the administration of the program, submitted to Metro annually.

5.06.070 Eligibility Criteria for Solid Waste Community Enhancement Projects

A solid waste community enhancement project must meet the following criteria to be eligible for funding. A solid waste community enhancement committee may apply more restrictive eligibility criteria:

- (a) The project must be located in the solid waste community enhancement area boundary as specified by the solid waste community enhancement committee or the project must benefit individuals or programs located inside the solid waste community enhancement area boundary.
- (b) The project applicant must be:
 - (1) A non-profit organization, including without limitation a neighborhood association or charitable organization with 501(c)(3) status under the Internal Revenue Service; or
 - (2) A school or institution of higher learning; or
 - (3) A local government, local government advisory committee, department or special district provided that they include documented support from the local government executive officer.
- (c) The project must not be used to replace any other readily available source of federal, state, local or regional funds.
- (d) The project must not promote or inhibit religion.
- (e) The project must not discriminate based on race, ethnicity, age, gender, or sexual orientation.
- (f) If the project is located on private land, the project application must establish a clear public benefit and must document landowner permission.

5.06.080 Goals for Solid Waste Community Enhancement Projects

Projects shall meet one or more of the following goals and solid waste community enhancement committees shall give priority to projects that best meet with goals. A solid waste community enhancement committee may adopt additional funding goals. The project will:

- (a) Improve the appearance or environmental quality of the community.
- (b) Reduce the amount or toxicity of waste.

(c) Increase reuse and recycling opportunities.

(d) Result in rehabilitation or upgrade of real or personal property owned or operated by a nonprofit organization having 501(c)(3) status under the Internal Revenue Code.

(e) Result in the preservation or enhancement of wildlife, riparian zones, wetlands, forest lands and marine areas, and/or improve the public awareness and the opportunities to enjoy them.

(f) Result in improvement to, or an increase in, recreational areas and programs.

(g) Result in improvement in safety.

(h) Benefit youth, seniors, low income persons or underserved populations.

5.06.090 Compliance and Dispute Resolution

The Metro Chief Operating Office is responsible for ensuring compliance with this Chapter.

5.06.100 Administrative Procedures

(a) The Metro Chief Operating Office may issue administrative procedures to implement this chapter.

(b) The Metro Chief Operating Officer shall issue or substantially amend the administrative procedures for this chapter only after providing public notice and the opportunity to comment on the proposed language.

(c) The Metro Chief Operating Officer may hold a public hearing on any proposed new administrative procedures or on any proposed amendment to any administrative procedure if the Metro Chief Operating Officer determines that there is sufficient public interest.

(Ordinance No. 14-1344, Sec. 1.)

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**SOLID WASTE
ADMINISTRATIVE PROCEDURES**

**Published:
January 28, 2015**

**Administration of Metro Code Chapter 5.06
Solid Waste Community Enhancement Program**

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METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURES**

**AP NO. 5.06
Section 1**

Policy and Legal Authority

1.1 Policy and Legal Authority.

- 1.1.1 Metro's solid waste planning and implementing authority is established under the Metro Charter, the Constitution of the State of Oregon, and ORS Chapters 268 and 459.
- 1.1.2 Metro's solid waste community enhancement program is established based on state law (ORS 459.280 and 459.284).
- 1.1.3 All solid waste administrative procedure shall be subject to the authority of all other applicable laws, regulations or requirements in addition to those contained in this administrative procedure and performance standard.
- 1.1.4 Administrative procedures are adopted, as necessary, to implement the provisions of Metro Code Chapter 5.06 Solid Waste Community Enhancement Program.
- 1.1.5 The purpose of these administrative procedures is to protect and preserve the health, safety and welfare of the Metro residents; to protect and preserve the local environment, to implement cooperatively a solid waste community enhancement fee program; and to reduce the volume and toxicity of waste disposed through source reduction, reuse, recycling, and composting.
- 1.1.6 These administrative procedures and performance standards are issued by the Metro Chief Operating Officer ("Metro COO") pursuant to Metro Code Section 5.06.100.



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURES**

**AP NO. 5.06
Section 2**

Application and Purpose of Chapter 5.06

2.1 Application of Chapter 5.06

- 2.1.1 Chapter 5.06 shall apply to all eligible solid waste facilities within Metro's jurisdictional boundary that are licensed or franchised by Metro pursuant to Metro Code Chapter 5.01.
- 2.1.2 Metro Code Chapter 5.06 shall apply to all eligible solid waste facilities within Metro's jurisdictional boundaries that are owned by Metro.

2.2 Purpose

- 2.2.1 Metro has long recognized that certain solid waste facilities may present economic, environmental, health or other impacts on local host communities.
- 2.2.2 Metro's solid waste community enhancement program provides funds that are used for community enhancement grant projects located in the vicinity of each eligible solid waste facility. Funds are to be used for the rehabilitation and enhancement of the area in and around the facility from which the fees are collected, as determined by each solid waste community enhancement committee established in accordance with Metro Code Chapter 5.06.



METRO

Program Exempt and Program Eligible Facilities

3.1 Exempt Facility Types and Ineligible Solid Waste Activities

3.1.1 The following types of facilities are not subject to Metro Code Chapter 5.06.

3.1.1.1 Reuse or recycling facilities that (A) exclusively receive non-putrescible source-separated recyclable materials and (B) reuse or recycle such materials, or transfer, transport or deliver such materials to a person or facility that will reuse or recycle them.

3.1.1.2 Material recovery facilities that (A) exclusively receive non-putrescible solid waste and conduct material recovery on such waste, and may also (B) receive non-putrescible source-separated recyclable materials and reuse or recycle such materials or transfer, transport or deliver such materials to a person or facility that will reuse or recycle them.

3.1.2 The following types of solid waste activities are not subject to Metro Code Chapter 5.06.

3.1.2.1 Yard debris reloading.

3.1.2.2 Yard debris composting.

3.1.2.1 Material recovery on non-putrescible waste, except as provided in Section 3.3.

3.1.2.2 Recycling or reuse of non-putrescible materials.

3.2 Program Eligibility by Facility Type and Solid Waste Activity

3.2.1 Eligible facility types include, but are not limited to, the following:

3.2.1.1 Disposal sites.

3.2.1.2 Transfer stations.

3.2.1.3 Reload facilities.

3.2.1.4 Energy recovery facilities.

3.2.1.5 Compost facilities.

3.2.2 Eligible solid waste activities include, but are not limited to, the following:

3.2.2.1 Processing, reloading or transfer of putrescible waste (includes food waste and yard debris mixed with food waste).

3.2.2.2 Composting or any other processing of putrescible waste (includes food waste and yard debris mixed with food waste).

3.2.2.1 Energy recovery (including anaerobic digestion of putrescible waste to include food waste and yard debris mixed with food waste).

3.2.2.2 Disposal (includes landfilling and incineration).

3.3 Special conditions related to non-putrescible waste activities at an eligible facility

3.3.1 Non-putrescible waste that is subject to material recovery and delivered to a transfer station or other eligible solid waste facility shall be subject to Metro Code Chapter 5.06 when a facility owner/operator and the Metro COO determines it to be in the public interest.

3.3.2 For the purpose of this section the public interest shall include, but is not limited to: A) the historical program relationship established between a facility and host local government or community (e.g. Metro Central Transfer Station and Metro South Transfer Station), or B) such conditions necessary to operate a new facility, or at an existing facility conducting a new solid waste activity that is subject to Metro Code Chapter 5.06 and Metro Code Chapter 5.01.



METRO

Establishing a Solid Waste Community Enhancement Program

The purpose of this section is to establish a general process for Metro and a host local government to implement and administer a solid waste community enhancement program at an eligible solid waste facility.

4.1 New Facilities Without a Solid Waste Community Enhancement Program

4.1.1. Notification to a host local government.

Upon receipt of a complete Metro license or franchise application for a new eligible solid waste facility that is subject to this chapter, or a new eligible solid waste activity at an existing facility, the Metro COO shall notify the host local government that it qualifies for the solid waste community enhancement program.

4.1.2 Coordination with Metro and the host local government.

4.1.2.1 As part of Metro's license and franchise review or renewal process, the Metro COO will notify the local government hosting an eligible solid waste facility that a solid waste community enhancement program shall be established.

4.1.2.2 The Metro COO shall provide the host local government with an opportunity to enter into an intergovernmental agreement to administer the program. As provided in Section 5.1, Metro and the local government may consider other approaches to administer the program if an intergovernmental agreement cannot be established.

4.1.2.3 A host local government shall not be excluded or limited from participating in Metro's solid waste community enhancement program for an eligible solid waste facility, nor shall Metro be limited in implementing a solid waste community enhancement program when a host local government adopts: (1) a tax or charge that imposes a fee on haulers of commercial solid waste or other users of the facility; (2) any tax duly adopted by the local government which is generally applicable for all persons doing business in boundaries of the local government; or (3) any franchise fee collected by the local government from haulers collecting solid waste within the boundaries of the local government,

4.1.2.4 Metro shall not establish a solid waste community enhancement program at a solid waste facility if the respective host local government has implemented and is actively administering a solid waste community enhancement program

for that solid waste facility under separate authority of ORS 459.284 and 459.290.

- 4.1.2.5 Prior to establishing a solid waste community enhancement program at an eligible solid waste facility, the Metro COO shall inform the Metro Council President and the Metro Councilor whose district hosts the solid waste facility of the decision to establish a solid waste community enhancement program and provide the Metro Councilor with the opportunity to chair, co-chair, or otherwise participate in the solid waste community enhancement committee at the option of the Metro Councilor.

4.2 Programs Established Prior to January 1, 2014

Solid waste community enhancement programs that were established prior to January 1, 2014 and are administered through an intergovernmental agreement with a host local government shall be updated and reissued with an effective date of July 1, 2015 to provide consistency with all applicable provisions in Metro Code Chapter 5.06 and these administrative procedures.

4.3 Existing Eligible Facility Without a Solid Waste Community Enhancement Program

The Metro COO shall notify a host local government of an existing eligible solid waste facility within its jurisdictional boundaries regarding a timeframe and process for the implementation and administration of a solid waste community enhancement program in accordance with this chapter.

4.4 Funding

- 4.4.1 Except as provided in Section 3.3, solid waste facilities subject to Metro Code Chapter 5.06 shall collect an amount not exceeding \$1.00 on each ton of putrescible solid waste delivered to the facility and remit the funds to Metro for use as a solid waste community enhancement fee.
- 4.4.2 Metro may periodically adjust the solid waste community enhancement fee based on the Consumer Price Index (CPI) up to the maximum amount set forth in ORS 459.284.
- 4.4.3 On a quarterly basis, Metro will remit the solid waste community enhancement funds to each host local government with a solid waste community enhancement program established by intergovernmental agreement with Metro in accordance with Metro Code Chapter 5.06.
- 4.4.4 Projects funded from a solid waste community enhancement fund will be made with the positive vote of a majority of the solid waste community enhancement committee created to administer such a program. Frequency of funding projects is also to be determined by the committee.



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURES**

**AP NO. 5.06
Section 5**

Establishing a Solid Waste Community Enhancement Committee

5.1 Establishing a Solid Waste Community Enhancement Committee

- 5.1.1 For the purpose of establishing a solid waste community enhancement committee, the Metro COO shall coordinate with the host local government and the Metro Councilor whose district hosts the eligible solid waste facility.
- 5.1.2 Metro may designate a solid waste community enhancement committee in accordance with Metro Code Chapter 2.19.
- 5.1.3 The Metro COO may enter into an intergovernmental agreement to designate the host local government as the solid waste community enhancement committee. Such a committee shall consist of at least five members and may include the Metro Councilor whose district hosts the solid waste facility (with the option to serve as co-chair to the committee), and three citizen representatives appointed by the mayor, city manager, or county administrator. In lieu of appointment of such a committee, the local government may designate itself and the Metro Council member representing the district that hosts the solid waste facility (with the option to serve as co-chair to the committee) to perform the function of such committee. The term for such intergovernmental agreements should be established to coincide with the term set forth in the subject facility's Metro license or franchise.
- 5.1.4 The Metro COO may enter into an agreement with a recognized non-profit community organization including, but not limited to, a neighborhood district coalition, neighborhood association, committee for citizen involvement or other similar community-based group having a legally constituted active board of directors. The designated solid waste community enhancement committee shall consist of at least five members, and may include the board of directors, the Metro Councilor whose district hosts the solid waste facility, and any number of citizen representatives appointed by the Metro Councilor whose district hosts the solid waste facility.
- 5.1.5 The Metro COO shall establish the terms and conditions of the agreements for the establishment and administration of a solid waste community enhancement committee as provided in Metro Code Chapter 5.06.

5.2 Administration

- 5.2.1 The administration and distribution of funds from a solid waste community enhancement program shall be subject to the approval of a solid waste community enhancement committee.

- 5.2.2 Each solid waste community enhancement committee or host local government shall promote, advertise, solicit and accept requests for proposals or projects to be funded from the solid waste community enhancement fund within its solid waste community enhancement program area boundary.
- 5.2.3 Either Metro or the host local government shall prepare and publish an annual budget for the solid waste community enhancement account. Each budget shall be subject to review and comment by the solid waste community enhancement committee and shall, at a minimum, identify the proposed allocation of grant funding and administrative costs for the upcoming fiscal year, except that a solid waste community enhancement committee may propose that there be no expenditure of funds during a fiscal year for up to a maximum of three consecutive fiscal years, or longer if approved by the Metro COO or the community enhancement committee.
- 5.2.4 Either Metro or the host local government shall segregate solid waste community enhancement funds by establishing a separate set of accounts for the revenues and expenditures of the solid waste community enhancement program to ensure that only committee-authorized plans, projects, and programs receive funding. Funds not expended during a budget year shall be carried forward to each subsequent year.
- 5.2.5 Each solid waste community enhancement committee or host local government shall publish and follow the project funding criteria in Section 6.1 and goals in Section 6.2 for selecting projects or programs to fund during the fiscal year. A solid waste community enhancement committee may request that Metro modify or change the criteria. A community enhancement committee may publish and follow more restrictive program funding criteria, and may adopt and publish additional goals and/or guidelines.
- 5.2.6 Each solid waste community enhancement committee or host local government shall, provide an annual written report to the Metro COO regarding all expenditures from the enhancement fund and shall itemize all enhancement fund expenditures including the amount of funds expended on each project under its jurisdiction including the funding balance by October 1 of each year.
- 5.2.7 Each solid waste community enhancement committee, upon request by the Metro COO, shall provide an oral presentation to the Metro Council at a time such presentation can be scheduled at a Metro Council meeting.
- 5.2.8 If administrative costs incurred by Metro or the host local government to administer the solid waste community enhancement program are reimbursed from the solid waste community enhancement funds as provided in Section 5.3. The annual report required in Section 5.2.6 shall include an accounting of the funds expended for program administration.
- 5.2.9 Each solid waste community enhancement committee will provide an open public process for project/program review and approval.

5.3 Administrative Cost Reimbursement

- 5.3.1 A solid waste community enhancement fund may be used to help defray the direct costs incurred to administer a solid waste community enhancement program by Metro or a host local government (e.g., staff time and materials necessary to set up and administer a solid waste community enhancement program).
- 5.3.2 No more than twenty percent (20%), and not more than \$50,000 of a solid waste community enhancement fund that is collected during a program funding cycle may be used to pay for costs directly associated with administering a solid waste community enhancement program. Administrative costs in excess of these amounts shall not be borne by the solid waste community enhancement fund.

5.4 Recordkeeping and Audits

- 5.4.1 Each solid waste community enhancement committee or host local government shall maintain complete and accurate records related to the administration of the program and funds expended under its jurisdiction. The committee shall make these records available to Metro for inspection, auditing, and copying.
- 5.4.2 Metro may require, at Metro's expense, that a solid waste community enhancement committee submit to an independent audit conducted by an auditor chosen by Metro. The audit shall address only those matters reasonably related to the solid waste community enhancement program fund and its administration.



METRO

**SOLID WASTE
ADMINISTRATIVE PROCEDURE**

**AP NO. 5.06
Section 6**

Eligibility Criteria and Goals

6.1 Eligibility Criteria for Funding Solid Waste Community Enhancement Projects

- 6.1.2 To qualify for funding, a proposed solid waste community enhancement project shall meet the following funding criteria. A designated solid waste community enhancement committee may adopt and publish more restrictive eligibility criteria.
- 6.1.2.1 Be within the solid waste community enhancement area boundaries specified by the designated solid waste community enhancement committee or benefit individuals or programs located inside the community enhancement area boundary.
 - 6.1.2.2 Be from non-profit organizations including, but not limited to, neighborhood associations or charitable organizations with 501(c)(3) status under the Internal Revenue Service, or
 - 6.1.2.3 Be from a school, or institution of higher learning, or
 - 6.1.2.4 Be from a local government, local government advisory committee, department or special district provided that they include documented support from the local government executive officer, and, as a guideline, the requested funding not exceed 15% of an annual solid waste community enhancement program budget or funding cycle, or more as otherwise provided in an intergovernmental agreement between Metro and a host local government.
 - 6.1.2.5 Not replace another readily available source of federal, state, regional or local funds.
 - 6.1.2.6 All applicants must go through the official application, review and approval process established by the solid waste community enhancement committee.
 - 6.1.2.7 Not promote or inhibit religion.
 - 6.1.2.8 Not fund organizations, projects or programs that discriminate based upon race, ethnicity, age, gender or sexual orientation.
 - 6.1.2.9 Be able show a clear public benefit if projects are on private land.

6.1.2.10 Have written landowner permission at the time of application.

6.2 Goals for Funding Solid Waste Community Enhancement Projects

- 6.2.1 Projects shall meet one or more of the following goals. Priority will be given to projects that best meet the goals and which offer benefits to the areas and populations most directly impacted by the solid waste facility. A designated solid waste community enhancement committee may adopt and publish additional funding goals. The order of the following listing does not imply ranking or weighting. Projects should:
- 6.2.1.1 Result in an improvement to the appearance or environmental quality of the area/neighborhood within the enhancement area boundaries.
 - 6.2.1.2 Result in the reduction in the amount or toxicity of waste, or increase reuse and recycling opportunities within the enhancement area boundaries.
 - 6.2.1.3 Result in rehabilitation, upgrading or direct increase in the real or personal property owned or operated by a nonprofit organization having 501(c)(3) status under the Internal Revenue Code within the enhancement area boundaries.
 - 6.2.1.4 Result in the preservation or enhancement of wildlife, riparian zones, wetlands, forest lands and marine areas within the enhancement area boundaries, and/or improve the public awareness and the opportunities to enjoy them.
 - 6.2.1.5 Result in improvement to, or an increase in, recreational areas and programs within the enhancement area boundaries.
 - 6.2.1.6 Result in improvement in the safety of the area within the enhancement area boundaries.
 - 6.2.1.7 Result in projects that benefit youth, seniors, low income persons or underserved populations within the enhancement area boundaries.



Dispute Resolution

- 7.1 The Metro COO shall, in good faith, attempt to negotiate resolutions to all disputes arising out of the implementation and administration of Metro Code Chapter 5.06 and these administrative procedures. Disputes arising out of or relating to the implementation or administration of Metro Code Chapter 5.06 or these administrative procedures shall be resolved as follows:
- 7.1.1 The Metro COO will review the matter or dispute to determine if there is sufficient reason or cause to take action.
 - 7.1.2 When warranted, the Metro COO will notify the host local government and the solid waste community enhancement committee, the Council President and the corresponding councilor whose district hosts the solid waste facility in writing of the dispute or alleged breach. The notice shall describe the nature of the dispute or alleged breach. The notice shall prescribe a resolution process and include a date by which the host local government or solid waste community enhancement committee must respond to the Metro COO's notice.
 - 7.1.3 Within the period specified by the Metro COO, the host local government or solid waste community enhancement committee shall respond to the notice provided by the Metro COO regarding the dispute. Such response may include information that proves that the dispute or alleged breach has been resolved, or that diligent efforts to correct the dispute or alleged violation is being made and is likely to succeed in a reasonable period of time.
 - 7.1.4 If the Metro COO determines that the dispute or alleged violation has not or cannot be resolved within the manner prescribed and in a reasonable period of time, the Metro COO may take further action, including the modification or termination of an intergovernmental agreement to ensure that the dispute or breach is resolved within a reasonable period of time.

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April 13, 2015

**REPORT ON RESOLUTION ESTABLISHING THE FOREST GROVE SOLID
WASTE COMMUNITY ENHANCEMENT PROGRAM ADVISORY COMMITTEE
AND AMENDING RESOLUTION NO. 2006-10**

PROJECT TEAM: Paul Downey, Administrative Services Director
Beverly Maughan, Executive Assistant to City Manager
Tom Gamble, City Manager Pro-tem

ISSUE STATEMENT: In 2014, Metro adopted Metro Ordinance 14-1344 that changed the structure of the Community Enhancement Program (CEP). Metro provided a proposed IGA between Metro and the City. Under the revised program, the City needs to appoint an advisory committee to administer the CEP. A resolution to establish the committee is being presented for Council consideration.

DISCUSSION: In 2014, Metro reviewed its program and adopted Ordinance 14-1344 which made changes to the CEP. As part of the ordinance, the City needs to appoint an advisory committee to administer the program.

The membership of the committee can be: 1) The Mayor or chief executive officer of the City, three citizens appointed by the Mayor, and the Metro Councilor whose district includes the City. The City may include additional members at its discretion. Alternatively, the City Council and the Metro Councilor shall perform the functions of the committee. At its February 23, 2015, work session, the City Council indicated that its preference was the City Council continues to be the advisory committee with the addition of Metro Councilor Harrington who will act as co-chair.

The duties of this committee per Metro Code 5-06-060 are:

- Establishment of enhancement area boundary – currently the City's Urban Growth Boundary is the boundary.
- Creation of committee by-laws
- Development of process for soliciting and selecting community enhancement projects
- Compliance with eligibility criteria and creation of additional goals and criteria where needed

– Annually review Metro revenue estimates; presentation of an annual report to the Metro Council of all projects approved for funding; and maintenance of complete and accurate records related to the administration of the program, submitted annually to Metro.

If the City Council approves the formation of the committee tonight, a meeting of the committee is tentatively scheduled for April 16, 2015, at which time staff will present proposed by-laws, funding criteria, and program rules for the committee to consider. Once the committee has approved those items, they will be brought back to the Council for formal adoption. The intent is to obtain Council approval at its April 27, 2015, meeting, and open the grant application process in May, 2015. This will allow the grants and their funding to be approved by July 13, 2015.

FISCAL IMPACT: The revised CEP should have approximately double the funding available for grants after the program has been in effect for a year if the tonnage of the waste at the transfer station does not decline.

STAFF RECOMMENDATION: Staff recommends the Council approve the attached resolution establishing the Forest Grove Solid Waste Community Enhancement Program Advisory Committee.



RESOLUTION NO. 2015-27

**RESOLUTION ESTABLISHING FOREST GROVE SOLID WASTE
COMMUNITY ENHANCEMENT PROGRAM ADVISORY COMMITTEE
AND AMENDING RESOLUTION NO. 2006-10**

WHEREAS, Resolution No. 2006-10 sets the policy to establish boards, commissions, and committees, and

WHEREAS, Metro has revised its Community Enhancement Program(CEP) by adopting Metro Ordinance No. 14-1344 including a requirement that a local committee to the administer the Forest Grove Solid Waste Community Enhancement Program be established; and

WHEREAS, if formed, the committee will meet to develop its by-laws and rules to administer the CEP; and

WHEREAS, the City Council recognizes the need to continue the CEP which has provided significant funding for enhancement projects within Forest Grove since it was established in 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1: That the Forest Grove Solid Waste Community Enhancement Program Advisory Committee is hereby established by the City Council.

Section 2: The committee will meet to develop its by-laws for City Council approval.

Section 3: Resolution No. 2006-10 is hereby amended to add the Forest Grove Solid Waste Community Enhancement Program Advisory Committee, which will consist of the City Council and the Metro Councilor representing Forest Grove.

Section 4: This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 13th day of April, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of April, 2015.

Peter B. Truax, Mayor

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April 13, 2015

**REPORT AND RESOLUTION APPROVAL OF PUBLIC SAFETY ADVISORY
COMMISSION BYLAWS CHANGES AND STRATEGIC PLAN**

Project Team: Michael Kinkade, Fire Chief
Janie Shutz, Police Chief
Nathan Seable, PSAC Chair
Tom Gamble, City Manager Pro Tem

ISSUE STATEMENT: PSAC has updated their bylaws and created a short-term strategic plan and is requesting Council endorsement.

BACKGROUND: In December 2014 former City Manager Michael Sykes facilitated a SWOT exercise with PSAC members to assist PSAC with identifying community needs and establishing a planning document. During the months of January-March Fire Chief Kinkade facilitated a strategic planning process utilizing that SWOT matrix. The attached strategic plan is a short term plan to address immediate needs, and will be followed up by the development of a long-term plan in March 2016. While conducting this planning process PSAC simultaneously reviewed their bylaws and made changes to strengthen and improve the commission.

The updated bylaws and strategic plan are attached.

FISCAL IMPACT: None

STAFF RECOMMENDATION: Staff recommends the City Council approve the PSAC bylaws changes (Exhibit A) and their 2015-16 Strategic Plan (Exhibit B).

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RESOLUTION NO. 2015-28

**RESOLUTION APPROVING FOREST GROVE PUBLIC SAFETY ADVISORY
COMMISSION AMENDED BYLAWS AND STRATEGIC PLAN 2015-16;
REPEALING RESOLUTION NO. 2011-25**

WHEREAS, Resolution No. 2005-56 established the Public Safety Advisory Commission (PSAC) to advise and make recommendations to City Council regarding public safety issues and Resolution No. 2011-25 adopted the PSAC Bylaws; and

WHEREAS, the PSAC has proposed amendments to its Bylaws for the regulation of the Commission's business and responsibilities and developed a short-term Strategic Plan, which were unanimously recommended for adoption by PSAC at their meeting of March 4, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. That the City Council of the City of Forest Grove hereby adopts the Forest Grove Public Safety Advisory Commission Bylaw attached as Exhibit A.

Section 2. The City Council of the City of Forest Grove hereby accepts the Forest Grove Public Safety Advisory Commission Strategic Plan 2015-16 attached as Exhibit B.

Section 2. Resolution No. 2011-25 is hereby repealed in its entirety.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 13th day of April, 2015.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of April, 2015.

Peter B. Truax, Mayor

EXHIBIT A

CITY OF FOREST GROVE PUBLIC SAFETY ADVISORY COMMISSION BYLAWS

Section I - Name:

Forest Grove Public Safety Advisory Commission (PSAC)

Section II - Established:

The Public Safety Advisory Commission was established October 10, 2005, by an act of the Forest Grove City Council by Resolution No. 2005-56, to provide advice and recommendations to the City Council on public safety issues.

Section III – Mission:

The mission of the Public Safety Advisory Commission is to serve as ambassadors focused on promoting and supporting efforts to keep Forest Grove a safe and healthy community.

Section IV - Responsibilities and Functions:

1. The Commission is charged with the responsibility:
 - a. To advise the City Council and make recommendations regarding public safety policy, service levels, fiscal budgetary impacts, and sustain safe, healthy and livable neighborhoods.
 - b. To advise Council on educating the community about public safety and health issues, concerns and programs.
 - c. To review and recommend public safety and health policies and plans.
 - d. To facilitate Forest Grove community involvement in public safety and health and increase citizen awareness of both.
2. In line with the above stated objectives, the following are examples of issues for the Public Safety Advisory Commission:
 - a. Advise the City Council on:
 - i. Disaster preparedness
 - ii. Emergency management
 - iii. Emergency Medical Services
 - iv. Fire and Rescue services
 - v. Police services
 - vi. Public safety at city facilities

- vii. Public safety legislation
 - viii. Post-incident management
 - ix. Traffic Management
- b. Identify public safety and health needs in Forest Grove.
 - c. Develop educational programs and materials to increase community awareness.
 - d. Organize and conduct public forums on public safety and health agencies.
 - e. Promote opportunities for citizens to assist public safety agencies through volunteer activities like: Neighborhood Watch Program, volunteer firefighters, police reserve program, community emergency response teams, Red Cross volunteers and Search and Rescue.

Section V - Internal Organization:

1. Membership and Terms:

- a. The Public Safety Advisory Commission will consist of nine (9) voting members appointed by the Mayor with consent of the City Council. The members will be residents of Forest Grove or the Forest Grove Rural Fire Protection District, with at least seven members residing within the City limits (Resolution No. 2010-27, adopted by City Council on March 8, 2010).
- b. The Commission may also include the following non-voting liaisons:
 - i. The Chief of Police or designee
 - ii. The Fire Chief or designee
 - iii. The Forest Grove Rural Fire Protection District designated by the board
 - iv. A representative from the Forest Grove School District designated by the Superintendent
 - v. A representative from Pacific University designated by the University President
 - vi. A representative from the Chamber of Commerce designated by the Chamber board
- c. The Commission may involve additional people as adjunct, non-voting advisors for special projects based on expertise.
- d. The Public Safety Advisory Commission members will serve four-year, staggered terms. Vacancies can be filled at any time to complete a given term.
- e. The City Council will select one of its members to serve as its non-voting liaison to the Commission.

2. Chairperson:

- a. The chairperson and vice chairperson shall be elected annually in January by the Commission following new or continuing appointments to the PSAC by the City Council. The chairperson is accountable to the Commission for the following designated functions in all respects. Specific responsibilities of the chairperson may be changed by Commission action at any time by majority vote of the entire membership.
- b. The routine functions and responsibilities of the chairperson shall include:
 - i. Developing a written agenda in sufficient time to allow for distribution to the Commission prior to any regular meeting. The agenda should identify items requiring a vote by members so members can vote per paragraph 5.b. below with prior approval of the chairperson.
 - ii. Chairing all meetings. In the event the chairperson cannot be present the vice chairperson shall assume these duties.
 - iii. Presenting the yearly major activity report to the Council. The report will be written and presented orally in a public forum with the assistance of staff.
 - iv. Establishing the dates and times for regular and special meetings.
 - v. Facilitating a formal review of the Commission's mission and vision every four years. The strategic plan will be reviewed and updated as needed every year.

3. Meetings (Regular and Special).

- a. The Commission will schedule meetings at a designated time and day and will be guided by Oregon statute on public meetings. Special meetings may be called by vote of the Commission at any regular meeting, by the chairperson, by request from the Council's liaison, or by written petition by three or more members. All regular and special meetings are open to the public. Citizens in attendance shall be given an opportunity to participate, without vote, in any discussion.
- b. Meeting attendance is an expectation of Commission service. Absences known in advance should be communicated to the Chairperson as soon as possible. Should a Commission member miss three consecutive meetings without reasonable cause, the Chairperson may, after consultation with the member, recommend to the City Council that the member be removed from the Commission.

4. Quorum:

- a. A majority of the voting members of PSAC as appointed by Council.

5. Voting and Decision Making:

- a. Consensus will be used during the meetings where possible or feasible. Any member may object to the use of a consensus decision at any time on any given

issue. If there is an objection, the chairperson shall commit the issue to a vote by the Commission.

- b. Decisions by voting shall be decided by a majority of those voting members present so long as a quorum of at least 5 voting members exists. With prior approval of the chairperson, voting via teleconference or email is permissible if such votes are cast either before or at the time of the meeting and are reliably documented.
- c. A change in the voting procedure described in previous item 5. b. may be used on any specific item if the Commission, prior to the vote, agrees by consensus or vote to require more than a majority for passage.
- d. The chairperson has the right to vote whenever a vote is cast. In case of a tie vote with the chairperson voting, the motion fails.

6. Role of Council Liaison to PSAC:

- a. Council's liaison shall have the freedom of the floor at all times to present Council's views and to comment, recommend, or suggest actions to the PSAC.
- b. Council's liaison shall not vote at PSAC meetings.
- c. Council's liaison is not responsible to convey the majority and/or the minority PSAC actions and recommendations to the Council. This is the chairperson's responsibility.
- d. Further, the liaison is not obligated to support PSAC opinions and recommendations during formal meetings of the Council.

Section V - Issues:

The rules contained in Robert's Rules of Order Newly Revised shall govern this Commission in all cases where these by-laws are insufficient in specification of procedure. The PSAC will operate in the general public interest serving the community as a whole. The PSAC will serve no special interests and will not endorse any commercial product or enterprise.

Section VI - Amending the PSAC By-Laws:

A majority of all members must vote affirmatively to modify the committee's bylaws on at least two separate regular meetings. Final decisions on a by-law change shall not be made until at least the next regular meeting following the introduction of the motion. All by-law changes adopted by the PSAC must be approved by Council. The by-laws shall be reviewed annually in January.

EXHIBIT B

City of Forest Grove Public Safety Advisory Commission Strategic Plan 2015-2016

Strategy 1: Enhance the PSAC Bylaws

- Complete subcommittee redesign and adoption by PSAC (DONE).
- Present to City Council for approval by April 30, 2015.

Strategy 2: Participate in National Night Out Event

- Establish planning subcommittee (DONE).
- Develop NNO Incident Action Plan (IAP) by April 22, 2015.
- IAP will include assignments for logistics, operations, finance, etc.
- Participate in NNO on August 4, 2015.
- Conduct after action review of event and examine future community events by October 30, 2015.

Strategy 3: Identify department needs and work to enhance public safety funding.

- Review each department's mission, vision and strategic plan by October 2015.
- Commission members should conduct ride-alongs with each department.
- At least one commission member should attend the law enforcement citizen academy each year.
- Identify funding needs by January 2016.
- Communicate to Council and community groups funding needs by March 2016.

Strategy 4: New member orientation

- Develop orientation and training binders for new members by April 2015.
- Assign commission sponsor for new members by May 2015.
- Complete orientation and initial training for new members within six months.

Strategy 5: Begin long-term strategic planning (3-5 year) in March 2016.

13.

LIGHT AND POWER DEPARTMENT

WORK PLAN

FY 2015-16

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DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

This Action Plan Worksheet is intended as a tool for planning and monitoring how management staff will achieve its department work plan and the goal objectives set by City Council. Management staff will complete an Action Plan (Part I) at the beginning of each year after setting its department work plan and Council sets its goal objectives. Management staff will update the Action Plan (Part II) at the end of each calendar year to track the accomplishment of its department work plan task and the Council goal objective. The Action Plan accomplishments will be used as a tool for reporting at the Boards, Committees, and Commissions Reception, Annual State of the City Address, and City Manager end-of-year update to Council.

Department(s) Assigned:	Light & Power
Lead Person(s) Assigned:	George Cress
List Goal Objective # (as shown on the spreadsheet):	Goal 1 Promote Safe, Livable and Sustainable Neighborhoods and a Prosperous Dynamic, Green City, Objective 5. Energy Reduction City-Wide
Describe Objective/Project (title as shown on the spreadsheet):	Replace existing street light bulbs with LED lamps

PART I: ACTION PLAN (Start of Year)

1. Background or history of the objective/project: To reduce street lighting energy and maintenance costs by 2016, the L&P Department along with the Engineering Department will conduct a pilot project for replacing existing street light (cobra head lamps). LED lights are more energy efficient and have a longer life than conventional lamps. LED lamps are also environmentally friendly as they do not contain toxic chemicals.

2. Current status of the objective/project: The L&P Department is currently undertaking a pilot project. Our objective is to identify types of lighting products and suitable locations for replacing 100-400 watt bulbs with LED lamps in the City. The L&P Department has installed 25 LED's on major thoroughways throughout the City. These LED lights are purposely placed near the City's non-LED lights so that staff and the community can compare the two.

The LED lights have replaced high pressure sodium lights on the following streets.

- 4 LED lights between Elm and Filbert on Pacific Avenue
- 6 LED lights between Cedar and Douglas on Pacific Avenue
- 3 LED lights between Main and Ash on 19th Street
- 4 LED lights between Birch and Cedar on 19th Street
- 4 LED lights between Douglas and Elm on 19th Street
- 4 LED lights between Filbert and Hawthorne on 19th Street

As part of new housing construction, the L&P Department has installed LED lights in the following areas:

- 11 LED decorative lights in Pacific Crossing subdivision
- 5 LED decorative lights in Reuter Farm subdivision

For FY2016, the L&P Department is planning on replacing 25 -50 existing street light lights with LED blubs. Locations are yet to be determined. In addition, the Department will install 5 electric meters to monitor and compare energy use to the older cobra lighting.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

- Identify durable LED lighting products
- Identify suitable location for placement of new lights
- Identify long term funding source for acquisition of street lamps

4. List potential barriers or challenges:

- Adequate funding for purchase and installing new LED lights
- Matching adequate durable equipment necessary for replacement of older street lights
- Number of favorable sites

5. Estimated Cost(s):

FY 2016, \$10,000 - \$25,000 for purchase of 25 to 50 LED lights.

6. How will you determine when objective/project is completed and how will you measure if successful?

Installation of a suitable number of LED lamps to measure energy and maintenance savings. Overall success will be measured by replacement of all existing street lights with LED lamps.

Timeframe to Complete:

1-3 years x

3-5 years

5-10 years +

Ongoing

PART II: ACCOMPLISHMENT (End of Year)

7. Describe in detail accomplishment of the objective/project:

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Light and Power/Economic Development
Lead Person(s) Assigned:	Jeffrey King
List Goal Objective # (as shown on the spreadsheet):	Long Term Objective #2
Describe Objective/Project (title as shown on the spreadsheet):	Business Retention

PART I: ACTION PLAN (Start of Year)

1. Background or history of the objective/project:

One of the key objectives of economic development is business retention. Most job creation comes from businesses that are already located in Forest Grove and then expand. Along with business recruitment, this is a core work plan function of the Economic Development office. Business Recruitment is also a top priority identified in the Forest Grove Economic Development Commission Strategic Plan. Strategies for Business Retention include not only retaining businesses and jobs in Forest Grove but also supports business growth strategies which may include physical expansion and job growth. Key elements of business retention include: direct business visitation, maintaining relationships with existing businesses, technical assistance with local issues, provide businesses with resource and technical information, aid in accessing resources, assistance with expansion projects including enterprise zones, training programs to strengthen the management and operational skills of small business, and development of tools and incentive programs. Retention objectives include: keeping a business in Forest Grove, physical expansion, job creation, business revenue growth by identifying new markets and small business management training, and reducing barriers such as resolving regulatory issues

2. Current status of the objective/project:

For business retention, the objective has been to develop relationships with local businesses after the initial visitation. Due to this relationship building and networking, we get requests to assist with various issues a business is facing including the need for expansion. Staff has developed email lists of several groups including industrial businesses, downtown business, tourism businesses and EDC. We also send information to the FG Chamber of Commerce that in turn sends information to its entire membership. This enables business to access new resources and program more quickly and directly. We also put out such information through the City website and newspaper press releases. Other key retention and expansion efforts include use of enterprise zone and energy conservation incentives, site visits and business forums/seminars. Recent examples have included businesses that have accessed PCC-SBDC Management Training, technical assistance, and Forest Grove Enterprise Zone program. In the past year 3 existing industrial businesses have used the enterprise zone –adding 44 new jobs. On the retail side, nine existing small businesses have gone through the small business management programs training offered by PCC-Small Business Development Center over the last two years along with additional small business resources. A newer effort has been started to assist businesses that also cater more to tourism activity.

2 List strategic steps/actions that will be necessary to accomplish this objective/project:

- Maintain site visits with existing businesses; Outreach visit to new businesses that set up operations in Forest Grove
- Keep businesses updated on local, state, regional resources, programs, incentives
- Maintain local tools and incentives such as enterprise zones, economic gardening and small business training that support business retention and expansion
- Continue to build relationships with existing businesses and with local business that provide business services. Build

awareness of City as -economic development resource

- Implement EDC strategic plan priority goals on business retention
- Network through membership in Greater Portland Inc and OEDA to learn of business retention best practice's resources/programs.
- Serve as point person for existing businesses to looking to expand or having issues with regulations. Provide technical assistance.
- Support urban renewal program implementation
- Maintain programs, resource and technical assistance specifically for small business that support business growth, improve management skills and reduce barriers
- Identify other organizations and resources that can be leveraged to assist existing Forest Grove businesses.
- Develop and implement tourism marketing programs and other initiatives to encourage growth of existing small businesses that cater to tourism.

4. List potential barriers or challenges:

- Businesses may not participate or have misconceptions about public/nonprofit programs and resources
- Lack of available space or land to expand.
- Local market conditions not strong enough to support a particular business
- Insufficient staff hours within the City staff and of partner organizations to provide assistance or new initiatives
- Uneven economic recovery that hampers business growth and expansion opportunities and lack of business financing available
- Limited federal/state/local economic development funding sources to initiate new program like storefront facades, local business loans, etc.
- Existing business may refuse help or not reach out in time when they need assistance.

5. Estimated Cost(s):

2015-2016 Estimated annual Budget for overall recruitment, marketing and economic development and retention: \$50,000 plus 1 full time staff, 1 part time college intern for part of year plus leveraged resources of partner organizations

6. How will you determine when objective/project is completed and how will you measure if successful?

Most businesses and jobs retained that request assistance, increase in business expansion and jobs created, strong uptake or businesses resources offered such as small business training, small business economic gardening, enterprise zones. Strong relationship between City and local business community. High awareness by existing businesses of resources and assistance available.

- # of businesses and jobs retained that requested assistance
- # of site visits with existing businesses
- # of times a local issue resolved through technical assistance by staff
- # of programs, funding accessed by local businesses
- # of existing businesses expanded by investment, jobs, square footage
- # of total jobs retained or created by existing businesses assisted

Timeframe to Complete:

1-3 years

3-5 years

5-10 years +

X

Ongoing

PART II: ACCOMPLISHMENT (End of Year)

7. Describe in detail accomplishment of the objective/project:

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Light and Power/Economic Development
Lead Person(s) Assigned:	Jeffrey King
List Goal Objective # (as shown on the spreadsheet):	Long-Term objective 13
Describe Objective/Project (title as shown on the spreadsheet):	Workforce Center/Workforce Development

PART I: ACTION PLAN (Start of Year)

1. Background or history of the objective/project:

Forest Grove has had a higher unemployment and poverty rate than eastern and southern parts of Washington County. In addition the area has a higher Latino immigrant population. Services such as job search and workforce training are an important need in the area. However unemployment in Forest Grove has since dropped to 6.2% as of 12/2014 which is slightly below the state rate of 6.3%. Forest Grove has had a satellite workforce center both in 2005-2007 and 2010-2011. However they were closed due to a lack of federal and state workforce funds. The centers were operated by a consortium of Oregon Department of Employment, Worksystems, Inc. and Portland Community College. The most recent center was heavily used before it was closed in July of 2011. In the wake of the closure some limited seminars on workforce job search and training have been held at the Forest Grove Public Library in coordination with the Oregon Department of Employment. These have included computer labs on how to use computers for job search and accessing workforce training resources, resume writing, interview skills and how to access resources. In addition, the Forest Grove EDC and Economic Development staff provide technical assistance to companies to assess specific workforce needs and assist with accessing existing workforce training programs and resources.

2. Current status of the objective/project:

Both the Forest Grove and the downtown Hillsboro workforce centers were closed and consolidated into the regional workforce Center at PCC-Willow Creek at 185th Ave in Hillsboro/Beaverton. This occurred due to significant federal and state budget cuts. These cuts have been sustained. Since that time the situation has worsened with deeper cuts due to federal sequestration and a significant drop in the unemployment rate in Oregon and nationally. The Forest Grove EDC recently updated their Strategic Plan. The plan identifies two ongoing efforts to promote and support workforce training and development 1) Assess local workforce needs of employers; 2) Enhance local business use of employment and training resources. Separately, the economic development office promotes and coordinates training programs for small business owners and their staff. Coordination efforts with workforce partners to establish a workforce center in Forest Grove are on-going

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

- Significant increase in nonprofit, federal and/or state funding for job search and workforce training outreach centers
- Source matching funds from the City, non-profits and/or private businesses needed to establish center
- Coordinate meetings/discussion with workforce stakeholders
- Identify a location and staffing
- Coordination with Forest Grove Library and other partners including Portland Community College, Oregon Employment Department, Worksystems, Inc., Pacific University and other to determine if alternatives can be found to offer some services in Forest Grove.

- Meetings and coordination with Forest Grove companies to assess workforce needs and identify existing workforce programs, training and tax credits that may be available.
- Coordination of small business training held in Forest Grove or nearby for small business operators and staff

4. List potential barriers or challenges:

- Lack of available funding from federal or state government to establish programs for a center in Forest Grove. The funding situation since the last closure of the Workforce Center in 2011 has deepened with federal sequestration as well reduced national or state urgency due to lower unemployment rates.
- The need to open a workforce center in Forest Grove not seen as enough of a priority by state or regional non-profit agencies
- Inability of local government, non-profits or private business to provide a funding share or match.
- Lack of interest from private businesses in accessing workforce assistance or training resources or programs.
- Lack of participation from private businesses to work in partnership to identify workforce skills and training needs.

5. Estimated Cost(s):

\$300,000+ per year to maintain and operate a workforce center

6. How will you determine when objective/project is completed and how will you measure if successful?

- Establishment of a workforce center in Forest Grove
- Number of people utilizing a workforce center in Forest Grove
- Provision of and # of new workforce training programs offered in Forest Grove
- # of business accessing workforce assistance and training resources
- # of employees of Forest Grove businesses receiving training assistance

Timeframe to Complete:

1-3 years

3-5 years

5-10 years +

x Ongoing

PART II: ACCOMPLISHMENT (End of Year)

7. Describe in detail accomplishment of the objective/project:

ECONOMIC DEVELOPMENT

WORK PLAN

FY 2015-16

**Economic Development Department 18-Month Work Plan
Fiscal Year 2014-15**

	current project																	
	new project																	
	grant project application																	
DEPARTMENT PROJECTS & TIMELINE	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16
Goal: Business Recruitment																		
Respond to Business Leads	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Assist Chaucer Operation /Opening																		
Media Advertising	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Broker/Developer Promotion	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Maintain City Website/link videos	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Participate in Trade Shows/Events	x	x	x		x	x	x	x	x	x	x	x	x	x	x	x	x	x
Renewal of Enterprise Zone for 10 yrs																		
Maintain Site Profiles	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Henningsen/Miasys Certified Site	x	x	x	x	x	x												
Site Infrastructure Readiness Project																		
Goal: Business Retention																		
On-going Businesses Visitation	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Disseminate Program updates	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Program Access Assistance	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Business Expansion Packages	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
General Technical Assitance	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Seminars/Workshops w/chamber				x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Goal: Tourism Promotion																		
Tourism Committee Admin	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Discover Forest Grove Guide																		
Food & Drink Project																		
Maintain Annual Events Calender	x	x	x	x	x	x	x	x				x	x	x	x	x	x	x
Maintain City Website -Tourism	x	x	x	x	x	x	x	x	x	x	x	x	x	x				
Grow downtown events																		
Assist in developing new marketing and program strategies	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Hwy 47/B Street/Fernhill signage																		
Goal: Small/New Business Devel.																		
Economic Gardening Program	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Small Business Training Programs																		
Maintain Starting A Business Guide	x	x	x	x	x	x	x	x	x	x	x	x	x					
Maintain Business Provider Network	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Financing Sources Referrals	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Leverage local workshops/seminars	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Leverage Business Counselling Resources	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Goal: Downtown Development																		
Revelopment of Times-Litho site	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Times Litho Redevelopment																		
Assist City Club Events	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Market Vacant Space with Owners	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Survey Downtown Businesses																		
Leverage Business Counseling	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Goal: Grants/other																		
Food & Drink Project Grant																		
Seek grant opportunities	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Staff/Mgmt to Forest Grove EDC	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Serve on GPI EDD Board	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Seek Local Workforce Resources	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

**PARK AND RECREATION
DEPARTMENT**

WORK PLAN

FY 2015-16

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2015-16 WORK PLAN PARKS & RECREATION AQUATICS

City Council Meeting Presentation

APRIL 13, 2015

Tom Gamble, City Manger Pro-Tem

PARKS PROJECTS

- PLANNING(CC objectives,7)
 - Up-Date Parks, Recreation and Open Space Master Plan. To include:
 - SDC update. Methodology and Rates
 - Identify additional Community Gardens Areas
 - Study four-plex softball/baseball complex
 - Future park Location/Acquisitions
 - Feasibility Study for a Community Center.

TRAILS

- Partnerships (CWS and Metro)
- Promote Intertwine Trail Connections
- Planning Construction of Old Town Loop Trail.
- Explore additional Emerald Necklace Trail connections.
- Participate on Council Creek Trail Plan.

PROGRAMS

- Develop Additional Volunteer Opportunities
- Provide Water Safety support to the Westside Water Safety Council.
- Promote Additional Teen Activities
- Promote Water Safety Outreach to Latino communities.

ADMINISTRATIVE

- Promote Youth Representative for Recreation Commission.
- Evaluate Aquatic Center staffing model for future operations.
- Examine Sustainable Dept. Practices at Aquatic Center.

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**COMMUNITY DEVELOPMENT
DEPARTMENT**

WORK PLAN

FY 2015-16

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Community Development Department Work Program

2015-16

Action Plans Tasks

1. **Pursue Town Center Plan**
2. **Complete Planned Residential Code Amendments**
3. **Update and Complete Affordable Housing White Paper**
4. **Complete White Papers for Sustainability Plan**

Other Tasks

5. Develop and implement administrative tasks for Urban Renewal
 - o Budget
 - o Annual Report
6. Provide assistance in any proposal for development of Times Litho site
7. Explore and develop land-term funding for GroveLink
8. Staffing Sustainability Committee with L&P
 - o Assist Committee in refining and implementing Sustainability Strategic Plan
9. Continue with downtown assessment and revitalization efforts beyond Town Center Plan
10. Continue with citizen outreach (see also CCI)
11. Code enforcement (noxious vegetation, zoning and building code violations)
12. Participation in Metro's UGB Expansion consideration and Climate Smart efforts
13. Staffing other Boards and Commissions including Planning Commission, HLB, Forestry and CCI
14. Process land use permits as required
15. Process building related permits as required for Forest Grove and Cornelius
16. Maintain land use database
17. Monitor and participate on DLCD Policy Agenda 2013-15

(Other Boards and Commission Tasks on other side)

Boards and Commission tasks

- CCI
 - Participation and Planning
 - 1. Review Vision Statement and Action Plan annually and report findings to City Council
 - Possibly include findings in newsletter
 - 2. Fill vacancies on boards and commissions:
 - Market the boards and commissions through the use of different types of media
 - Expand the boards and commissions presence on the website
 - 3. Commence in the creation of a regular CCI newsletter
 - 4. Ensure there is a robust public involvement program for all land use planning projects
 - 5. Conduct up to four "Town Hall" meetings per year
 - **Succession Planning**
- HLB
 - 1. Assist in development of HLB strategic plan
 - 2. HLB Renovation Grants
 - 3. Possible joint demonstration project with Friends of Historic Forest Grove
 - 4. HLB Newsletter
- Forestry
 - 1. Complete Urban Forest Management Plan
 - 2. Arbor Day Celebration
- Sustainability Commission
 - 1. Implement Sustainability Plan
 - 2. Forward other sustainability ordinances, policies, etc. to Council for consideration

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Community Development
Lead Person(s)/Organization(s):	Holan
List Goal Number Assigned:	Ongoing
Describe Objective/Project:	Affordable Housing

PART I: ACTION PLAN *(Start of Year)*

1. Background or history of the objective/project:

In preparation of Comp Plan update, staff prepared a white paper on affordable housing as a background document
Comp plan update has housing element which addresses subsidized housing
Have recent approval of subsidized family farm labor housing as well as affordable market rate housing

2. Current status of the objective/project:

There are no special limitations or incentives to allow or encourage affordable housing in the community

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

Process development that can provide either subsidized or market rate affordable housing
Update white paper on affordable housing to clarify definition and relevant issues – develop recommendations
Implement recommendation.

4. List potential barriers or challenges:

Finding relevant current data to prepare white paper.

5. Estimated Cost(s):

Staff time

Other potential costs yet to be determined

6. How will you determine when objective/project is completed and how will you measure if successful?

Process projects that can provide affordable subsidized and market rate housing

Review of updated white paper by Council and Planning Commission

Timeframe to Complete:

1-3 years

3-5 years

5-10 years +

Ongoing

PART II: ACCOMPLISHMENT (End of Year)

7. Describe in detail accomplishment of the objective/project:

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Community Development
Lead Person(s) Assigned:	Holan
List Goal Objective # (as shown on the spreadsheet):	Goal 1, Objective 4
Describe Objective/Project (title as shown on the spreadsheet):	Planned Residential Review process

PART I: ACTION PLAN *(Start of Year)*

1. Background or history of the objective/project:

Flaws and interpretations resulted in the review of the Gales Creek Terrace project that created questions in the review of planned residential development (PRD) projects. Such questions include the application of the intent statement of a zone district, standards that can be varied through the PRD process, type of open space to be considered in meeting requirements, remands of appeals back to the Planning Commission, Planned Development purpose statement and review criteria.

2. Current status of the objective/project:

Review of the issues surrounding the Gales Creek Terrace decision has been discussed by the Planning Commission.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

The strategy is to review the issues and prepare a staff report with proposed code amendments and discussion of options. This document can then be reviewed either in a joint work session between the City Council and Planning Commission or by the Planning Commission. Once direction is given, then prepare the formal amendments for the approval process.

List potential barriers or challenges: None

5. Estimated Cost(s): Costs would include staff time and cost for the public hearing notice.

Staff Time: 30 hours - \$1200
Two Legal Notices 400
Total \$1600

6. How will you determine when objective/project is completed and how will you measure if successful?

Consideration of proposed amendments by the Planning Commission, and if recommended, adoption by the City Council.

Timeframe to Complete:

<input checked="" type="checkbox"/> 1-3 years	<input type="checkbox"/> 3-5 years	<input type="checkbox"/> 5-10 years +	<input type="checkbox"/> Ongoing
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PART II: ACCOMPLISHMENT (End of Year)

7. Describe in detail accomplishment of the objective/project:

~~DEPARTMENT ACTION PLAN WORKSHEET~~

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Community Development
Lead Person(s)/Organization(s):	Holan
List Goal Number Assigned:	1
Describe Objective/Project:	Implement Strategic Sustainability Plan

PART I: ACTION PLAN *(Start of Year)*

1. Background or history of the objective/project:

An ad hoc committee on sustainability developed a Strategic Sustainability Plan for the community. It was further refined by the newly created Sustainability Commission. It was adopted by the City Council in October, 2014. The Plan calls for white papers to be prepared for six of the seven topic areas. A draft for one white paper on energy conservation was prepared by [redacted] before she left but still needs staff review. Beyond the white papers, there are additional tasks the Sustainability Commission can proceed without the completion of the white papers.

2. Current status of the objective/project:

Plan has been adopted, draft white paper for Energy Conservation and Green Buildings has been prepared and the Commission has been working on implementing those tasks not needing a white paper.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

Complete white papers for all appropriate topic areas.
Assist Commission in implementing Action Plan tasks

4. List potential barriers or challenges:

Need for staff to conduct assessment and implement plan

5. Estimated Cost(s):

\$600 to maintain membership in ICLEI
Costs for staffing

6. How will you determine when objective/project is completed and how will you measure if successful?

Completion of all needed white papers.

Assess Commission's completion of various tasks and determine reframing tasks or identifying obstacles. However, some tasks will be ongoing.

Timeframe to Complete:

1-3 years

3-5 years

5-10 years +

Ongoing

PART II: ACCOMPLISHMENT (End of Year)

7. Describe in detail accomplishment of the objective/project:

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Community Development & Economic Development
Lead Person(s) Assigned:	Holan/King
List Goal Objective # (as shown on the spreadsheet):	Long Term-Objective 4
Describe Objective/Project (title as shown on the spreadsheet):	Continue Town Center Revitalization Efforts

PART I: ACTION PLAN (Start of Year)

1. Background or history of the objective/project:

Efforts to continue downtown revitalization includes several approaches: Community Development: land use planning, zoning; Community Development & Engineering: transportation planning and infrastructure improvements; Economic Development: site redevelopment, marketing, business retention and development, social capacity building, business technical assistance and training, and events.

Overall objectives are to create an active, vibrant downtown with a mix of uses; attractive, inviting space; prosperous businesses, safe infrastructure and increased usage. Over the last number of years, there have been two general efforts to address these goals: 1) studies and planning that identified strategies and stakeholders, and, 2) implementation/on-the ground actions. The plans/studies have included town center plan and zoning updates, Downtown Resource Team Report from Oregon Downtown Development Association (ODDA), Tourism asset assessment from Roger Brooks and Forest Grove Branding and Guidelines from Bill Baker. Several years ago, staff engaged the services of Michele Reeves to present recommendations about downtown revitalization. She also recommended not to pursue a public plaza at this time due to inadequate pedestrian traffic and to change Pacific and 19th Avenues from one way to two-way.

Resulting from these efforts have been sidewalk, streetscape and street furniture improvements, artist/public art benches.; update of zoning and signage codes, vacant building incentives, infill with diverse restaurants, wine bars, bookstores and coffee shops; development of a downtown business and events guide, installation of wayfinding signs and kiosks, and events such as First Wednesday, Holiday Light Parade, Main Course, Farmers Market, FG Uncorked, Chalk Art and more.

On-going issues include building renovations, creating more retail and diverse mix of products and services, creating a plaza/public meeting space, and safe and efficient traffic flow. Regarding the last item, staff engaged the services of Kittelson and Associates to examine circulation-related issues, particularly the appropriate direction of College Way. A Council work session was held on the matter and concluded with no need in circulation changes on College Way

A companion Town Center Action Plan from Community Development Department will look at creating a new Town Center strategic plan focusing on urban design. The last Town Center Plan was developed in 1997 and the area needs to be re-evaluated due to changing conditions.

2. Current status of the objective/project: On-going. Continuing implementation of strategies. Active negotiations of Times-Litho site redevelopment; Urban Renewal tool in place and had begun collecting revenues; ongoing events held in downtown, downtown marketing of space to reduce vacancies, downtown promotion, technical assistance to property owners and small business, small business training programs, supporting tourism initiatives.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

- Public-private participation in redevelopment of Times Litho Site
- Collection of revenues for future urban renewal programs
- Identify sites for redevelopment. Find and market to potential developers
- Reduce Vacancies: Work with and educate property owners to
 - Renovate properties/storefronts and make space attractive
 - Set proper lease or sale price,
 - Market vacant space, connect with commercial brokers to promote sites
 - Provide demographic, information and incentives packet to prospective tenants and/or property owners
- Help to strengthen and retain existing downtown businesses through:
 - Forums and seminars,
 - Business counseling programs
 - Small business training opportunities
 - Technical assistance
 - Growth of small business start-ups and entrepreneurs
- Provide technical assistance to help sustain recent downtown events
- Support capacity of Chamber and City Club to maintain programs and events
- Assist businesses to help implement recommendations made by Ms. Reeves
- Community Development Department development of a Town Center Plan.

4. List potential barriers or challenges:

- Property owners/business/developers downers unable or unwilling to invest in building or business improvements or site redevelopment.
- Leases rates/revenue too low to attract and/or sustain developers, building renovation and business operations
- Difficulty in drawing or recruit additional business owners to downtown
- Economic recession
- Lack of volunteers/organization capacity or funds to stage events successfully lack of good site for plaza and disagreement with circulation recommendations/conclusions
- Inadequate Urban Renewal funds realized
- Significant retail leakage due to commercial /retail centers near where residents work outside of city or due to alternative routes such as opening David Hill Road
- Lack of public-private promotional funds.

5. Estimated Cost(s):

Public-private redevelopment of Time Litho site \$7m+/variable

Seminars/Business Counseling/Small Business Assistance \$7,500

Maintain City Club and Chamber of Commerce to provide events and capacity variable

City/Non-profit/Business Economic Development and Tourism Marketing and Promotion \$5,000-\$20,000

Façade Improvements \$20,000

Design assistance for Town Center Plan effort \$10,000 to \$20,000

City Staff time

6. How will you determine when objective/project is completed and how will you measure if successful?

- Successful redevelopment of Times Litho site by private sector measured by total investment, new property taxes generated, % leased and jobs created
- Completion of Town Center Plan/ zoning update
- Reduced vacancies. # and square footage. Number of new businesses. Comparison year over year
- # of building sf renovated or upgraded
- # of facade improvements
- # of redevelopment projects in downtown
- Increased attendance: of top 7 events. Surveys of organizers
- Increased sales by downtown merchants
- Completion and adoption of new Town Center Plan

Timeframe to Complete:

1-3 years

3-5 years

5-10 years +

X Ongoing

PART II: ACCOMPLISHMENT *(End of Year)*

7. Describe in detail accomplishment of the objective/project:

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FIRE DEPARTMENT

WORK PLAN

FY 2015-16

Department 12-Month Work Plan

DEPARTMENTS / PROJECTS	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	
Re-Occurring Annual Events																				
Firefighter Association Crab Feed	Complete												Pending							
Annual Officer Testing Process		Complete												Pending						
Seattle Stairclimb			Complete												Pending					
FGFR/CFD Annual Banquet (SG6)				Complete												Pending				
Memorial Day Ceremony (SG3)					Pending												Pending			
EMS Week (SG6)					Pending												Pending			
Annual Emergency Operations Plan Training (SG2)					Pending	Pending											Pending	Pending		
Employee Breakfast						Pending												Pending		
Firefighter Association July 4th Fireworks (SG3)							Pending													Pending
National Night Out Participation (Gales Creek, FG and Cornelius) (SG5)								Pending												
9/11 Ceremony (SG3)									Pending											
Association Participation in FG Corn Roast (SG3)									Pending											
Be Seen at Halloween Safety Event (SG3)										Pending										
Fire Prevention Month/Annual School Training (SG3)										Pending										
Annual Open House (SG3)										Pending										
Annual Toy Drive (SG3)											Pending	Pending								
Holiday Light Parade (SG3)												Pending								
Spring Open Burning			Ongoing	Ongoing	Ongoing											Pending	Pending	Pending		
Fall Open Burning - Educate/Enforce New City Ban (SG3)										Pending	Pending	Pending								
Work Plan		Complete		Pending											Pending					
Strategic Goal 1: Highest Level of Service Delivery																				
Receive Tender and Place In Service (SG1)					Pending															
Receive and Place in Service Type III Engine (SG1)																				
Community Risk Analysis/Standard of Cover (SG1)							50% complete													
Preplan Update and Review (ongoing) (SG1)																				
Preplan Update and Review (ongoing) (SG1)																				
TVID Hydrant Installation in Rural Districts (SG1)			Ongoing																	
Cornelius Fire Levy (SG1)		Approved			Election															
Purchase two new staff vehicles, place in service								Order												
Strategic Goal 2: Maintain Long Term Strategic Planning																				
Cascadia Rising Earthquake Exercise (SG2)																				Pending
RFP for Station Deployment (SG2)																Begin				
COOP Project (SG2)			25% Complete																	
Cascadia Rising Earthquake Exercise (SG2)																				Pending
Preparation for ISO Grading (SG2)	Ongoing																			
Strategic Goal 3: Expand Community Outreach																				
South Wall Fire Station Mural (SG3)				CEP Grant						Unwiring										
Strategic Goal 4: Utilize Technology to Enhance Service																				
Station Repair/Remodel (Light Fixture Installation, Landscape) (SG4)								Begin												
Implement new CAD System with WCCCA (SG4)														Go Live						
Strategic Goal 5: Develop and Maintain Strategic Partnerships																				
Partnership Study (SG5)				Draft Review	Presentations															
Regional Intern Program (Subject to Grant Funding) (SG5)																				
Budget Preparation for 2 Cities and 3 rural districts																				
Strategic Goal 6: Employee Development																				
New training props in service (SG6)								Order												
AIC/Lieutenant Evaluation (SG6)		Complete												Complete						

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Fire
Lead Person(s)/Organization(s):	Michael Kinkade
List Goal Number Assigned:	Meets Council Goal 1, Goal 2
Describe Objective/Project:	Strategic Goal 3: Expand Community Outreach to meet our Vision

PART I: ACTION PLAN *(Start of Year)*

1. Background or history of the objective/project:

This action plan reflects the Fire Department Strategic Plan that was completed in 2011.

Strategic Goal 3: Expand Community Outreach
South Wall Fire Station Mural (SG3)
Re-Occuring Annual Events
Firefighter Association Crab Feed (SG3)
Annual Officer Testing Process
Seattle Stairclimb (SG3)
FGFR/CFD Annual Banquet (SG6)
Memorial Day Ceremony (SG3)
EMS Week (SG6)
Annual Emergency Operations Plan Training (SG2)
Employee Breakfast
Firefighter Association July 4th Fireworks (SG3)
National Night Out Participation (Gales Creek, FG and Cornelius) (SG5)
9/11 Ceremony (SG3)
Association Participation in FG Corn Roast (SG3)
Be Seen at Halloween Safety Event (SG3)
Fire Prevention Month/Annual School Training (SG3)
Annual Open House (SG3)
Annual Toy Drive (SG3)
Holiday Light Parade (SG3)
Spring Open Burning
Fall Open Burning - Educate/Enforce New City Ban (SG3)

2. Current status of the objective/project:

See attached spreadsheet with timelines.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

Each objective has a project due date and person(s) assigned responsible for completion. Live progress updates can be viewed at <http://dl.dropbox.com/u/56302195/Strategic%20Plan%20-%20Strategies.png>

4. List potential barriers or challenges:

None at this time.

5. Estimated Cost(s):

Within existing and/or proposed operating budget.

6. How will you determine when objective/project is completed and how will you measure if successful?

Each objective is specific, measured, achievable, realistic and time based. This is tracked by our strategic planning process.

See Attachment F, Strategic Goal 6, Employee Development

Timeframe to Complete:

x	1-3 years	3-5 years	5-10 years +	Ongoing
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PART II: ACCOMPLISHMENT (End of Year)

7. Describe in detail accomplishment of the objective/project:

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

This Action Plan Worksheet is intended as a tool for planning and monitoring how management staff will achieve its department work plan and the goal objectives set by City Council. Management staff will complete an Action Plan (Part I) at the beginning of each year after setting its department work plan and Council sets its goal objectives. Management staff will update the Action Plan (Part II) at the end of each calendar year to track the accomplishment of its department work plan task and the Council goal objective. The Action Plan accomplishments will be used as a tool for reporting at the Boards, Committees, and Commissions Reception, Annual State of the City Address, and City Manager end-of-year update to Council.

Department(s) Assigned:	Fire
Lead Person(s)/Organization(s):	Michael Kinkade
List Goal Number Assigned:	Meets Council Goal 1, Goal 2
Describe Objective/Project:	Strategic Goal 2: Maintain Long Term Strategic Planning

PART I: ACTION PLAN *(Start of Year)*

1. Background or history of the objective/project:

This action plan reflects the Fire Department Strategic Plan that was completed in 2011.

Strategic Goal 2: Maintain Long Term Strategic Planning
Cascadia Rising Earthquake Exercise (SG2)
RFP for Station Deployment (SG2)
COOP Project (SG2)
Cascadia Rising Earthquake Exercise (SG2)
Preparation for ISO Grading (SG2)
Begin Next Strategic Planning Process (SG2)

2. Current status of the objective/project:

See attached spreadsheet with timelines.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

Each objective has a project due date and person(s) assigned responsible for completion. Live progress updates can be viewed at <http://dl.dropbox.com/u/56302195/Strategic%20Plan%20-%20Strategies.png>

4. List potential barriers or challenges:

None at this time.

5. Estimated Cost(s):

Within existing and/or proposed operating budget.

6. How will you determine when objective/project is completed and how will you measure if successful?

Each objective is specific, measured, achievable, realistic and time based. This is tracked by our strategic planning process.

See Attachment F, Strategic Goal 6, Employee Development

Timeframe to Complete:

x	1-3 years	3-5 years	5-10 years +	Ongoing
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PART II: ACCOMPLISHMENT *(End of Year)*

7. Describe in detail accomplishment of the objective/project:

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Fire
Lead Person(s)/Organization(s):	Michael Kinkade
List Goal Number Assigned:	Meets Council Goal 1, Goal 2
Describe Objective/Project:	Strategic Goal 6: Enhance internal relation, communications, and employee development.

PART I: ACTION PLAN *(Start of Year)*

1. Background or history of the objective/project:

This action plan reflects the Fire Department Strategic Plan that was completed in 2011.

Strategic Goal 6: Employee Development
New training props in service (SG6)
Internal communications improvement study with Pacific University
Annual Banquet (SG6)
AIC/Lieutenant Evaluation (SG6)

2. Current status of the objective/project:

See attached spreadsheet with timelines.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

Each objective has a project due date and person(s) assigned responsible for completion. Live progress updates can be viewed at

<http://dl.dropbox.com/u/56302195/Strategic%20Plan%20-%20Strategies.png>

4. List potential barriers or challenges:

None at this time.

5. Estimated Cost(s):

Within existing and/or proposed operating budget.

6. How will you determine when objective/project is completed and how will you measure if successful?

Each objective is specific, measured, achievable, realistic and time based. This is tracked by our strategic planning process.

See Attachment F, Strategic Goal 6, Employee Development

Timeframe to Complete:

<input checked="" type="checkbox"/>	1-3 years	<input type="checkbox"/>	3-5 years	<input type="checkbox"/>	5-10 years +	<input type="checkbox"/>	Ongoing
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PART II: ACCOMPLISHMENT *(End of Year)*

7. Describe in detail accomplishment of the objective/project:

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Fire
Lead Person(s)/Organization(s):	Michael Kinkade
List Goal Number Assigned:	Meets Council Goal 1, Goal 2
Describe Objective/Project:	Strategic Goal 4: Utilize Available Technology to Enhance Service Delivery

PART I: ACTION PLAN *(Start of Year)*

1. Background or history of the objective/project:

This action plan reflects the Fire Department Strategic Plan that was completed in 2011.

Strategic Goal 4: Utilize Technology
Station Repair/Remodel (Light Fixture Installation, Landscape) (SG4)
Implement new CAD System with WCCCA (SG4)

2. Current status of the objective/project:

See attached spreadsheet with timelines.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

Each objective has a project due date and person(s) assigned responsible for completion. Live progress updates can be viewed at

<http://dl.dropbox.com/u/56302195/Strategic%20Plan%20-%20Strategies.png>

4. List potential barriers or challenges:

None at this time.

5. Estimated Cost(s):

Within existing and/or proposed operating budget.

6. How will you determine when objective/project is completed and how will you measure if successful?

Each objective is specific, measured, achievable, realistic and time based. This is tracked by our strategic planning process.

See Attachment F, Strategic Goal 6, Employee Development

Timeframe to Complete:

<input checked="" type="checkbox"/>	1-3 years	3-5 years	5-10 years +	Ongoing
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PART II: ACCOMPLISHMENT *(End of Year)*

7. Describe in detail accomplishment of the objective/project:

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Fire
Lead Person(s)/Organization(s):	Michael Kinkade
List Goal Number Assigned:	Meets Council Goal 1, Goal 2
Describe Objective/Project:	Strategic Goal 1: Maintain Highest Level of Service Delivery

PART I: ACTION PLAN *(Start of Year)*

1. Background or history of the objective/project:

This action plan reflects the Fire Department Strategic Plan that was completed in 2011.

Strategic Goal 1: Highest Level of Service Delivery
Receive Tender and Place In Service (SG1)
Receive and Place in Service Type III Engine (SG1)
Community Risk Analysis/Standard of Cover (SG1)
Preplan Update and Review (ongoing) (SG1)
TVID Hydrant installation in Rural Districts (SG1)
Cornelius Fire Levy (SG1)
Purchase two new staff vehicles, place in service

2. Current status of the objective/project:

See attached spreadsheet with timelines.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

Each objective has a project due date and person(s) assigned responsible for completion. Live progress updates can be viewed at <http://dl.dropbox.com/u/56302195/Strategic%20Plan%20-%20Strategies.png>

4. List potential barriers or challenges:

None at this time.

5. Estimated Cost(s):

Within existing and/or proposed operating budget.

6. How will you determine when objective/project is completed and how will you measure if successful?

Each objective is specific, measured, achievable, realistic and time based. This is tracked by our strategic planning process.

See Attachment F, Strategic Goal 6, Employee Development

Timeframe to Complete:

x	1-3 years	3-5 years	5-10 years +	Ongoing
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PART II: ACCOMPLISHMENT *(End of Year)*

7. Describe in detail accomplishment of the objective/project:

DEPARTMENT ACTION PLAN WORKSHEET

FISCAL YEAR 2015-16

Department Work Plan and City Council Goal Objectives

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Department(s) Assigned:	Fire
Lead Person(s)/Organization(s):	Michael Kinkade
List Goal Number Assigned:	Meets Council Goal 1, Goal 2, Goal 3
Describe Objective/Project:	Strategic Goal 5: Develop and Maintain Strategic Partnerships

PART I: ACTION PLAN *(Start of Year)*

1. Background or history of the objective/project:

This action plan reflects the Fire Department Strategic Plan that was completed in 2011.

Strategic Goal 5: Strategic Partnerships
Partnership Study (SG5)
Regional Intern Program (Subject to Grant Funding) (SG5)
Budget Preparation for 2 Cities and 3 rural districts (SG5)
Cornelius Fire Department Administrative Services
Gaston RFPD Pilot Program (SG5)

2. Current status of the objective/project:

See attached spreadsheet with timelines.

3. List strategic steps/actions that will be necessary to accomplish this objective/project:

Each objective has a project due date and person(s) assigned responsible for completion. Live progress updates can be viewed at <http://dl.dropbox.com/u/56302195/Strategic%20Plan%20-%20Strategies.png>

4. List potential barriers or challenges:

None at this time.

5. Estimated Cost(s):

Within existing and/or proposed operating budget.

6. How will you determine when objective/project is completed and how will you measure if successful?

Each objective is specific, measured, achievable, realistic and time based. This is tracked by our strategic planning process.

See Attachment F, Strategic Goal 6, Employee Development

Timeframe to Complete:

<input checked="" type="checkbox"/>	1-3 years	3-5 years	5-10 years +	Ongoing
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PART II: ACCOMPLISHMENT *(End of Year)*

7. Describe in detail accomplishment of the objective/project: