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FOREST GROVE PLANNING COMMISSION MEETING

COMMUNITY AUDITORIUM, 1915 MAIN STREET

MONDAY, OCTOBER 17, 2016-- 7:00 P.M.

PLANNING COMMISSION

Tom Beck, Chair

Lisa Nakajima
Carolyn Hymes
Dale Smith

Hugo Rojas
Phil Ruder, Vice Chair
Sebastian B. Lawler

The Planning Commission welcomes your attendance and participation. If you wish to speak on an agenda item, please feel free to do so. However, in fairness to others, we respectively ask that you observe the following:

* Please follow sign-in procedures on the table by the entrance to the auditorium.
* Please state your name and address clearly for the record.
* Groups or organizations are asked to designate one speaker in the interest of time and to avoid repetition.
* When more than one citizen is heard on any matter, please keep your comments to five minutes and avoid repetition in your remarks. Careful attention to the previous speaker's points will help in this regard.
* The Planning Commission carefully considers all the facts before a decision is made. Brief statements are most helpful in reaching a decision based on sound judgment.

Planning Commission meetings are electronically recorded and 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.

AGENDA

(1.) Roll Call

(2.) Public Meeting

1. Public Comment Period for Non-Agenda Items
2. Public Hearing:

A. Applicant W. Pendarvis Global Land - Two variance requests:
- The maximum driveway width in a General Industrial zone is 40 feet. The applicant is requesting a 52-foot-wide driveway.
- When the posted traffic speed is 25 mph, the required minimum distance between driveways is 105 feet. The applicant is requesting a reduction to 78 feet.

B. Applicant Progressive Property Management – conditional use permit to remodel an existing building for the purposes of the cultivating, harvesting and packaging cannabis at 4114 Heather Street.

C. Applicant Cold Frame LLC - Review and approval of a conditional use permit for a proposed indoor recreational marijuana production facility at 2336 9th Ave.

3. Action Item: None Scheduled
4. Work Session Items:

(3) Business Meeting

1. Approval of Minutes
2. Reports from Commissioners/Subcommittees
3. Director's Report
4. Announce next meeting
5. Adjourn

Driveway Variances
Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE:	October 10, 2016
HEARING DATE:	October 17, 2016
LAND USE REQUEST:	• The maximum driveway width in a General Industrial zone is 40 feet. The applicant is requesting a 52-foot-wide driveway. • When the posted traffic speed is 25 mph, the required minimum distance between driveways is 105 feet. The applicant is requesting a reduction to 78 feet.
FILE NUMBER(S):	311-16-000179-PLNG
PROPERTY LOCATION:	4115 24th Avenue
LEGAL DESCRIPTION:	Washington County Tax Lot 1N332D000103
OWNER/APPLICANT(S):	Applicant: W. Pendarvis Global Land, 4071 24th Avenue, Forest Grove, Oregon 97116 Property Owner: Same Applicant's Representative: CIDA, 15895 SW 72nd Avenue Suite 200, Portland, Oregon 97224
COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS:	General Industrial (GI) General Industrial (GI)
APPLICABLE STANDARDS AND CRITERIA:	City of Forest Grove Development Code: §10.2.400 et. seq. Site Development Review §10.2.700 et. seq. Variance §10.3.500 et. seq. Industrial Zones §10.8.100 et. seq. Access and Circulation
REVIEWING STAFF:	James Reitz (AICP), Senior Planner
RECOMMENDATION:	Staff recommends approval of both variance requests

I. LAND USE HISTORY

History and Request: The buildings at 4115 24th Avenue have been used for warehousing for decades. They were recently purchased by the parent company of Old Trapper Smoked Products, Inc. for the purposes of expanding production and shipping. Old Trapper would use all but a small space occupied by Fastenal, a distributor of fasteners, tools, and similar products. The applicant will also be constructing additional facilities for Old Trapper behind (north of) the existing buildings.

The site is located in what is colloquially known as the Forest Grove Industrial Park (FGIP). All of the parcels along 24th Avenue between Quince and Yew streets, along with the Yew Street properties north of the railroad, are defined as within the FGIP. This designation is noted in Forest Grove Code §3.105(2)(c) pertaining to the requirement for the installation of sidewalks with new construction. The code exempts all properties in the FGIP from this requirement.

The expansion would be for the purposes of manufacturing meat products. Development Code (DC) §10.12.140(B)(2) defines General Industrial uses as "Manufacturing, processing and assembling of semi-finished or finished products from raw materials. All activities are contained within buildings although there may be some outdoor storage of raw materials. Examples include food processing; breweries, distilleries and wineries; production of apparel or textiles; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, metal, stone or glass materials or products; manufacturing and production of large-scale machinery." Making jerky and other meat products would be an example of food processing. DC §10.3.520 Table 3-14 *Industrial Zones – Use Table* lists General Industrial as a permitted use in the General Industrial zone. Staff concludes that the proposed use is therefore compliant.

The applicant proposes to remodel the existing buildings. The west building would be used for warehousing and shipping, except for the space occupied by Fastenal. The applicant proposes to retain the three existing roll-up doors facing 24th Avenue and construct a single new loading dock that would provide access to all three. The loading dock would be constructed to accommodate tractor trailers such that the floor level of the trailers would be at the floor level of the building.

The site currently has three driveways; no new driveway is proposed. The applicant proposes to reconfigure these driveways to allow more efficient shipping and traffic circulation. Because the driveways would be moved and widened, they would need to comply with current standards. It should be noted that while the existing driveways comply with current Development Code standards for width, they do not comply with current spacing standards.

The Development Code regulates both the distance required between driveways and their widths. The new driveway serving the loading dock would be located closer than is currently permitted to an existing driveway, and the proposed width would also exceed standards. Thus, the applicant has requested two variances.

Process: The two variance requests were filed after the expansion had received site plan approval. DC §10.2.710 *Procedure* authorizes the Planning Commission to act on a request for a variance after holding a public hearing pursuant to Type III review procedures.

Public notice for this application was mailed to property owners and residents within 300 feet of the site on September 23, 2016, as required by DC §10.1.160. Notice of this request was also provided to the Plans Review Board, and published in the *News Times.*

The Plans Review Board supports both variance requests. As of the writing of this report, no comments have been received from the public.

II. PROJECT DESCRIPTION AND ANALYSIS

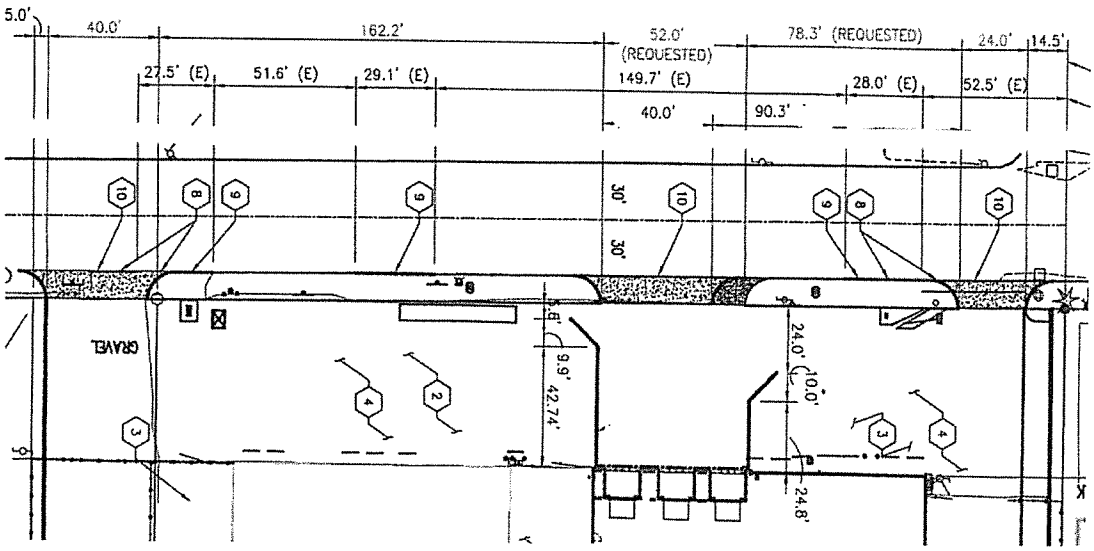
A. Description of Proposal: As noted above, the applicant is remodeling a building to create a single new loading dock. This loading dock would face 24th Avenue. It would align with the three existing roll-up doors, but would be constructed to accommodate tractor trailers. It is because of existing conditions – specifically, the location of the three existing roll-up doors – that these variances have been requested.

These doors allow vehicle entry at grade level. The new loading dock would be constructed to allow the loading floor of the trailers to be at the building's floor level. This would necessitate excavating the area between the building and the 24th Avenue right-of-way. Tractor trailers would back into the loading dock from 24th Avenue. The loading docks at Henningsen Cold Storage located across the street from the site are similar to what the applicant proposes to construct.

The Development Code regulates both the distance required between driveways and their widths. The new driveway would be located closer than is currently permitted to an existing driveway, and the proposed width would also exceed standards. Specifically:

- The maximum driveway width in a General Industrial zone is 40 feet. The applicant is requesting a 52-foot-wide driveway.
- When the posted traffic speed is 25 mph, the required minimum distance between driveways is 105 feet. The applicant is requesting a reduction to 78 feet.

The applicant has submitted the following material in support of this request; additional details are provided in the Approval Criteria, Findings and Analysis section below.



Old Trapper currently occupies an approximately 20,000 square foot pre-fabricated metal and concrete building located at 4071 24th Avenue in Forest Grove, Oregon. Old Trapper has experienced extensive growth over the past 40 years and need(s) to expand their facility in order to be able to meet the demand for their goods on the market. To this end, Old Trapper is currently in the process of expanding their operation on the adjacent site, tax lot 1N3 32D-103

The expansion property includes several existing buildings ranging from 8,200 to 57,000 square feet. The site has 376 feet of frontage on 24th Avenue which includes three existing driveways. As part of the Phase 1 improvement to the site, the driveways are being adjusted. (Staff note: Phase 2 is the new manufacturing building to be located behind (north of) the existing buildings). The following request is for a variance to the maximum allowable driveway width and minimum allowable driveway spacing relating to the adjusted driveways.

Prior to the improvements taking place on the site, the existing driveway configuration included one access point close to the western property line and two driveways were redistributed to bring the distance between curb cuts closer to the code minimums. The western and center curb cuts are separated by 90.3' and the center and eastern driveways are separated by 162.2'.

Per the City of Forest Grove Development Code 10.8.130(B), the maximum driveway width in industrial zones is 40'. We are requesting to increase this width to 52' for the center driveway.

Per the City of Forest Grove Development Code 10.8.130(D), the minimum distance between curb cuts is 105 where the speed limit is 25 mph. We are requesting to reduce this width to 78.3' between the western and center driveways.

As can be seen in the above drawing, two driveways (east and west) would comply with the maximum 40-foot allowable width. Only the center driveway – at 52 feet – would exceed this standard. Even if the center driveway were reduced in width to 40 feet, it would still be too close to the west driveway with only 90 feet of separation, not the 105 feet required by the Development Code.

B. Site Examination: The project site at 4115 24th Avenue is located just east of the existing Old Trapper site at 4071 24th Avenue. The buildings at the project site have been used for warehousing and distribution, and the area surrounding the buildings has been paved for truck access and employee parking. The street frontage is improved to City standards, but lacks sidewalks as per FGC §3.105(2)(c) noted above. One utility pole would need to be relocated to accommodate the expanded driveway. Light and Power Department policy is to require applicants to pay for any facilities they wish to be relocated. Lot area is approximately 9.6 acres and the lot depth (north to south) about 550 feet. The undeveloped area north of the existing buildings will be the site of a substantial building expansion. The production line has been designed for a north-south flow: raw materials will enter the new building at the north end, undergo processing, and then be loaded and shipped from the new loading dock.

C. Existing Comprehensive Plan Designation and Zoning of Site and Area

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	General Industrial	General Industrial	Warehousing
North	(County) FD-10	(County) FD-10	Agriculture
South	General Industrial	General Industrial	Warehousing
East	General Industrial	General Industrial	Agriculture
West	General Industrial	General Industrial	Manufacturing

D. Traffic and Circulation: Virtually all of the buildings located along this segment of 24th Avenue have been there for decades. All pre-date the Development Code and only three businesses (Westak, Sintex (now the site of Usher Manufacturing) and Old Trapper) were constructed while the Zoning Ordinance was in effect (from 1980 to 2009). All other driveways accessing 24th Avenue were constructed prior to 1980 or have been installed in compliance with Development Code standards.

This segment of 24th Avenue is a designated Collector Street. It has had that designation since at least 1980. The 1980-2009 Zoning Ordinance driveway width and spacing requirements are the same as in the current Development Code. The Zoning Ordinance in effect prior to that, from 1971 to 1980, required only 30 feet of separation between industrial driveways, while "Maximum curb cut width shall be as determined by the City Engineer." This would explain why several existing driveways exceed 40 feet in width, and why so many others are located less than 105 feet apart (see photo examples in Exhibit B).

On-street parking is prohibited along 24th Avenue for the express purpose of providing maneuvering space for large trucks. Tractor trailers already use the street to back into the loading docks at both Henningsen Cold Storage and Old Trapper. While there may be some cut-through traffic (particularly when Pacific Avenue is congested) the primary traffic is generated by the businesses located there. The Police Department did not note any particular traffic issue or conflict as a result of tractor trailer units backing from the street into the existing loading docks, despite their width and less than 105-foot spacing.

Driveway widths at several businesses exceed the 40-foot maximum width currently stipulated by the Development Code. These include two driveways across the street at Henningsen Cold Storage of 52 feet and 66 feet; the 42-foot-wide driveway at Old Trapper's current site, and a 52-foot-wide driveway at Chaucer Foods on Yew Street (also within the Forest Grove Industrial Park).

The applicant proposes to retain the three existing driveways serving the development site. All three are proposed to be modified, as follows:

1. The east driveway would be shifted to the east, and widened to 40 feet. No variance to the driveway width or spacing standards is proposed or required. This driveway would be used as the primary employee access to the site, and also access to the north loading dock to be constructed in Phase 2 (see attached Phase 1 and Phase 2 site plan). As noted above, the production line would be north-to-south. The north loading dock would be in addition to the south loading dock. Raw materials would be off-loaded at the north end of the building, while finished products would be shipped out from the south end of the complex.

2. The center driveway would be widened to 52 feet. The specific location is required due to the location of the existing roll-up doors, and the additional width is requested to provide unfettered access to all three doors. This driveway would be used exclusively for shipping purposes. A variance is requested because the width would exceed 40 feet. Even if the driveway were restricted to a 40-foot-width, it would still not comply with driveway spacing standards. It would be about 90 feet from the west driveway, less than the 105 feet stipulated by the Development Code.
3. The west driveway would be relocated farther to the west, to align with the drive aisle on the west side of the building and to provide more separation from the center driveway. The width of the driveway would be 24 feet, in compliance with Development Code standards. A driveway in the vicinity of the west property line is necessary in order to maintain emergency vehicle access around the building and to provide access to Fastenal. Because it would be located only about 78 feet from the center driveway, a variance to the spacing standard has been requested.

Conclusion: The location and width of the existing driveways appear to have complied with the code requirements in effect at the time they were constructed, but do not comply with current Development Code standards and specifications. Existing driveways along 24th Avenue exceed the maximum 40-foot width and less than 105-foot spacing with no apparent effect on traffic and circulation. The proposed 52-foot-wide driveway would be less than several others in the immediate vicinity, and the 78-foot spacing greater than the spacing of several others. Staff concludes that the requested variances would - in essence - grant the applicant the same access opportunities enjoyed by other properties in the same vicinity and zoning district.

III. APPROVAL CRITERIA, FINDINGS AND ANALYSIS

Development Code §10.2.720 *Review Criteria* requires that the Commission find that the proposal complies with the following criteria:

(A) The need for the variance does not result from prior actions of the applicant or owner, or from personal circumstances of or caused by the applicant or owner, such as financial circumstances;

Applicant's Response: *As noted above, the pre-existing driveways on the site do not meet the required spacing minimums. The improvements undertaken by the owner are bringing the driveway spacing closer to the minimums even with the requested variance. The locations of the driveways are a result of the location of the existing buildings and the existing overhead doors.*

Old Trapper has been located in Forest Grove for over 40 years and (is) well established in the community. The availability of industrial land suitable for the expansion of their facility in Forest Grove is limited. After several years of searching, this property was the only available site they were able to find that was able to meet their needs without relocating out of Forest Grove.

Finding: The applicant recently acquired the site at 4115 24th Avenue for the purpose of expanding production. The site had already been developed with several warehouse and distribution facilities. The street frontage had already been improved, including three driveways taking access from 24th Avenue. The

location and width of these driveways appear to have complied with the code requirements in effect at the time they were constructed, but do not comply with current Development Code standards and specifications. The need for the requested variances are thus not as a result of any prior action by the applicant, but rather as a result of changing code requirements.

(B) To meet the need, the request is the minimum necessary variation from the Code requirement; and

Applicant's Response: *As noted above, the location of the driveways is based on the existing building configuration. There are three truck access doors on the larger of the existing buildings that will house Old Trapper's distribution warehouse. The location of these doors along the frontage dictate(s) the location of the center curb cut. The proximity of the building to the street requires a wider curb cut to allow truck access to and maneuvering for these existing doors. The 52' is the minimum width needed to allow trucks to use the existing doors for loading access.*

The western drive has been moved as far as possible away from the center curb cut to provide the greatest separation possible. The eastern drive has been moved as close to the eastern property line as possible to maximize that spacing.

The large majority of truck and employee access will be at the eastern drive. The center drive will be used solely by trucks accessing the distribution dock. Use of the western drive will be limited to access for the existing tenant space at the southwest corner of the existing building, overflow parking and emergency and maintenance vehicle access. Although the use of the drive is limited, it is necessary to be able to maintain this access.

Finding: The east driveway would be shifted to the east, and widened to 40 feet. No variance to the driveway width or spacing standards is proposed or required.

Finding: Driveway widths at several businesses along 24th Avenue exceed the 40-foot maximum width currently stipulated by the Development Code. These include two driveways across the street from the project site at Henningsen Cold Storage (52 feet and 66 feet); a 42-foot-wide driveway at Old Trapper's current site; and a 52-foot-wide driveway at Chaucer Foods on Yew Street (also within the Forest Grove Industrial Park).

Finding: The 52-foot-width proposed for the center driveway would be the minimum width necessary, due to the spacing of the existing roll-up doors. Driveway width of less than 52 feet would not allow unfettered access to all three existing roll-up doors. Even if the width of the center driveway complied with the 40-foot-wide standard, it would still be located too close to the west driveway.

Finding: The west driveway is proposed to be relocated farther to the west, to align with the drive aisle on the west side of the building. The width of the driveway would be 24 feet, in compliance with Development Code standards. The purpose of shifting the drive approach to the west would be to achieve the greatest separation possible, and to align with the existing aisle.

Finding: A driveway in the vicinity of the west property line is necessary in order to maintain emergency vehicle access around the building and to provide access to Fastenal.

Finding: While the west driveway would be located only about 78 feet from the center driveway - less than the 105-feet as stipulated by the Development Code - it would exceed the existing spacing of several other driveways in the same vicinity and zoning district.

(C) The circumstances that apply to the site do not typically apply to other properties in the same vicinity or zoning district and are unique and unusual.

Applicant's Response: *Along the length of 24th Avenue, there are several properties that have curb cuts spaced within less than 100' of each other. The Henningsen Cold Storage Facility across the street from the Old Trapper site has two curb cuts that are each 52' in width and spaced approximately 100' apart.*

The circumstances driving the need for the requested driveway configuration are based on the existing building configuration. Old Trapper's long range plans include replacing the existing building. However, development of their new production facility is critical for their ongoing success and therefore, replacing the existing distribution warehouse is not feasible until after the production facility has allowed them to expand their capacity and market share.

Finding: Virtually all of the buildings located along this segment of 24th Avenue have been there for decades. All pre-date the Development Code and only three businesses (Westak, Sintex (now the site of Usher Manufacturing) and Old Trapper) were constructed while the 1980-2009 Zoning Ordinance was in effect. All other driveways accessing 24th Avenue were constructed prior to 1980 or have been installed in compliance with Development Code standards.

Finding: This segment of 24th Avenue is a designated Collector Street. It has had that designation since at least 1980. The 1980-2009 Zoning Ordinance driveway width and spacing requirements are the same as in the current Development Code. The Zoning Ordinance in effect from 1971 to 1980 required only 30 feet of separation between industrial driveways, while "Maximum curb cut width shall be as determined by the City Engineer." This explains why several existing driveways exceed 40 feet in width, and why several others are located less than 105 feet apart.

Finding: The Police Department has not noted any particular traffic issue or conflict as a result of tractor trailer units backing from the street into the existing loading docks, despite their width and less than 105-foot spacing.

Finding: The proposed 52-foot-wide driveway would be less than several others in the immediate vicinity, and the 78-foot spacing greater than the spacing of several others. Thus, the requested variances would grant the applicant the same access opportunities enjoyed by other properties in the same vicinity and zoning district.

Finding: While the circumstances are not unique to the area, the variances would allow the applicant the same development rights enjoyed by others in the area,

i.e., driveways that exceed 40 feet in width, and spaced closer than 105 feet apart.

IV. ALTERNATIVES

The Planning Commission may approve as submitted, continue deliberations to a date certain, or deny this request.

V. RECOMMENDATION

Based on the information provided in the application and the findings above, staff recommends approval of the application for both variance requests.

VI. LIST OF EXHIBITS

The following exhibits were received, marked, and entered into the record as evidence for this application at the time this staff report was written. Exhibits received after the date of this report will be marked 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 Variance narrative and application materials, prepared and submitted by the applicant

Exhibit B Site Photos, Area Photos, and Site Plans

EXHIBIT A

VARIANCE NARRATIVE

PREPARED AND SUBMITTED BY THE APPLICANT

Introduction:
Old Trapper currently occupies an approximately 20,000 square foot pre-fabricated metal and concrete building located at 4071 24th Avenue in Forest Grove, Oregon. Old Trapper has experienced extensive growth over the past 40 years and need to expand their facility in order to be able to meet the demand for their goods on the market. To this end, Old Trapper is currently in the process of expanding their operations on the adjacent site, Tax Lot 1N3 32D TL103.

The expansion property includes several existing buildings ranging from approximately 8,200 to 57,000 square feet. The site has 376 foot of frontage on 24th Avenue which includes three existing driveways. As part of the Phase I improvement to the site, the driveways are being adjusted. The following request is for a variance to the maximum allowable driveway width and minimum allowable driveway spacing relating to the adjusted driveways.

Prior to the improvements taking place on the site, the existing driveway configuration included one access point close to the western property line and two driveways spaced approximately 60' apart on the eastern end of the frontage. As part of the Phase I improvements, the driveways were redistributed to bring the distance between curb cuts closer to the code minimums. The western and center curb cuts are separated by 90.3' and the center and eastern driveways are separated by 162.2'.

Request:
Per the City of Forest Grove Development Code, 10.8.130.B, the maximum driveway width in Industrial zones is 40'. We are requesting to increase this width to 52' for the center driveway.

Per the City of Forest Grove Development Code 10.8.130.D, the minimum distance between curb cuts is 105 feet where the speed limit is 25 mph. We are requesting to reduce this width to 78.3' between the western and center driveways.

The proposed driveway configuration is shown on the attached plan A0.1.

10.2.720 REVIEW CRITERIA

A. The need for the variance does not result from prior actions of the applicant or owner, or from personal circumstances of or caused by the applicant or owner, such as financial circumstances;

Applicant's response: As noted above, the pre-existing driveways on the site do not meet the required spacing minimums. The improvements undertaken by the Owner are bringing the driveway spacing closer to the minimums even with the requested Variance. The locations of the driveways are a result of the location of the existing buildings and the existing overhead doors.

Old Trapper has been located in Forest Grove for over 40 years and are well established in the community. The availability of Industrial land suitable for the expansion of their facility in Forest Grove is limited. After several years of searching, this property was the only available site they were able to find that was able to meet their needs without relocating out of Forest Grove.

B. To meet the need, the request is the minimum necessary variation from the Code requirement; and

Applicant's response: As noted above, the location of the driveways is based on the existing building configuration. There are three truck access doors on the larger of the existing buildings that will house Old Trapper's distribution warehouse. The location of these doors along the frontage dictate the location of the center curb cut. The proximity of the building to the street requires a wider curb cut to allow truck access to and maneuvering for these existing doors. The 52' is the minimum width needed to allow trucks to use the existing doors for loading access.

The western drive has been moved as far as possible away from the center curb cut to provide the greatest separation possible. The eastern drive has been moved as close to the eastern property line as possible to maximize that spacing.

The large majority of truck and employee access will be at the eastern drive. The center drive will be used solely by trucks accessing the distribution dock. Use of the western drive will be limited to access for the existing tenant space at the southwest corner of the existing building, overflow employee parking and emergency and maintenance vehicle access. Although the use of the drive is limited, it is necessary to be able to maintain this access.

C. The circumstances that apply to the site do not typically apply to other properties in the same vicinity or zoning district and are unique or unusual.

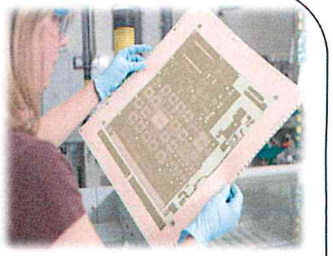
Along the length of 24th Avenue, there are several properties that have curb cuts spaced closer than the 105' stipulated minimum. At the western end of the street, there are three curb cuts within less than 100' of each other. The Henningsen Cold Storage Facility across the street from the Old Trapper site has two curb cuts that are each 52' in width and spaced approximately 100' apart.

The circumstances driving the need for the requested driveway configuration are based on the existing building configuration. Old Trapper's long range plans include replacing the existing building. However development of their new production facility is critical for their ongoing success and therefore, replacing the existing distribution warehouse is not feasible until after the production facility has allowed them to expand their capacity and market share.

EXHIBIT B

SITE PHOTOS, AREA PHOTOS, AND SITE PLANS

FOREST GROVE OREGON



PLANNING COMMISSION MEETING
October 17, 2016

OLD TRAPPER DRIVEWAY VARIANCE REQUESTS
DRIVEWAY WIDTH AND DRIVEWAY SPACING

James Reitz (AICP), Senior Planner

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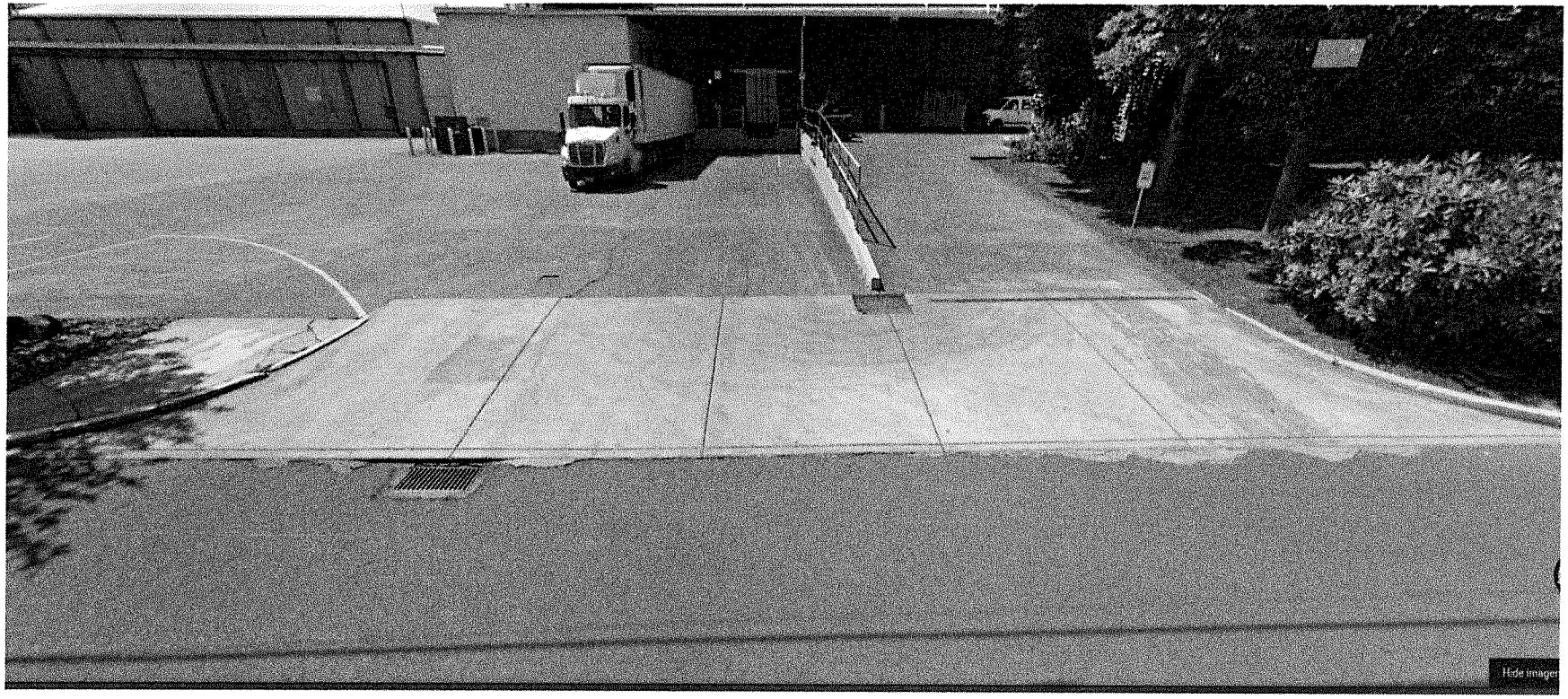
Aerial Site Photo – View to North

Note existing loading docks & drive approaches on both sides of 24th Avenue

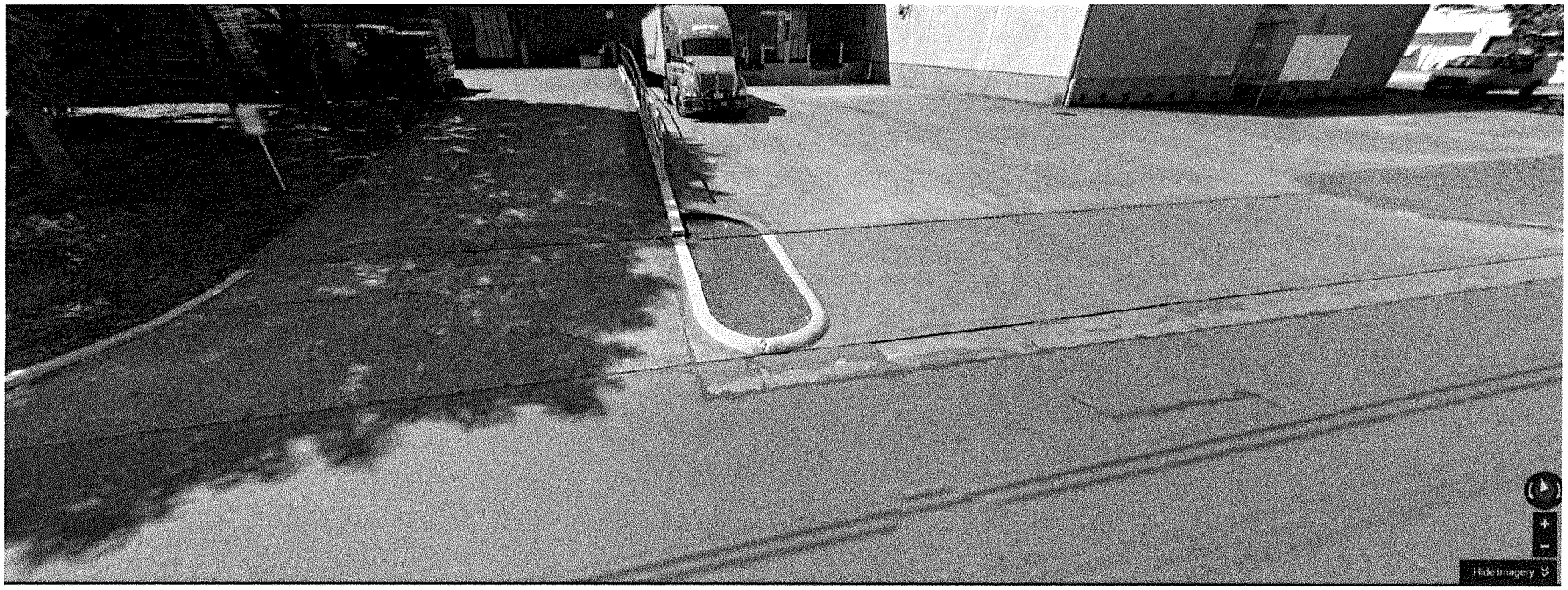
Henningsen Warehouse East Driveway

Driveway width is approximately 52 feet – not counting "wings"



Henningsen Warehouse West Driveway

Driveway width is approximately 66 feet – not counting “wings”



Old Trapper
Existing Loading Dock and Driveway

Driveway width is approximately 42 feet

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Chaucer Foods Driveway

Driveway width is approximately 52 feet – not counting “wings”

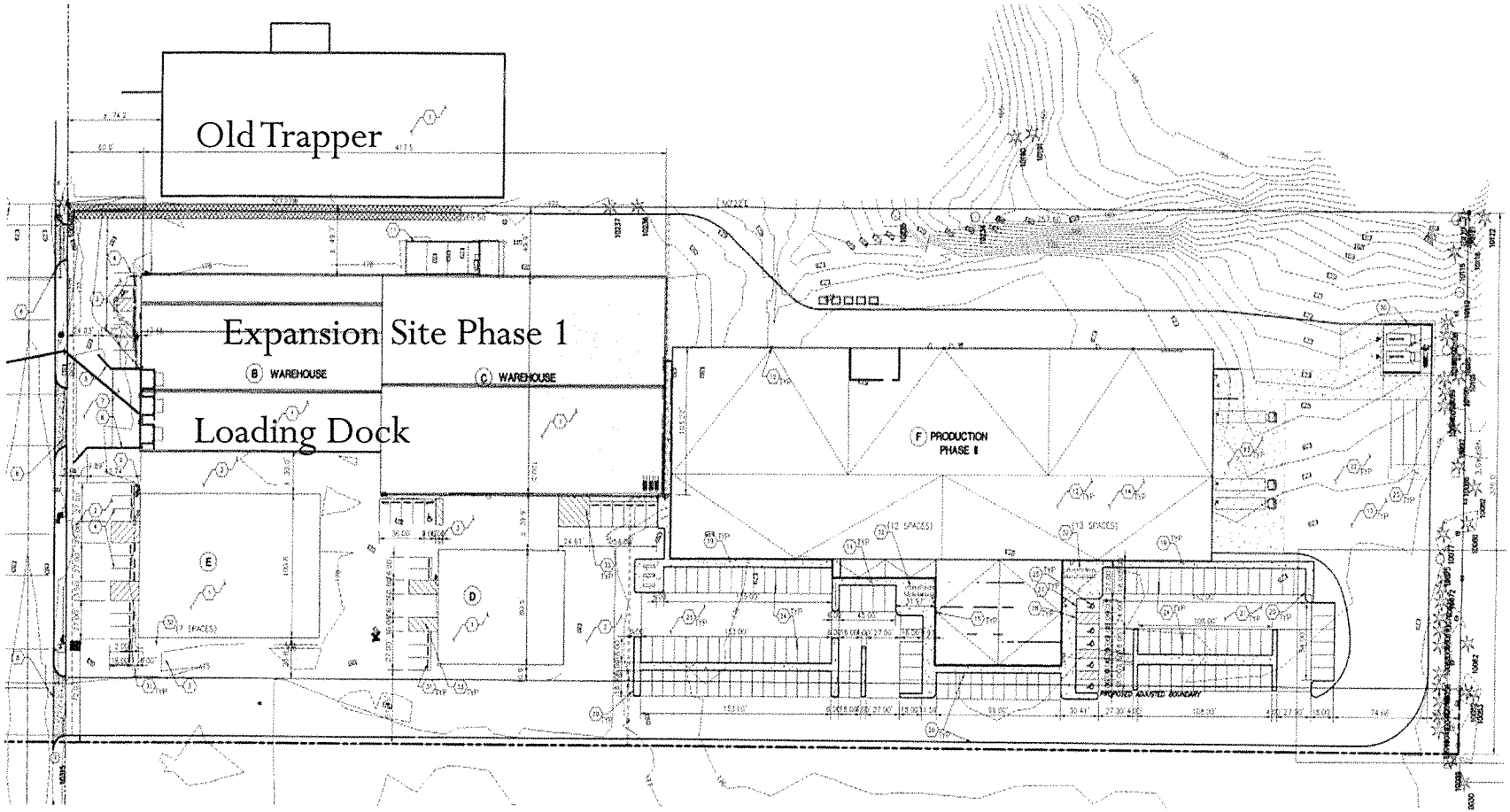
Old Trapper Expansion

West Driveway to be shifted west (to left)

Power pole to be relocated to allow new driveway and unfettered access to the loading docks

Old Trapper

Phase 1 and Phase 2 Site Plan



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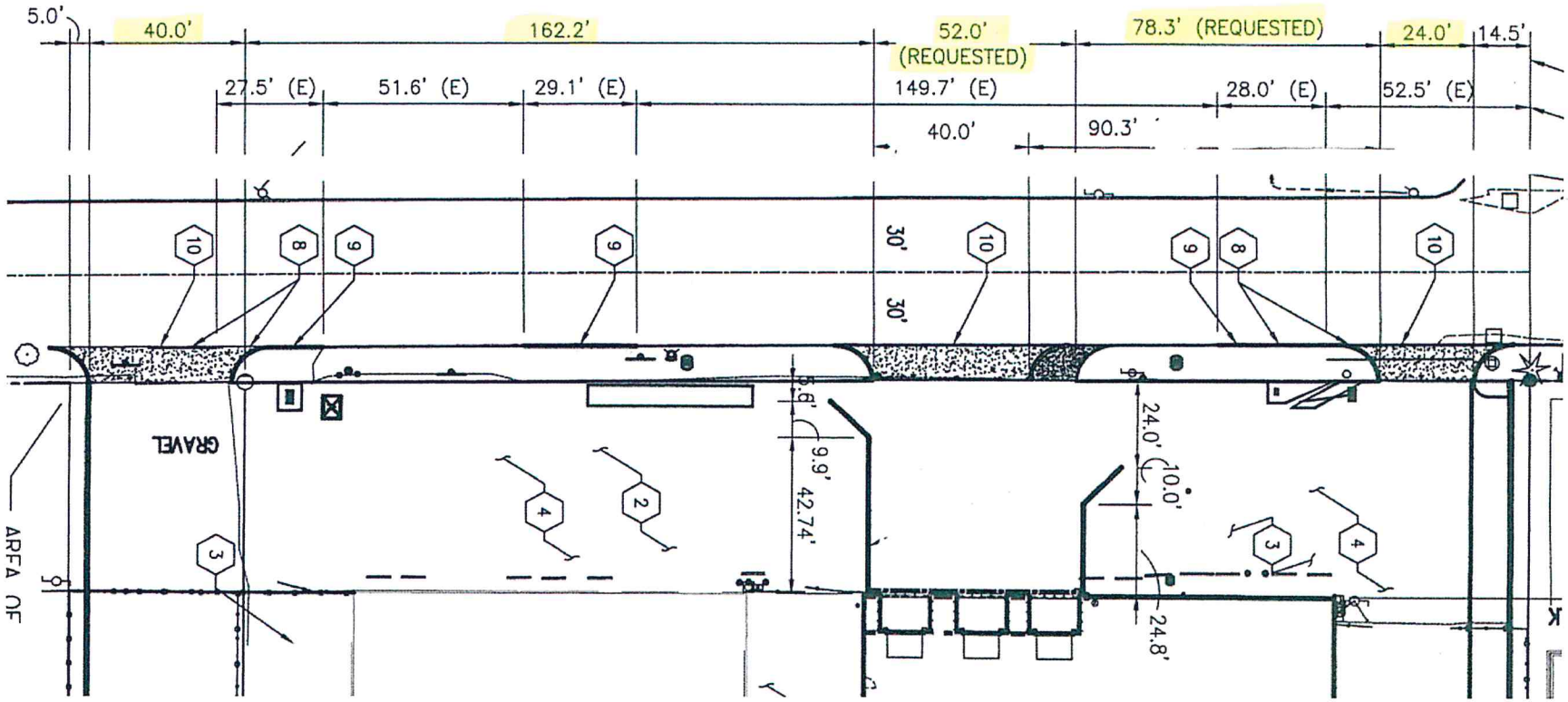
Proposed Driveway Widths and Spacing

← East West →

DC §10.8.130(B) allows 40-foot-wide driveways in industrial zones

DC §10.8130(D) requires at least 105 feet between driveways on collector streets with a posted speed of 25 mph



Loading Dock

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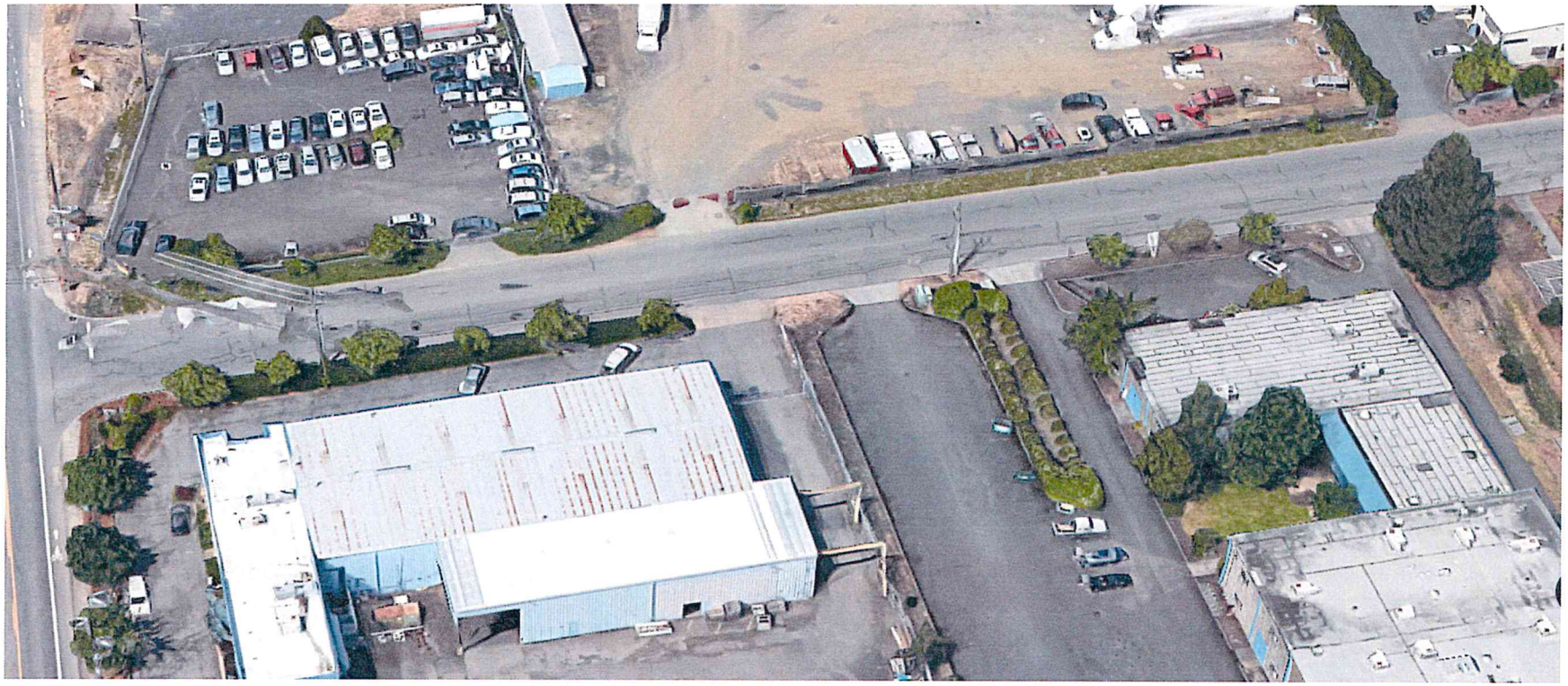
Driveway Spacing

24th Avenue @ Quince Street



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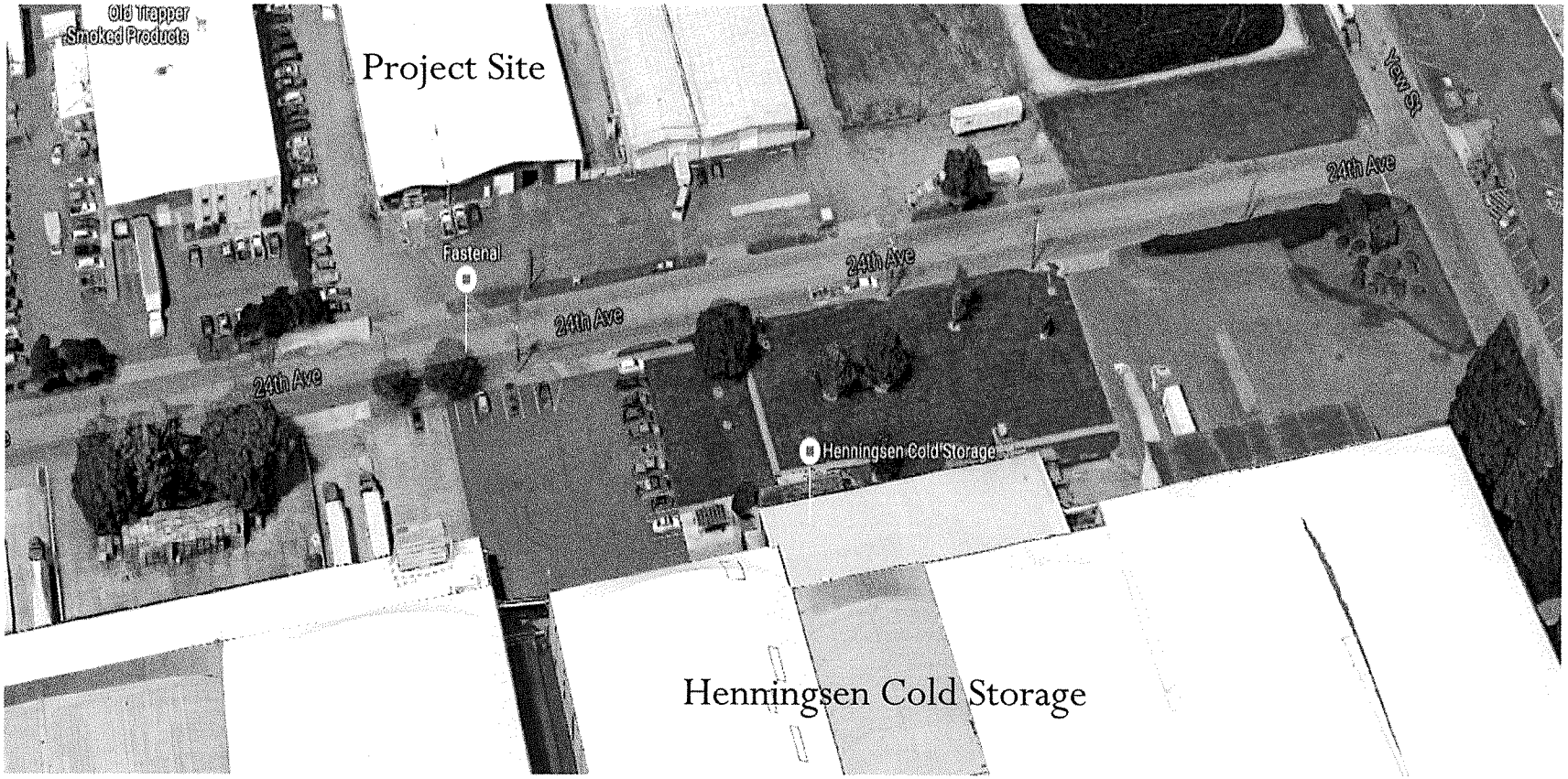
Driveway Spacing

24th Avenue Mid-Block

A place where businesses and families thrive.

Driveway Spacing

24th Avenue @ Yew Street



A place where businesses and families thrive.

Conditional Use Permit
Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE:	October 10, 2016
HEARING DATE:	October 17, 2016
LAND USE REQUEST:	Conditional use permit to remodel an existing building for the purposes of the cultivating, harvesting and packaging cannabis
FILE NUMBER(S):	311-16-000174-PLNG
PROPERTY LOCATION:	4114 Heather Street
LEGAL DESCRIPTION:	Washington County Tax Lot 1S3050000800
OWNER/APPLICANT(S):	Applicant: Progressive Property Management, 220 NW 8th Avenue, Portland, Oregon 97209 Applicant's Representative: AAI Engineering (Beth Zauner), 4875 SW Griffith Drive Suite 300, Beaverton, Oregon 97005 Property Owner: White Oak River, Inc., PO Box 25662, Los Angeles, California 90025
COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS:	Light Industrial (LI) Light Industrial (LI)
APPLICABLE STANDARDS AND CRITERIA:	City of Forest Grove Development Code: §10.2.200 et. seq. Conditional Use §10.2.400 et. seq. Site Development Review §10.3.500 et. seq. Industrial Zones §10.7.200 et. seq. Solid Waste and Recycling §10.8.100 et. seq. Access and Circulation §10.8.500 et. seq. Off-Street Parking and Loading §10.8.1100 et. seq. Marijuana Development Standards
REVIEWING STAFF:	James Reitz (AICP), Senior Planner
RECOMMENDATION:	Staff recommends approval with conditions

I. LAND USE HISTORY

The building proposed for this conditional use permit was constructed for and occupied by Matsushita Electronic Materials (MEM) in 1997. It was the first phase of what was originally conceived to be several circuit board fabrication lines. However, MEM shifted production to other facilities and vacated the building. It has stood vacant since 2005.

The current application is for a conditional use permit to allow for the cultivating, harvesting and packaging of cannabis. Development Code (DC) §10.3.520 Table 3-14 *Industrial Zones – Use Table* lists medical and recreational marijuana produces (indoor) as conditional uses in both the Light Industrial and General Industrial zones. DC §10.2.210 *Procedure* authorizes the Planning Commission to act on a request for a conditional use permit after holding a public hearing pursuant to Type III review procedures.

A neighborhood meeting was held on March 16, 2016 at Echo Shaw Elementary School. The Director required this meeting due to potential concerns by parents of children attending Fern Hill and Neil Armstrong schools, located across Heather Street from the site. The School District provided notice of the meeting on their website. In addition, the City obtained a mailing list for the residents of the Homestead Community Manufactured Home Park (MHP) and provided that to the applicant, along with a mailing list of other property owners and residents within 300 feet of the site. About 60 people came to the meeting. The main concerns expressed were about scent control and security. The applicant's site manager and a security company representative were both present and addressed these issues.

Public notice for this application was mailed to property owners and residents within 300 feet of the site on September 23, 2016, as required by DC §10.1.160. Notice of this request was also provided to the Plans Review Board, and published in the *News Times.*

Comments received from the Plans Review Board pertain to complying with standard building and fire code requirements common for a tenant improvement.

As of the writing of this report, no comments have been received from the public.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Description of Proposal: The proposal would result in the remodeling of a vacant industrial building for the purposes of cultivating, harvesting and packaging of cannabis. No retailing or processing would occur.

Total building coverage is about 120,000 square feet. The proposed use would occupy about 50,000 square feet of the building (approximately 42% of the floor area).The applicant intends to utilize the entire building within the next few years.

There would be up to 34 full-time employees. Access to the facility would be limited to employees and shipping staff during business hours; it would not be open to the public. General hours of operation would be seven days a week between the hours of 6:00 a.m. and 11:00 p.m. Shipping and receiving would occur between the hours of 7:00 a.m. and 8:00 p.m. and would use the existing loading docks located on the west end of the building. There would be about three-to-five deliveries and pick-ups per week.

Product would be stored in locked safes on the premises. It would be moved from the safes only when it is ready for shipment.

"Regular" trash would be disposed of through normal procedures. The application states that excess cannabis material would be composted on-site in an area not visible to the public, and that the composting area would have video monitors operating throughout the day and evening. In a follow-up email received October 10, 2016, the applicant stated that "We are leaning toward not composting on-site and having a third party company come to pick up the waste."

The site is surrounded by a chain link fence topped with barbed wire. Additional security would be provided by a professional security firm. An alarm system would be installed to provide security when the building is unoccupied. In addition, the facility would have video surveillance and recording as required by OLCC.

B. Site Examination: The site has been improved with a building constructed for electronic component manufacturing, employee parking and landscaping. The building and other improvements occupy the northern third of the site. A landscaped berm separates the building site from the Homestead Community MHP located to the east. The balance of the site is in agricultural use. The site is completely surrounded by a chain link fence topped with barbed wire. At its closest point (the northeast corner) the building is located more than 100 feet from the Heather Street right-of-way.

As of the writing of this report, staff has been unable to gain access to the site, due to the security fence and locked gate. From the street, staff has observed that the driveway paving has become cracked and is beginning to fail. Since the site has not been used for a decade, there may be additional deferred maintenance items as well. Staff is therefore recommending a **condition** of approval to require that all defective driveway, car park, and walkways be brought up to standard, in compliance with DC §10.8.110(A) *Continuing Obligation of Property Owner.* Staff is also recommending a **condition** of approval to require that any defective landscaping also be addressed, in compliance with DC §10.8.410(A) *Landscaping – Obligation to Maintain.*

C. Existing Comprehensive Plan Designation and Zoning of Site and Area

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	Light Industrial	Light Industrial	Industrial Plant
North	Light Industrial and Public	Light Industrial and Institutional	Vacant (LI Zone Site), Fern Hill and Neil Armstrong Schools
South	(County) Exclusive Farm Use (EFU)	(County) Exclusive Farm Use (EFU)	Farmland
East	Low Density Residential – Standard (LDR-B)	R-7 Single-Family Residential	Homestead Community MHP
West	Light Industrial	Light Industrial	TTM (a.k.a. Merix) Circuit Board Manufacturer

D. Architecture: Not applicable. The proposed site for the conditional use is an existing building. No exterior construction or façade modification is proposed. Only directional and address signage is proposed.

E. Marijuana Development Standards: Marijuana facilities are regulated by DC §10.8.1100 et. seq. as follows.

General Standards for All Marijuana Facilities (DC §10.8.1100)

A. The application shall demonstrate compliance with the locational requirements of ORS 475B and must maintain State certification at all times.

Applicant's Response: *As proposed and documented, this application and resulting facility will comply with all requirements of ORS Chapter 475B. State Certification will be continuously maintained.*

Finding: Under ORS 475B the marijuana producer licensee must maintain compliance with all applicable State of Oregon licensing requirements. This includes being subject to inspection of licensed premises by state or local government officials to determine compliance with state or local health and safety laws.

Conclusion: This standard would be met through State of Oregon licensing requirements.

B. Marijuana-related activities are prohibited on publicly-owned lands.

Applicant's Response: *The project is privately owned.*

Finding: The subject property is privately owned.

Conclusion: This standard has been met.

C. Entrances and off-street parking areas shall be well-lit and not visually obscured from public view / right-of-way. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances. Interior building lighting, exterior building lighting and parking area lighting shall be of sufficient foot-candles and color rendition so as to allow the ready identification of any individual at a distance of no less than forty (40) feet. Exterior lighting shall be provided in accordance with required security measures and shall be continuously maintained.

Applicant's Response: *Security lighting and direct sight-lines between the parking and entrance will be provided. Exterior maintenance will be performed to perpetuate these features.*

Finding: No detail was provided regarding proposed lighting, but lighting already exists in the car park, entry and shipping areas. Additional lights are located on all building elevations.

Finding: At its closest point, the building is located more than 100 feet from the Heather Street right-of-way. The building entrance is located even farther away

from the street. Existing landscaping completely obscures visibility of the building entrance and car park from the street right-of-way.

Conclusion: If the Planning Commission determines that a clear line of sight from the street to the building entrance is necessary, then it will need to adopt a **condition** of approval that landscaping be trimmed or removed so as to provide sight lines from Heather Street into the car park and building entry.

D. The facility must provide for secure disposal or render impotent marijuana remnants or by-products, or items with marijuana residue of any kind.

Applicant's Response: *Per the OLCC Marijuana Business Operation Plan, any excess cannabis material will be composted on site, inside the license premise. On-site composting will comply with state requirements. The on-site composting area will have 24/7 video recorded monitoring, and will not be visible from any public area.*

Finding: The application demonstrates compliance with this standard.

Conclusion: This standard is met.

E. All hazardous materials shall be stored and processed in a manner approved by the City Fire Marshal. Hazardous waste shall be disposed of properly through a properly licensed solid waste disposal or recycling facility.

Applicant's Response: *If any hazardous materials are ever used, it will be taken directly to a DEQ approved facility. (All proposed products and inputs are non-hazardous).*

Finding: The application is only for an indoor marijuana production facility. No processing is proposed which would use hazardous materials. Staff is unaware of proposed storage of hazardous materials requiring review by the City Fire Marshal.

Conclusion: This standard is not applicable to an indoor marijuana production facility.

F. A pre-application conference and conditional use approval (§10.2.200 et. seq.) is required for any marijuana producer, processor, wholesaler, or testing laboratory. A neighborhood meeting may be required as part of the pre-application process pursuant to §10.2.200 et. seq.

Applicant's Response: *Two pre-application conferences were held for this application, the most recent to address this conditional use application. A neighborhood meeting was held on March 16, 2016 at 6 pm, at Echo Shaw Elementary School cafeteria.*

Finding: Pre-application conferences were held on February 10 and July 27, 2016.

Finding: A neighborhood meeting was held on March 16, 2016 at Echo Shaw Elementary School. The Director required this meeting due to potential concerns by parents of children attending Fern Hill and Neil Armstrong schools. The

School District provided notice of the meeting on their website. In addition, the City obtained a mailing list for the residents of the Homestead Community MHP and provided that to the applicant, along with a mailing list of other property owners and residents within 300 feet of the site. About 60 people attended the meeting. The main concerns expressed were about scent control and security. The applicant's site manager and a security company representative were both present and addressed these issues.

Conclusion: This standard has been met.

G. The City shall not issue any other permit for development until final conditional use approval has been granted.

Applicant's Response: *Although the building permit application will be submitted prior to final conditional use approval, it is understood that the building permit will not be issued until the land use decision is rendered.*

Finding: The building permit application was filed on October 3, 2016. The applicant is aware that no development permits will be issued until final conditional use approval has been granted.

Conclusion: This standard is met.

H. Any person or property in violation of §10.8.1100 et. seq. is subject to abatement and assessment by the City under the abatement procedures of Municipal Code §§5.270 through 5.290.

Applicant's Response: *This is understood.*

Finding: This standard addresses future compliance and does not apply to the conditional use permit application.

Conclusion: This standard is not applicable.

Medical Marijuana Dispensaries and Marijuana Retailers (DC §10.8.1110)

This section is not applicable, as the application is not for either a medical marijuana dispensary or marijuana retailer.

Development Standards for Other Marijuana Facilities (DC §10.8.1120)

The following requirements apply to marijuana-related wholesaler, processing, producers, and testing laboratories.

A. 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. Views into a production or processing area or testing laboratory from the exterior of a building are prohibited.

Applicant's Response: None.

Finding: The marijuana production facility would be located in an existing building. No outdoor storage of merchandise, raw materials, or other material associated with the facility is proposed.

Conclusion: This standard is met.

B. Public access to a marijuana facility shall be limited to employees, personnel, and persons over the age of 21 legally authorized to conduct business with the operator.

Applicant's Response: *Access to the facility will be restricted and in no instance shall individuals under the age of 21 be allowed onto the premises (photo identification will be checked).*

Finding: This standard will be met through State of Oregon licensing requirements.

Conclusion: The applicant's response demonstrates compliance with this standard.

C. All, producers, processors, wholesalers, and testing laboratories shall provide a method to control odors. Such facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. The systems shall include the following features:

1) Installation of activated carbon filters on all exhaust outlets to the building exterior; and
2) Location of exhaust outlets a minimum of 10 feet from the property line; 3 feet from exterior walls; and 10 feet above finished grade; and
3) Maintenance of negative air pressure within the facility; or
4) An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

Applicant's Response: *An activated carbon filter will be placed on all exhaust outlets to the building exterior. Said outlets will be located as required above and a negative air pressure will be maintained within the facility.*

Finding: The applicant proposes the installation of an odor control system consistent with City requirements.

Conclusion: This standard is met.

Other Development Code Provisions

A. Traffic and Circulation: The site abuts and takes access from Heather Street, just east of Mountain View Lane. Both are designated Collector streets on the Forest Grove Transportation System Plan. The Heather Street frontage adjacent to the site has been fully improved to City standards.

There may be a slight increase in traffic volume to and from the site simply due to the reoccupation of the building, but due to the limited number of employees (34) spread over two shifts, traffic impacts would be negligible.

B. Parking: For the MEM building, DC §10.8.515 *Off Street Parking Requirements* required a minimum of 1.6 off-street parking spaces per 1,000 square feet of gross floor area, resulting in the construction of 56 spaces. For this application, 2.5 off-street parking spaces would be required per 1,000 square feet of sales area, but not less than four spaces. As no sales area is proposed, the minimum number of off-street spaces required would be four.

With 56 existing off-street parking spaces available, and an anticipated 34 employees working over two shifts, staff concludes that the current parking supply is adequate, and no conditions of approval are necessary.

C. Compatibility: The neighborhood exhibits a variety of uses: single-family, institutional, and industrial, all within a two block radius of the site.

The cultivating, harvesting and packaging of cannabis would occur entirely indoors with appropriate measures taken to ensure odor and access control. The traffic generated by only 34 employees would be negligible. The building is set back more than 100 feet from the Heather Street right-of-way and the area between the building and the street is heavily landscaped. Furthermore, a landscaped berm exists between the building and the Homestead Community MHP, thus obscuring the view into the site by those residents. Because the building is situated so far from adjoining uses, is not readily visible from either school or the street, and the use would generate minimal traffic, staff concludes that the application would be compatible with the neighborhood.

D. Environmental Quality: There is no City record of any prominent environmental conditions. Because the proposed use would occupy an already-constructed building, no public utility improvements to address environmental quality requirements are necessary.

E. Public Services: The site has existing utility connections. All utilities (water, storm drainage, sewer, and power) are available. Capacities are adequate to serve the proposed use. Police, fire, and sanitation services are available and are also adequate to serve the proposed use.

III. APPROVAL CRITERIA, FINDINGS AND ANALYSIS

Development Code §10.2.220 *Review Criteria* requires that the Commission find that the proposal complies with the following criteria:

(A) Physical Compatibility

1. The proposed use will be compatible with adjacent developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or;

Applicant's Response: *This project proposes a change of use for an existing building. The Matsushita building was built in the 1990s, and the property has been vacant since 2005. At the time the building as built, setback, building scale and style were all considered compatible with the surrounding community.*

The proposed project will not affect the basic physical compatibility of the facility. It will however provide significant up-grades to deteriorating site conditions such as the landscape, existing sidewalks and curbing, which will bring these elements up to current code standards. These site renovations and improved general maintenance of the facility will result in a much more visually compatible facility overall.

Finding: The applicant would occupy an existing building. No additions or exterior changes are proposed.

Finding: Because of the site's proximity to Fern Hill Elementary and Neil Armstrong Middle schools, the Director required that the applicant host a neighborhood meeting, to learn of any neighborhood concerns. The meeting was held on March 16, 2016 at Echo Shaw Elementary School. Notice of this meeting was posted on the School District website. In addition, the City obtained a mailing list for the residents of the Homestead Community MHP and provided that to the applicant, along with a mailing list of other property owners and residents within 300 feet of the site. About 60 people attended the meeting. The main concerns expressed were about scent control and security. The applicant's site manager and security company representative were both present and addressed these issues.

Finding: Odor would be controlled consistent with City requirements.

Finding: The site is surrounded by a chain link fence topped with barbed wire. The only point of entry would be the main gate on Heather Street. Operations would occur within a well-secured building with controlled access.

Finding: The building is well set back from the property line and the area between the building and the street is heavily landscaped, such that the building entrance is not visible from Heather Street.

Finding: Only directional loading, office entry and address signage is proposed; there would be no "advertising" signage.

Finding: The building and site have been unoccupied for a decade, and the existing improvements are showing signs of deferred maintenance. Staff has proposed two conditions of approval: 1), to require that all defective drive aisles, the car park and walkways be brought up to standard, and 2) that all defective landscaping be brought up to standard.

Conclusion: With the conditions noted above, this project would be compatible with adjacent developments.

2. **The proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping and other design features.**

Applicant's Response: *No exterior alterations are proposed with the change in use. Therefore, there is nothing to mitigate. However, the project site will be brought up to code standards with regard to the landscape and overall maintenance of the site.*

Finding: The applicant would occupy an existing building. No additions or exterior changes are proposed, therefore there would be no change in the building's exterior appearance, scale or setbacks.

Finding: The building and site have been unoccupied for a decade, and the existing improvements are showing signs of deferred maintenance. Staff has proposed two conditions of approval: 1), to require that all defective drive aisles, the car park and walkways be brought up to standard, and 2) that all defective landscaping be brought up to standard.

Conclusion: With the conditions noted above, this project would be compatible with adjacent developments.

(B) Public Services

1. **The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety; and**

   Applicant's Response: *The proposed change in use will not significantly impact the surrounding public transportation facilities. The existing parking lot provides a total of 56 parking spaces. The proposed use only requires 4 spaces, which would indicate a reduction in transit use.*

   Finding: The site abuts and takes access from Heather Street, just east of Mountain View Lane. Both are designated Collector streets on the Forest Grove Transportation System Plan. The Heather Street frontage adjacent to the site has been fully improved to City standards.

   Finding: There may be a slight increase in traffic volume to and from the site simply due to the reoccupation of the building, but due to the limited number of employees (34) spread over two shifts, traffic impacts would be negligible.

   Conclusion: Due to the limited number of staff that the applicant will employ, this project would not have any significant adverse impacts on the transportation system.

2. **Public services for water supply, sanitary sewer, storm water disposal, police and fire protection are capable of serving the proposed use and previously approved uses.**

   Applicant's Response: *The public utilities (water, sewer, storm) will use existing connections at a similar rate of use. Police and fire protection services will not be impacted by the use change as the project proposes current code fire standards and will have private, 24 hour security system monitoring.*

   Finding: The site has existing utility connections. All utilities (water, storm drainage, sewer, and power) are available. Capacities are adequate to serve the proposed use.

Finding: Police, fire, and sanitation services are available and are also adequate to serve the proposed use.

Conclusion: The project would be fully compliant with the Public Services criteria.

(C) Livability

The proposed conditional use will not have significant adverse impacts on the livability of nearby lands due to:

1. Noise, glare from lights, late-night operations, odor, and litter; and

Applicant's Response: *The proposed use will not create significant levels of noise, glare, or litter. Odors associated with the production of marijuana will be controlled with the installation of activated carbon filters on all exhaust outlets to the building exterior.*

Finding: "Regular" trash would be disposed of through normal procedures. Excess cannabis material would be composted on-site. The composting area would have video monitors operating throughout the day and evening, and would not be visible from any public area. In the alternative, a third-party company may be contracted to remove cannabis waste from the site.

Finding: No late night operations are proposed. General hours of operation would be seven days a week between the hours of 6:00 a.m. and 11:00 p.m. Shipping and receiving would occur between the hours of 7:00 a.m. and 8:00 p.m. and would use the existing loading docks located on the west end of the building, on the opposite side of the building from the nearest residential area.

Finding: To control odors, an activated carbon filter will be placed on all exhaust outlets to the building's exterior, and a negative air pressure will be maintained within the facility.

Finding: The site already has lighting in place. No new lights are proposed or appear necessary.

Finding: The building would be occupied over two shifts only; no graveyard shift is proposed. All activities would occur within the building. Some noise may be evident while staff is arriving and departing, but this noise is expected to be transitory and minimal. Other noise may be generated during shipping, but the loading docks are located on the opposite side of the building from the nearest residences, and faces away from them.

Conclusion: This project would not have any significant adverse impacts on the livability of nearby lands.

2. Privacy and safety issues.

Applicant's Response: *Security and safety for Marijuana Production facilities is heavily regulated and monitored by OLCC, "Marijuana Business Operating*

Plan". Please refer to the attached form for scope and details of security requirements and protocol.

Finding: The site is entirely surrounded by a chain link fence topped with barbed wire. The site will be well-lit and a video surveillance and monitoring system installed.

Finding: Privacy of the adjacent residences should not change, since activities would be entirely enclosed, and there would be far fewer employees than were present when MEM occupied the building.

Finding: A landscaped berm separates the building site from the Homestead Community Manufactured Home Park (MHP) located to the east, which blocks views into Homestead from the site.

Conclusion: The project would be fully compliant with the Livability criteria.

IV. ALTERNATIVES

The Planning Commission may approve as submitted, approve with conditions, continue deliberations to a date certain, or deny this request.

V. RECOMMENDATION

Based on the information provided in the application and the findings above, staff recommends approval of the application for a conditional use permit for the proposed Forest Grove School District vocational and life skills facility, with the following conditions:

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.

2. The applicant shall comply with all applicable City building and development standards, including all dimensional standards and public works specifications.

3. All defective driveway, car park, and walkways shall be brought up to standard, in compliance with DC §10.8.110(A) *Access and Circulation - Continuing Obligation of Property Owner.*

4. All defective landscaping shall be brought up to standard, in compliance with DC §10.8.410(A) *Landscaping – Obligation to Maintain.*

5. To improve sight lines, landscaping between the street and the car park and building entrance shall be trimmed or removed.

VI. LIST OF EXHIBITS

The following exhibits were received, marked, and entered into the record as evidence for this application at the time this staff report was written. Exhibits received after the date of this report will be marked 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 Conditional Use Permit narrative and application materials, prepared and submitted by the applicant

Exhibit B Site Photos

EXHIBIT A

CONDITIONAL USE PERMIT NARRATIVE AND APPLICATION MATERIALS, PREPARED AND SUBMITTED BY THE APPLICANT

Matsushita Remodel

Conditional Use Application

Prepared for:
City of Forest Grove, Community Development Department
1924 Council Street
Forest Grove, Oregon 97116

Prepared by:
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August 2016
A16102.11

Matsushita Remodel

Conditional Use Application

Summary

PROJECT LOCATION and EXISTING CONDITIONS AERIAL

The property is located in the City of Forest Grove at 4114 Heather Street. The property is zoned LI (Light Industrial). More specifically, the property is located on 1S30500 Tax Lot #00800. The total site area is 12 acres in size. The project falls under the jurisdictions of the City of Forest Grove and CWS. Please refer to the attached Existing Conditions Aerial for specific locations of existing site elements.

PROJECT PROPOSAL (*)

The project proposes the renovation and remodel of the existing building and a change of use to agriculture. The facility will be used to cultivate, harvest and package Cannabis. The facility will not be a retail outlet and will not be open to the public. General hours of operation will be 7 days a week, 6am – 11pm. Access to the facility will be restricted and in no instance shall individuals under the age of 21 be allowed onto the premises. (photo identification will be checked).

Building Occupancy, Use and Load. The former building occupancy was B-2 which was classified by code at the time as the equivalent top F-1 (factory) and B (office). The proposed occupancy is F-1 and B, as such, there is no change in occupancy proposed. The Building Use will be changing from Industrial to Agricultural. The occupancy load for the portion of the building that we are proposing the work for is decreasing from 567 occupants to 254 occupants.

Employees: The project anticipates having 34 full time employees. All employees will obtain marijuana worker permit from the OLCC/State of Oregon as required by law.

Full Time Employees:

- One operations manager (Margot Wheeler) – Responsible for compliance, operations, supply chain logistics, sales, and employee management.
- 3 apprentice grower/assistant manager – Assist in operations management, manage personnel.
- 10 full time designated Gardeners – shifts will be 8.5 hours including breaks & meal during operational hours. They will be responsible for all live plant care.
- 15 -20 Trimmers - To be hired once crop cycles begin to turn over (4-6months after start of plant growth/license approval), to trim dried marijuana. Trimming hours will be from 7am-11pm daily.

Daily activities: Daily activities at the site will include the following.

- Watering: Gardeners will mix nutrients and water together in large barrels. They will use a pump and attached hose to water each plant individually. Runoff will be caught in an individual tray beneath the plant. This water is then absorbed back into the root system.
- Labeling & Tracking: RFID tracking chips are required for each plant and will be attached to each cannabis plant. Tracking will be recorded and monitored by management.
- Manicuring Live Plants: Gardeners will groom the plants as they grow, disposing of excess foliage into compost. This is part of plant maintenance.
- Cloning (Propagation): Gardeners will take cuttings from vegetative plants to put into a "clone Machine". A tub filled with water that sprays the base of each cutting. The cuttings will remain in the clone machine until roots are fully established on each clone.
- Spraying: Spraying will be done once per week or less. Gardeners will fill a designated spray can and drench each cannabis plant. This will be done in the dark with only green lights. Plants will have to dry before the lights are turned back on. Spray is non-toxic, non GMO, Old Stage Green Cleaner.
- Deleafing Plants: When plants are ready to harvest, Gardeners will remove all the large leaves and put them into compost.
- Transplanting: During the vegetative growth cycle, plants will be removed from small grow bags, and put into more dirt into larger bags up to 10 gallon bags by Gardeners.
- Cutting and Hanging Plants: After plants are deleafed, they are cut from the root ball, the roots are then composted and the plant is then hung upside down to dry. Grow bags are then reused and the root ball is composted.
- Trimming Plants: Trimmers will sit together at a table and trim the excess foliage off the buds of the plant, place the buds with the batch that will be tested and packaged, and put the stems into compost. The excess foliage will then be placed in bags and sent to a processor.
- Packaging: Bulk product will be placed in tamper-evident bags by Trimmers and stored in safes until a sale is arranged.

Harvest schedule: The following is the typical growing schedule.

Cloning phase – 1 – 4 weeks (24 hours of lights)
Vegetative phase – 1 – 3 months (Lights on 18 hours per day)
Flowering phase – 8 – 9 weeks (Lights on 12 hours per day)
Drying phase – 0 – 2 weeks

Supplies: Supplies may be delivered to the site Monday - Sunday, between 7am-8pm. Said supplies will be delivered by professional suppliers in commercial trucks, varying in size from a standard pick up truck to a semi- truck. All unloading will be done discretely with trucks backing into roll up bay doors in the loading area located on the west side of the building.
None of the supplies include hazardous materials. Standard anticipated supplies include the following:

- Growing supplies: Soil on pallets, 55 gallon drums of organic nutrients, non-toxic spray for pest abatement, fabric grow bags, garden stakes, garden ties,
- Hardware supplies: light system with ballast, timers, bulbs, electronic controllers, water pumps, fans, exhaust fans, carbon filters, ducting, clippers, sprayers, measuring cups, hoses, sprayer heads. RFID tags,
- Processing supplies: Boxes, bags, trimming bins, scissors, gloves, isopropyl alcohol to clean tools, labels

Product storage: Product ready for sale will be stored in safes on the premises. Only select personnel will have access to the finished product. Product will be moved from safe storage to loading area for deliveries.

Product Pick-up/Delivery: Product transportation will be done by our company or selected vendors which will pick up packaged product from our facility. All vehicles will be discrete and use our loading/unloading area. Product will be loaded into vehicles and driven to licensed wholesalers, dispensaries, and processors. All aspects of the OLCC 'Marijuana Business Operation Plan' Section 8 - Transportation will be complied with explicitly. Vehicles will include regular cars and trucks, as well as, armored trucks.

Laboratory Testing: Our certified laboratory will pick-up samples from each batch of product to be taken off site for testing. At this time, product of the corresponding batch will be put into tamper-evident packaging and stored in our safes until results are available and a sale is arranged.

Waste removal: Any regular (non-cannabis) trash will be disposed through regular garbage service. Any excess cannabis material will be composted on site. On-site composting will comply with state requirements. The on-site composting area will have 24/7 video recorded monitoring, and will not be visible from any public area. If any hazardous materials are ever used, it will be taken directly to a DEQ approved facility. (All products and inputs are non-Hazardous)

Security. The security of the facility will be professionally handled by CannaGuards Security. CannaGuards Security will install, maintain and monitor an alarm system that is activated as all times that the business is closed. The system will detect unauthorized entrance at all entry or exit points, and all exterior windows. It will also detect movement in indoor area. The alarm system will be armed as the last person of the day leaves. The General Manager will automatically be notified if the alarm system is not armed after a specific time, and he or she will be able to arm the system remotely. Furthermore, at least two panic buttons will be installed and available for employees to access. These buttons will be placed within reach of personnel as recommended by CannGuard security. Once pressed, these panic buttons will immediately send text and email alerts to all parties.

Access to the facility during business hours will be limited to employees and transport staff. All marijuana items located within the facility will be kept in a locked, enclosed area that is secured with a door that contains a commercial grade auto relocking device.

The facility will also have video surveillance and recording as required by the OLCC. Video surveillance equipment for this facility will include video recorder cameras which continuously record 24 hours a day in all areas will marijuana items. There will be a battery backup to the video recording equipment capable of supporting one hour of recording.

(*) Please note that the above information should only be used for the processing of this application. Safety and surveillance measures as well as staffing and hours should not be made public, for the sake of security.

Applicable Standards
The following Standards and Regulations have been addressed within this Narrative.

Forest Grove Community Development Code

Article 2 LAND USE REVIEWS - CONDITIONAL USE
10.2.200 Purpose
    10.2.210 Procedure
    10.2.220 Review Criteria

Article 3 ZONING DISTRICTS
10.3.500 Industrial Zones
    10.3.520 Use Regulations

Article 8 GENERAL DEVELOPMENT STANDARDS
10.8.400 Landscaping, Screening, and Buffering
    10.8.415 General Standards
    10.8.425 Buffering and Screening Standards
10.8.500 Off-Street Parking and Loading
    10.8.505 Applicability
    10.8.510 General Provisions
    10.8.515 Off-Street Parking Requirements
    10.8.535 Off-Street Loading Space
    10.8.540 Bicycle Parking
    10.8.545 Landscaping and Screening of Parking and Loading
10.8.700 Building Design and Development Standards
    10.8.750 Lighting Standards
    10.8.755 General Provisions
10.8.800 Signs
10.8.110 Marijuana Development Standards/General Development Standards for all Marijuana Facilities
    10.8.1130 Other Marijuana Facilities

Article 12 USE CATAGORIES AND DEFINITIONS
10.8.150 Other Use Category

CODE REVIEW

ARTICLE 2

LAND USE REVIEWS - CONDITIONAL USE

10.2.200 PURPOSE

10.2.210 PROCEDURE

Conditional uses are reviewed under a Type II or Type III procedure. In addition to the requirements of this section, Conditional Uses are required to meet applicable site plan and design review requirements of this code (a separate application and fee is not required).

A. New Conditional Use. A request for a new conditional use is reviewed under Type III procedures.

RESPONSE: This project requires a Conditional Use application.

10.2.220 REVIEW CRITERIA

All of the following criteria must be met for approval of a new conditional use, or the major modification of an existing conditional use:

A. Physical Compatibility

1. The proposed use will be compatible with adjacent developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or

RESPONSE: This project proposes a change of use for an existing building. The Matsushita building was built in the 1990s, and the property has been vacant since 2005. At the time the building was built, setbacks, building scale and style were all considered compatible with the surrounding community.

The proposed project will not affect the basic physical compatibility of the facility. It will however provide significant up-grades to deteriorating site conditions such as the landscape, existing sidewalks and curbing, which will bring these elements up to current code standards. These site renovations and improved general maintenance of the facility will result in a much more visually compatible facility overall.

2. The proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping, and other design features.

RESPONSE: No exterior alterations are proposed with the change in use. Therefore, there is nothing to mitigate. However, the project site will be brought up to code standards with regard to the landscape and overall maintenance of the site.

B. Public Services

1. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety; and

RESPONSE: The proposed change in use will not significantly impact the surrounding public transportation facilities. The existing parking lot provides a total of 56 parking spaces. The proposed use only requires 4 spaces, which would indicate a reduction in transit use.

2. Public services for water supply, sanitary sewer, stormwater disposal, police and fire protection are capable of serving the proposed use and previously approved uses.

RESPONSE: The public utilities (water sewer storm) will use existing connections at a similar rate of use. Police and fire protection services will not be impacted by the use change as the project proposes current code fire standards and will have private, 24 hour, security system monitoring.

C. Livability

The proposed conditional use will not have significant adverse impacts on the livability of nearby lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

RESPONSE: The proposed use will not create significant levels of noise, glare, or litter. Odors associated with the production of marijuana will be controlled with the installation of activated carbon filters on all exhaust outlets to the building exterior.

2. Privacy and safety issues.

RESPONSE: Security and safety for Marijuana Production facilities is heavily regulated and monitored by the OLCC, 'Marijuana Business Operating Plan'. Please refer to the attached form for scope and details of security requirements and protocol.

ARTICLE 3

ZONING DISTRICTS

10.3.500 INDUSTRIAL ZONES

10.3.520 USE REGULATIONS

Table 3-14 Industrial Zone Use Table

RESPONSE: Medical and Recreational Marijuana Produces, (indoor) is a Conditional Use in the LI zone.

ARTICLE 8

GENERAL DEVELOPMENT STANDARDS

10.8.400 LANDSCAPING, SCREENING AND BUFFERING

10.8.415 GENERAL STANDARDS

A. Non-invasive native vegetation is encouraged to be used for all landscaping except within 100 feet of a natural resource area. In such situations, native vegetation is required.

RESPONSE: Dead and dying landscape materials will be replaced with non-invasive species. Existing invasive materials will be removed, including the extensive blackberry outcroppings.

C. Required Landscaping Adjacent to Public Rights-Of-Way -- A strip of land at least 5 feet in width located between the abutting right-of-way and the off-street parking area or vehicle use area which is exposed to an abutting right-of-way, except in required vision clearance areas.

RESPONSE: The existing parking area is located well within the site, removed physically and visually from the Heather Street right-of-way.

D. Perimeter Landscaping Relating to Abutting Properties -- On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, where such areas will not be entirely screened visually by an intervening building or structure from abutting property, a 5-foot landscaped strip shall be between the common lot line and the off-street parking area or other vehicular use area exposed to abutting

property. Landscaped areas should include where possible water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material so as to cover the landscape area.

RESPONSE: The existing parking / loading areas are not located within 5-feet of the interior property line. No water quality or bio-swales exist or are proposed at this time.

E. Parking Area Interior Landscaping -- Landscaped areas shall be appropriately distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. Except for industrial development within industrial zones, the following interior landscaping shall be met:

RESPONSE: The project site is within an industrial zone, therefore interior parking are landscape standards do not apply. However, it is worth noting that the existing parking lot does provide interior parking lot landscaping.

10.8.425 BUFFERING AND SCREENING STANDARDS

B. Buffering and Screening Requirements

1. A buffer consists of an area within a required setback adjacent to a property line and having a depth equal to the amount specified in the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses.

2. Utilities, screening, sidewalks and bikeways, and landscaping may only occupy a buffer area. No buildings, accessways or parking areas shall be allowed in a buffer area except where an accessway has been approved by the City.

RESPONSE: Significant spatial buffers currently exist on the property. Please refer to the Existing Conditions Aerial.

3. The minimum improvements within a buffer area shall consist of combinations for landscaping and screening as specified in Tables 8-2, 8-3 and 8-4. In addition, improvements shall meet the following specifications:

a. At least one (1) row of trees shall be planted. They shall have a minimum caliper of two (2) inches at four (4) feet in height above grade for deciduous trees and a minimum height of five (5) feet high for evergreen trees at the time of planting. Spacing for trees shall be as follows:

1. Small or narrow-stature trees, less than twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than twenty (20) feet apart;

2. Medium-sized trees between twenty-five to forty (25-40) feet tall and with sixteen to thirty-five (16-35) feet wide branching at maturity shall be spaced no greater than thirty (30) feet apart;

3. Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be spaced no greater than forty (40) feet apart.

b. In addition, at least ten (10) five-gallon shrubs or twenty (20) one-gallon shrubs shall be planted for each 1,000 square feet of required buffer area;

c. The remaining area shall be planted in lawn or other living ground cover.

RESPONSE: All dead and dying plant materials will be replaced.

4. Where screening is required the following standards shall apply in addition to those required for buffering:

RESPONSE: All dead and dying plant materials will be replaced.

5. Buffering and screening provisions shall be superseded by the clear vision area requirements as set forth in Section 10.8.150.

RESPONSE: Clear vision areas will be respected and maintained at all vehicular intersections. This will include removal of over grown plant materials.

7. Fences and Walls

RESPONSE: Currently the site is fenced and gated with a chain link fence. This fencing will remain and may be improved as needed for facility security.

C. Screening: Special Provisions

1. Screening and Landscaping Of Parking and Loading Areas.
2. Screening of Service Facilities.
3. Screening of Refuse Containers.

RESPONSE: Existing screening will be restored as needed.

D. Buffer Matrix

There are no buffers required between LI and other Industrial uses. Buffering between LI and Residential is a type E buffer. There are 2 options for the E type buffer.

1. 30-foot width, 10' minimum / 20' maximum tree spacing per LF/ shrubs / 6' hedge or fence.
2. 25-foot width, 10' minimum / 20' maximum tree spacing per LF/ shrubs / 5' earthen berm or wall.

RESPONSE: Residential property abuts the west side of the property. The existing building is setback approximately 349-feet from this property line. Furthermore, a landscaped, earthen berm, approximately 6-feet in height, also exists within this area. As with the rest of the site, dead or dying plant materials will be removed and replaced within the bermed area.

10.8.500 OFF-STREET PARKING AND LOADING

10.8.505 APPLICABILITY

C. Change of Use. When an existing structure is changed from one use to another as listed in this section, the following provisions shall apply:

3. Where the change results in a decrease in intensity of use, the applicant may eliminate excess vehicle parking spaces in an amount equal to the difference between the number of spaces required for the existing use and the number of spaces required for the less intensive use

RESPONSE: As detailed below, the proposed use will result in a decrease of required parking. However, no changes to the current parking lot are proposed at this time.

10.8.510 GENERAL PROVISIONS

B. Parking Plan Requirements. The parking plan, drawn to scale, shall show all elements necessary to indicate that off-street parking requirements are met. The parking plan shall include but not be limited to:

1. Delineation of individual parking and loading spaces and their dimensions;
2. Circulation area necessary to serve parking spaces;
3. Access to streets, alleys and properties to be served;

4. Curb cuts;

5. Location and dimensions of all parking area landscaping (does not apply to single family dwellings and duplexes);

6. Grading and drainage (does not apply to single family dwellings and duplexes); and

7. Specifications as to signs and bumper guards (does not apply to single family dwellings and duplexes).

RESPONSE: The existing parking lot is shown on the Existing Conditions Aerial. The existing parking lot will be renovated to it's original condition, i.e. curbing and sidewalks will be repaired, dead and dying landscape will be replaced and the parking stalls will be re-striped as needed.

10.8.515 OFF-STREET PARKING REQUIREMENTS

E. Minimum/Maximum Parking. Unless specified below or otherwise exempted by this code, the minimum and maximum number of required parking spaces shall be provided for all uses in accordance with the specifications of Table 8-5.

RESPONSE: Table 8-5 lists the Agricultural Use as requiring 2.5 parking spaces / 1000 SF sales area, but no less than 4 spaces, with no maximum parking listed. No sales will take place at this location, therefore there are four spaces required. However the existing parking lot currently provides 56 spaces.

10.8.535 OFF-STREET LOADING SPACE

A. Required. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space in accordance with the requirements of Table 8-7.

RESPONSE: Table 8-7 requires a single loading space for Industrial (manufacturing and warehouse) for the first 5000 SF and a 2nd loading space is the use exceeds 40,000 SF. Therefore, a single loading space is required. Currently there area four loading spaces on site, located in the SE corner of the building and on the west side of the building. The project proposes using the loading area in the SE corner of the building.

10.8.540 BICYCLE PARKING

B. Required Number Of Spaces. The number of bicycle parking spaces required shall be at least 20% of the required automobile parking for the use, but not less than two (2) spaces.

RESPONSE: Four vehicular parking spaces are required, therefore, 2 bicycle parking spaces are required.

10.8.545 LANDSCAPING AND SCREENING OF PARKING AND LOADING AREAS

C. Required Landscaping for Parking Lots Adjacent to Public Rights-of-Way.

D. Perimeter Parking Lot Landscaping.

E. Interior Parking Lot Landscaping.

F. Landscaping Within Clear Vision Areas.

RESPONSE: The design of the existing parking lot complies with all off the above, current applicable codes of this section.

10.8.700 BUILDING DESIGN AND DEVELOPMENT STANDARDS
RESPONSE: No improvements to the exterior of the building are proposed at this time.

10.8.750 LIGHTING STANDARDS
10.8.755 GENERAL PROVISIONS
C. Luminous Standards. Light intensity standards shall be as follows:

1. Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light

RESPONSE: Exterior lighting will be renovated and maintained as needed for security purposes. No specific lighting requirements are listed for LI (Industrial) or Agricultural uses.

10.8.800 SIGNS
RESPONSE: Due to security associated with the use, signage will not be used for advertising purposes. Directional loading, office entrance and address signage is the only signage proposed at this time. All proposed signage will comply with applicable signage standards.

10.8.1100 MARIJUANA DEVELOPMENT STANDARDS - GENERAL STANDARDS FOR ALL MARIJUANA FACILITES

- The application shall demonstrate compliance with the locational requirements of ORS 475B and must maintain State certification at all times.

RESPONSE: As proposed and documented, this application and resulting facility will comply with all requirements of ORS Chapter 475B. State Certification will be continuously maintained.

- Marijuana-related activities are prohibited on publicly-owned land.

RESPONSE: The project site is privately owned.

- entrances and off-street parking area shall be well-lit and not visually obscured from public view / right-of-way. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances. Interior building lighting, exterior building lighting and parking area lighting shall be of sufficient foot-candles and color rendition so as to allow the ready identification of any individual at a distance of no less than forty (40) feet. Exterior lighting shall be provided in accordance with required security measures and shall be continuously maintained.

RESPONSE: Security lighting and direct sight-lines between the parking and entrance will be provided. Exterior maintenance will be performed to perpetuate these features.

- The facility must provide secure disposal or render impotent marijuana remnants or by-products, or items with marijuana residue of any kind.

RESPONSE: Per the OLCC Marijuana Business Operation Plan, any excess cannabis material will be composted on site, inside the license premise. On-site

composting will comply with state requirements. The on-site composting area will have 24/7 video recorded monitoring, and will not be visible from any public area.

- All hazardous materials shall be stored and processes in a manner approved by the City Fire Marshal. Hazardous waste shall be disposed of properly through a property licensed solid waste disposal or recycling facility.

RESPONSE: . If any hazardous materials are ever used, it will be taken directly to a DEQ approved facility. (All proposed products and inputs are non-Hazardous)

- A pre-application conference and conditional use approval (Development Code Section 10.2.200 et. seq.) is required for any marijuana producer, processor, wholesaler, or testing laboratory. A neighborhood meeting may be required as part of the pre-application process pursuant top Section 10.2.200et. seq.

RESPONSE: Two pre-application Conferences were held for this application, the most recent to address this Conditional Use application. A neighborhood meeting was held on March 16, 2016 at 6 pm, at Echo Shaw Elementary School cafeteria.

- The City shall not issue any other permit for development until final Conditional Use approval has been granted.

RESPONSE: Although the Building Permit application will be submitted prior to final Conditional Use approval, it is understood that the Building Permit will not be issued until the Land Use decision is rendered.

- Any person or property in violation of Section 10.8.1100 et. seq. is subject to abatement and assessment by the City under the abatement procedures of Municipal Code Sections 5.270 through 5.290.

RESPONSE: This is understood.

10.8.1130 OTHER MARIJUANA FACILITIES

The following requirements apply to marijuana-related wholesaler, processing, producers, and testing laboratories.

- Public access to a marijuana facility shall be limited to employees, personnel, and persons over the age of 21 legally authorized to conduct business with the operator.

RESPONSE: Access to the facility will be restricted and in no instance shall individuals under the age of 21 be allowed onto the premises. (photo identification will be checked).

- All producers, processors, wholesalers, and testing laboratories shall provide a method to control odors. Such facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. The systems shall include the following features:

  1. Installation of activated carbon filters on all exhaust outlets to the building exterior, and
  2. Location of exhaust outlets a minimum of 10 feet from the property line; 3 feet from exterior walls; and 10 feet above finished grade; and
  3. Maintenance of negative air pressure within the facility; or
  4. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better that the required activated carbon filtration system.

RESPONSE: An activated carbon filter will be placed on all exhaust outlets to the building exterior. Said outlets will be located as required above and a negative air pressure will be maintained within the facility.

ARTICAL 12
USE CATAGORIES & DEFINITIONS

10.12.150 OTHER USE CATAGORY

(A): Agriculture/Horticulture: An area (open or enclosed) devoted to the raising of plants, fruits, vegetables, nuts, nursery stock and/or flowers; may include on-site sales of products grown on the site. Agriculture/Horticulture includes hydroponic agriculture within the buildings. Excluded nurseries which are classified under Outdoor Sales (see 10.12.130(D)(5))

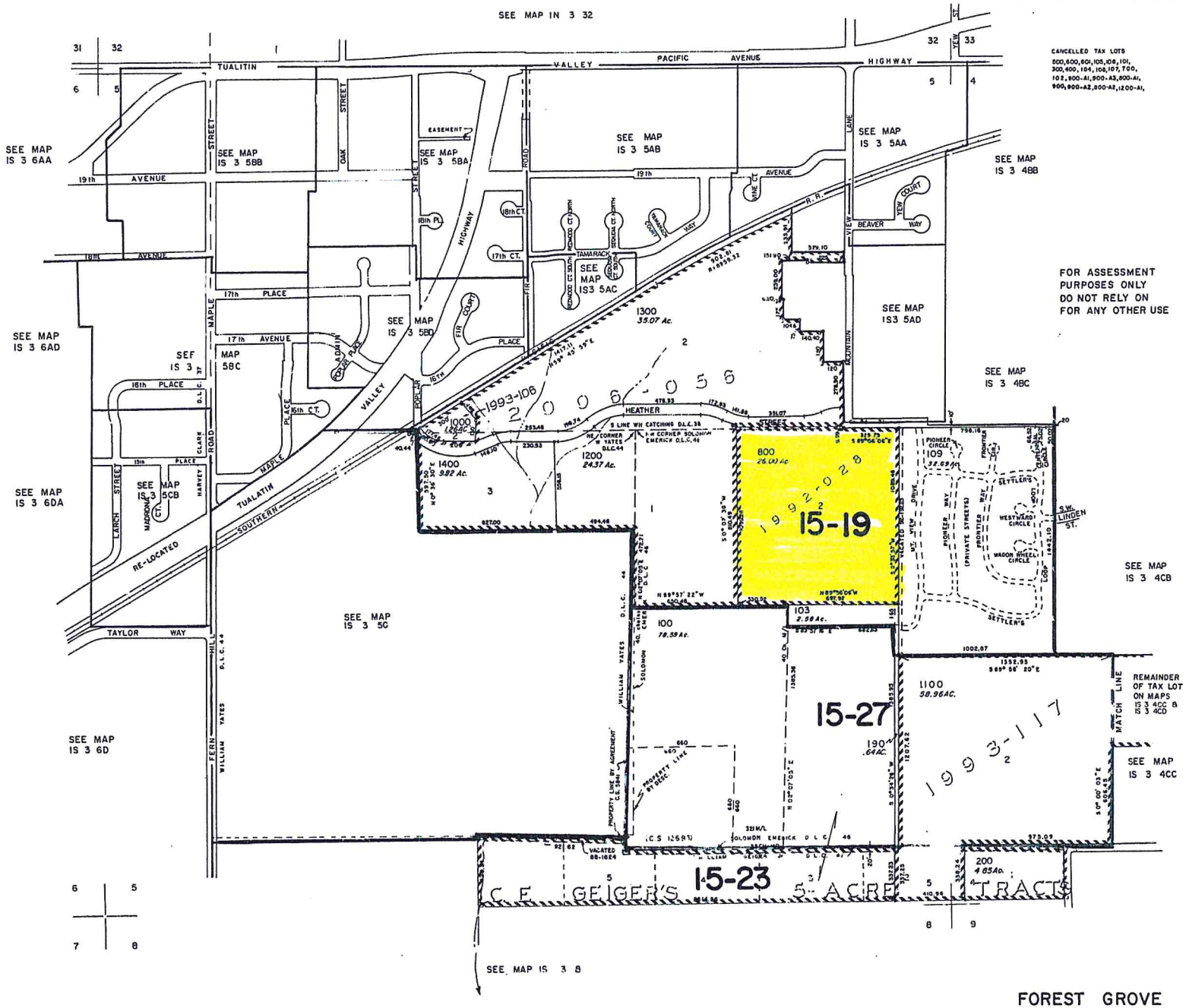
RESPONSE: The proposed use is classified as an Agriculture use per code definition.

SECTION 5 TIS R3W W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 400'

FOREST GROVE



NORTH

MATSUSHITA
FOREST GROVE, OREGON
EXISTING CONDITIONS AERIAL

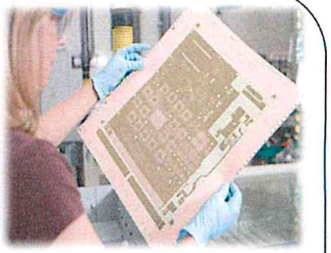
AAI afghan associates, inc.
ENGINEERING
4875 SW Griffith Drive | Suite 300 | Beaverton, OR | 97005
503.620.3030 tel. | 503.620.5539 fax | www.aaieng.com
Project No. A16096.11

DATE: 08/17/16
SCALE: NTS
JOB NUMBER: 16102.11

EXHIBIT B

SITE PHOTOS

FOREST GROVE OREGON



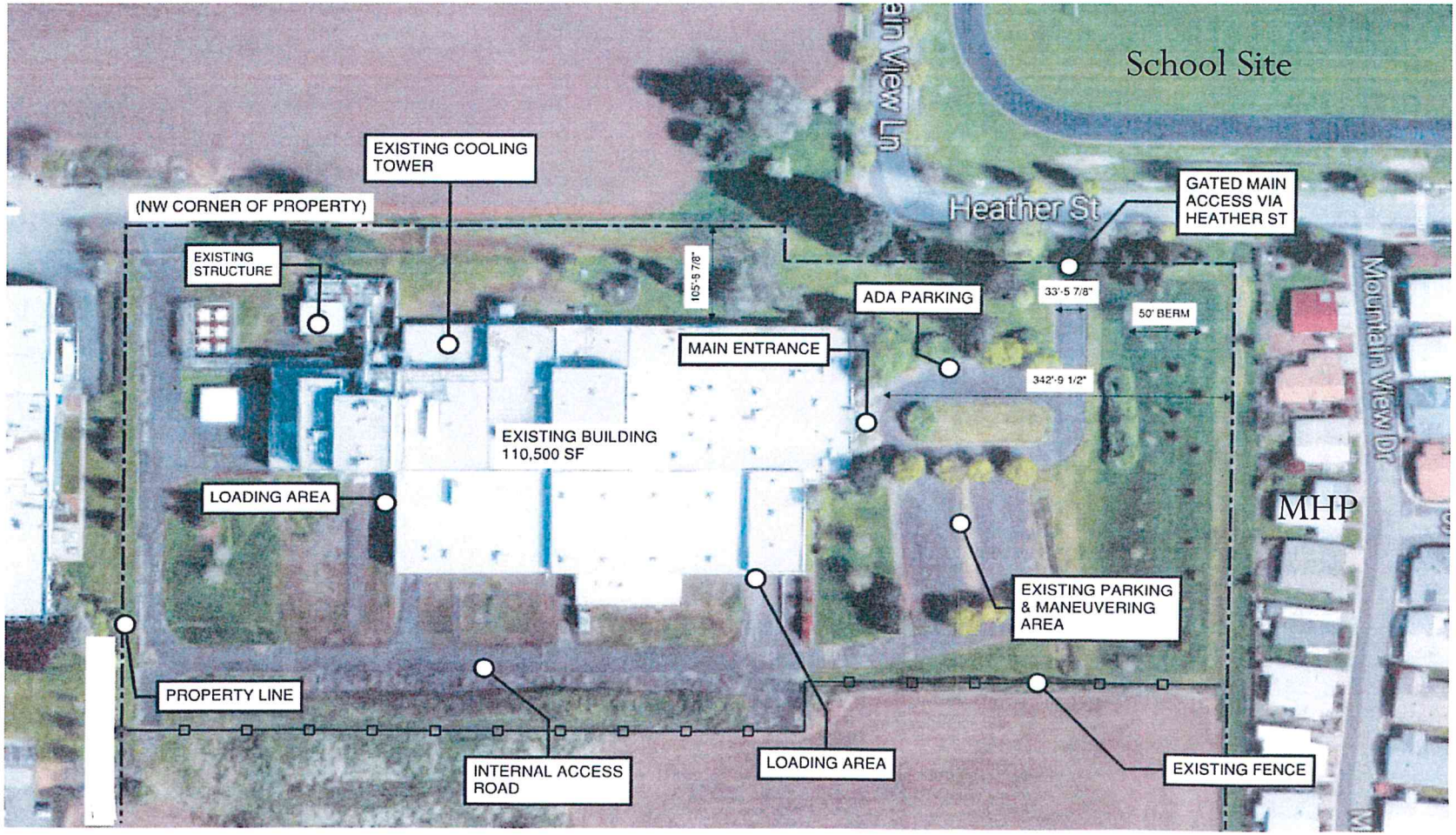
PLANNING COMMISSION MEETING
October 17, 2016

CONDITIONAL USE PERMIT TO REMODEL THE BUILDING AT 4114 HEATHER STREET FOR THE PURPOSE OF CULTIVATING, HARVESTING AND PACKAGING CANNABIS

James Reitz (AICP), Senior Planner

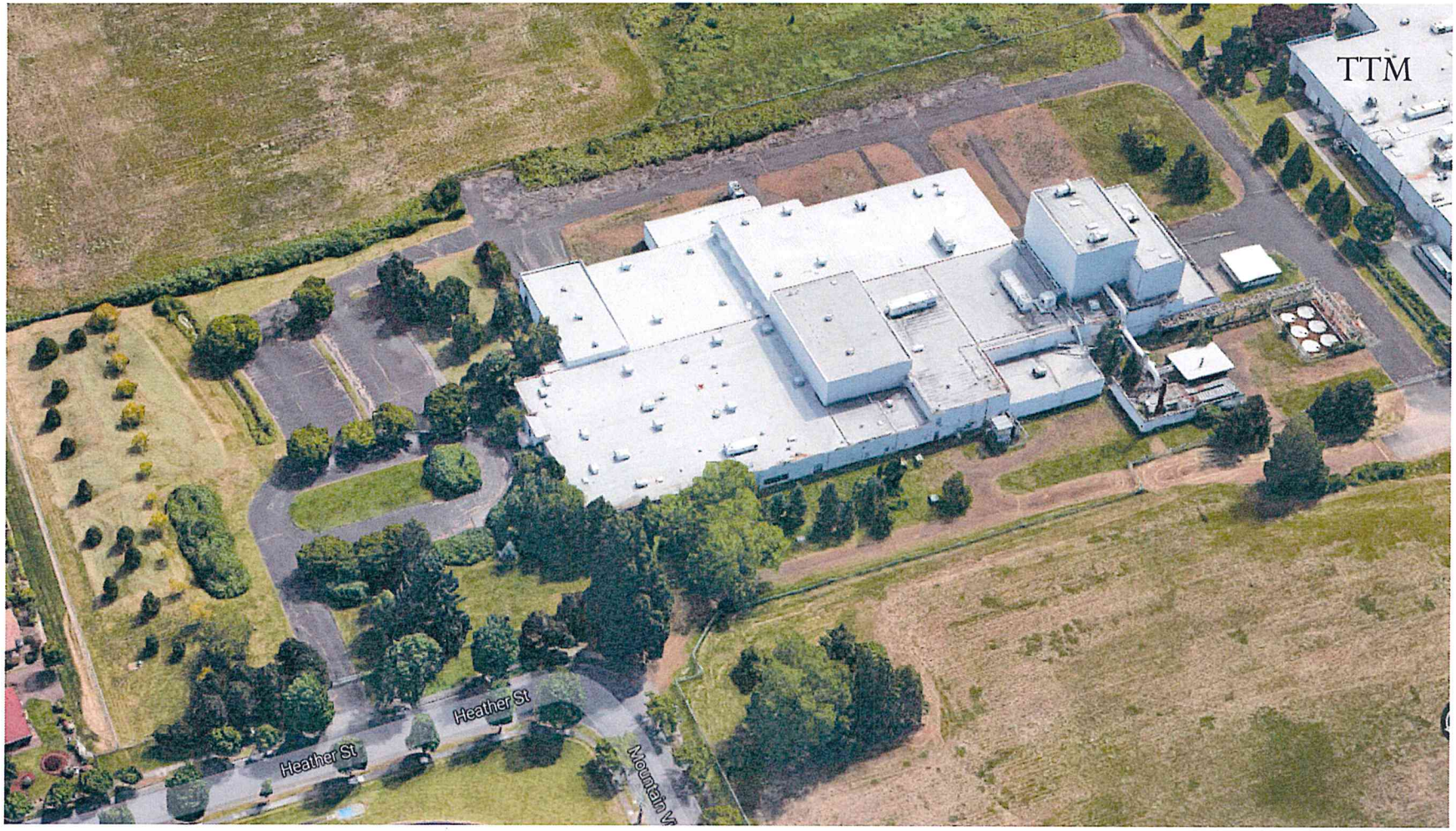
A place where families and businesses thrive.

Aerial View of Site and Surroundings



A place where businesses and families thrive.

Oblique Aerial View of Site



A place where businesses and families thrive.

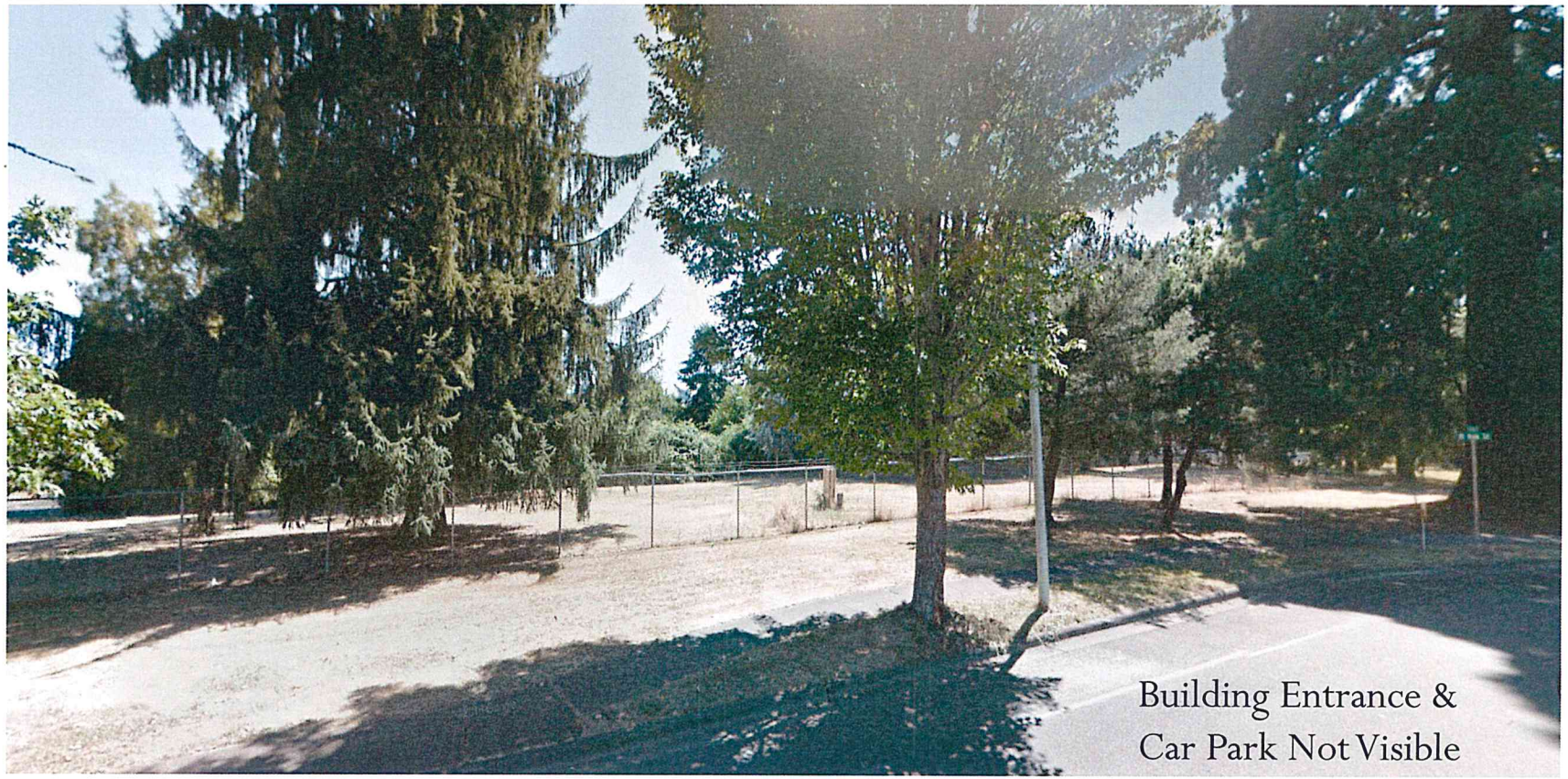
Oblique Aerial View
Building Entrance and Car Park

A place where businesses and families thrive.

View From Heather Street at Driveway

A place where businesses and families thrive.

View From Heather Street at Mountain View Lane



A place where businesses and families thrive.

FOREST GROVE OREGON

Conditional Use Permit
Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE:	October 10, 2016
HEARING DATE:	October 17, 2016
LAND USE REQUEST:	Planning Commission review and approval of a conditional use permit for a proposed indoor recreational marijuana production facility
FILE NUMBER(S):	311-16-000185-PLNG
PROPERTY LOCATION:	2336 9th Avenue
LEGAL DESCRIPTION:	Washington County Tax Lot 1S306C00100
OWNER/APPLICANT(S):	Applicant: Cold Frame LLC, 220 NW 8th Avenue, Portland, Oregon 97209 Property Owner: Bulu Properties, LLC, 220 NW 8th Avenue, Portland, Oregon 97209
COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS:	Comprehensive Plan Map Designation: General Industrial Zoning Map Designation: General Industrial
APPLICABLE STANDARDS AND CRITERIA:	Forest Grove Development Code: §10.2.220 (Conditional Use Review Criteria) §10.8.1120 (Marijuana Development Standards)
REVIEWING STAFF:	Daniel Riordan, Senior Planner
RECOMMENDATION:	Approval with conditions

I. LAND USE HISTORY

On July 26, 2016, the City approved with conditions a proposed site plan for three warehouses at 2336 9th Avenue (City Case File: 311-16-000138-PLNG). Site plan review is a Type II (Limited Land Use Decision) and is reviewed administratively for compliance with applicable development standards. Under the Development Code Planning Commission review is not required for a Type II decision.

Subsequent to the site plan approval, Cold Frame LLC of Portland submitted a land use application for conditional use approval for an indoor recreational marijuana production facility at the same subject property as the warehouses (Exhibit A). A license issued by the Oregon Liquor Control Commission is required for marijuana production. The conditional use application was submitted on September 12, 2016, and deemed complete on September 22, 2016.

The subject property is located on the south side of 9th Avenue just west of Elm Street and south of Highway 47. The property is zoned General Industrial. The General Industrial zone allows for indoor marijuana production as a conditional use. A conditional use permit requires Planning Commission review and approval.

The subject site is adjacent to and immediately west of property owned by Sake One Corporation. The Pro Build lumber yard is north of the site across 9th Avenue. The subject site is approximately 1.66 acres in area and is currently vacant. Historically, the property was developed with a residential structure that was converted to office space and used by a construction contractor. The structure was vacant for some time and destroyed by fire in September 2015.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Description of Proposal: This application is for conditional use approval of indoor recreational marijuana production within three proposed warehouses at 2336 9th Avenue. Site plan approval for the warehouses was granted by the City on July 26, 2016. Based on the approved site plan each warehouse building would be approximately 11,900 gross square feet in area. Under state law each warehouse could accommodate a licensed marijuana production operation. Under the prior site plan approval the applicant proposes to develop the property in two phases. Phase 1 includes one 11,900 square foot warehouse and site improvements. Phase 2 includes the construction of two 11,900 square foot warehouses. The parking area includes 18 spaces. The Planning Commission may modify the prior site plan approval to accommodate any conditional use permit requirements.

B. Site Examination:

The site is approximately 1.66 acres in area and is currently vacant. The site is adjacent to developed and undeveloped land as described on the table below. The site is adjacent to land zoned General Industrial. Land to the north of 9th Avenue is zoned Community Commercial. Land to the southwest is undeveloped. The Portland and Western Railroad corridor is located south of the subject property as shown on the image on the following page.

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	General Industrial	General Industrial	Vacant Site of former dwelling used as construction contractor office
North	Community Commercial	Community Commercial	Lumber Yard
South	General Industrial	General Industrial	Undeveloped/Wetlands
East	General Industrial	General Industrial	Sake Distillery
West	General Industrial	General Industrial	Undeveloped/Wetlands

The image below shows the subject property in relation to the surrounding area. As the image shows, the subject property is adjacent to the Sake One distillery. The area of the Sake One property closest to the subject property is used for truck trailer parking and a warehouse. The tasting room is located at the northeast corner of the Sake One near the 9th Avenue/Elm Street intersection.

The proposed warehouses for indoor marijuana production are designed to be compatible with buildings in the immediate vicinity. This includes building heights (single story) and construction materials (metal). The image below provides an example of an existing warehouse building near the subject property.

III. APPROVAL CRITERIA, FINDINGS AND ANALYSIS

Conditional Use Review Criteria (Development Code §10.2.220)

A. Physical Compatibility

1. The proposed use will be compatible with adjacent developments based on characteristics such as site size, building scale and style, setbacks, and landscaping; or

2. The proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping, and other design features.

Applicant Response: The proposed use will meet or mitigate all city, county, state and OLCC requirements.

Applicant Response: The proposed buildings elevations are included with the [site plan review] application (Exhibit D). All proposed warehouses do not exceed 100 feet in the horizontal direction facing a public street.

Applicant Response: The front setback area between the public road to the north and the proposed warehouses will be landscaped with lawn, trees, hedges and will be maintained in good order.

Applicant Response: A landscape plan is included as part of the preliminary plans to address landscaping on site frontage along 9th Avenue and around the parking lot (Exhibit E).

Applicant Response: A small solid waste dumpster will be stored inside the proposed warehouse and wheeled out on pickup day. No exterior solid waste dumpsters or solid waste collection areas are proposed.

Findings and Analysis: Building elevation drawings were submitted for site plan review on June 24, 2016. The elevation drawings show a building height to the eave line of 16 feet above final grade. Proposed building material is 24 gauge metal Purlin Bearing Rib (PBR) panels. This type of panel is used for commercial building and roofing applications. There are many examples of metal panels used as building material in the immediate area. This includes the ProBuild building immediately north of the subject property.

A planting plan was also submitted for site plan review on June 24, 2016. The planting plan shows proposed landscaping along the front property frontage and within the off-street parking area. The perimeter landscaping includes grass and five street trees. The off-street parking area includes five trees. In addition vegetative swale is also proposed located near the southwest rear corner of the site.

Conclusion: The proposed building elevations including height and materials are compatible with adjacent developments. The approved site plan also shows landscaping that will improve compatibility with the surrounding area. This proposed application meets the physical compatibility criterion for the reasons stated under findings and analysis.

B. Public Services

1. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety.

Applicant Response: The proposed use will meet all transportation and public service requirements in combination with city, county, state and OLCC requirements.

Applicant Response: 2 bicycle racks accommodating a total of 4 parking spaces and 18 auto parking spaces are proposed.

Findings and Analysis: The site is served by Oregon Highway 47, Elm Street and 9th Avenue. The Forest Grove Transportation System Plan designates Oregon Highway 47 as a principal arterial. Elm Street is designated a collector street. Ninth Avenue is a local industrial street. The Oregon Highway 47/Elm Street intersection is not signalized. The proposed indoor recreational marijuana production facility is characteristic of a warehouse. The Institute of Transportation Engineers (ITE) Manual, 7th Edition, indicates that warehouse uses generate an average of 0.57 trips per 1,000 square feet

of gross floor area during the AM Peak period and 0.61 trips per 1,000 square feet of gross floor area during the PM Peak period. The total gross floor area of the proposed development is 35,700 square feet. Therefore, expected trip generation during the AM Peak is approximately 20.3 trips with the PM Peak being 21.8 trips. According to the Oregon Department of Transportation, Transportation Data Section, Year 2013 Average daily traffic along the stretch of Highway 47 between Fern Hill Road and Elm Street is approximately 11,400 vehicles. Currently, the Highway 47/Elm Street intersection operates with a vehicle to capacity ratio (v/c) of 0.45. Intersections on the state highway system meet operational standards when v/c is less than 1.0. An additional 20 peak hour trips associated with the proposed indoor recreational marijuana facility will not significantly impact operation of the Highway 47 and Elm Street intersection. Ninth Avenue, Elm Street and Oregon Highway 47 are capable of handling this additional amount of traffic.

According to the Oregon Department of Transportation, in 2014 the stretch of Highway 47 west of Fern Hill Road to the Forest Grove city limits had 8 crashes. This is less than the 15 crashes reported in 2014 for the segment of Highway 47 from Fern Hill Road to Quince Street. The Highway 47/Elm Street intersection is controlled with a stop sign on Elm Street. It should be noted, the Highway 47/Elm Street intersection meets preliminary traffic signal warrants under projected Year 2035 traffic volumes. However, meeting traffic signal warrants does not guarantee that a signal will be installed but does provide criteria that should be utilized, along with engineering judgement, to encourage installation of a traffic signal in the future.

The approved site plan for the indoor recreational marijuana production site shows 18 off-street parking spaces. Under Development Code §10.8.515 (Off-Street Parking Requirements) warehouse uses must provide ½ off-street parking space for each 1,000 square feet of gross floor area. The total warehouse space proposed is 35,700 gross square feet. Therefore, 17.85 off-street parking spaces must be provided. Since the approved site plan shows 18 off-street parking spaces this requirement is met. Although indoor marijuana production is classified as an agricultural use in the Development Code the City's off-street parking requirements for agricultural uses is not applicable to this application. This is because the off-street parking requirement for agricultural uses is based on sales area[1] and a marijuana production facility may not sell product.

Conclusion: Based on the information and analysis above, the transportation system serving the subject property is capable of safely supporting the proposed use.

2. Public services for water supply, sanitary sewer, stormwater disposal, police and fire protection are capable of serving the proposed use and previously approved uses.

Applicant Response: The proposed use will meet all transportation and public service requirements in combination with city, county, state and OLCC requirements.

Applicant Response: Existing water lines are located in the public street north of the site with an existing water meter at the northeast corner of the site.

Applicant Response: The preliminary site plan shows the proposed storm drainage system. A water quality swale is proposed to accommodate stormwater runoff form the

[1] 2.5 spaces per 1,000 square feet of sales area with a minimum of 4.0 spaces.

proposed parking lot. Rainwater reclamation cisterns are proposed to capture and store some of the runoff from the warehouses.

Findings and Analysis: An 8 inch PVC sanitary sewer line is located within the Elm Street right-of-way approximately 440 feet east of the subject property. A 12 inch storm sewer line is also located in the Elm Street right-of-way.

The subject property is located within the Forest Grove city limits and is currently served by the Forest Grove Police Department and Forest Grove Fire and Rescue. A review of the Forest Grove Budget for FY 2016-2017 indicates a capability to serve the proposed use and previously approved uses. In addition, Oregon Administrative Rules Chapter requires Oregon Liquor Control Commission approval of a security plan for granting a license for marijuana facilities including producers. Security measures must include commercial grade door locks installed on every external door, fully operational security alarm system able to detect unauthorized entry onto the licensed premises and unauthorized activity within any limited access area where marijuana is present, and video surveillance equipment including at points of ingress and egress. In addition, security measures for marijuana producers must prevent public access and obscure from public view all areas of marijuana production. These required security measures will mitigate the potential for increase in possible police service calls to the subject property.

Conclusion: Public services for water supply, sanitary sewer, stormwater disposal, police and fire protection are capable of serving the proposed use and previously approved uses.

C. Livability

The proposed conditional use will not have significant adverse impacts on the livability of nearby lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and 2. Privacy and safety issues.

Applicant Response: The proposed use will not have significant adverse impacts on livability and will adhere to all city, county, state and OLCC requirements.

Applicant Response: The applicant/developer will comply with any applicable standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents for the proposed warehouses.

Finding: Development Code §10.8.1120(C) requires all marijuana producers, processors, wholesalers, and testing laboratories to provide a method to control odors. This includes installation and maintenance of enhanced ventilation systems designed to prevent detection of marijuana odor affecting adjacent properties or the public right-of-way. The odor control system must including the following features:

1. Installation of activated carbon filters on all exhaust outlets to the building exterior; and
2. Location of exhaust outlets a minimum of 10 feet from the property line; 3 feet from exterior walls; and 10 feet above finished grade; and
3. Maintenance of negative air pressure within the facility; or

4. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

Activity on-site must comply with the Municipal Code limitations pertaining to noise generation (Municipal Code §5.254, Maximum Permissible Sound Levels).

To ensure safety, Development Code §10.8.1100(C) requires that entrances and off-street parking areas be well lit and not visually obscured from public view/rights-of-way to all building entrances. Exterior building lighting and parking area lighting must be of sufficient foot-candles and color rendition so as to allow ready identification of any individual at a distance of no less than 40 feet. Exterior lighting must be provided in accordance with required security plan and continuously maintained.

The Development Code does not require shielding of exterior lighting in the City's General Industrial zone to preclude glare on neighboring properties.

Hours of operation are not restricted for warehouse activities within the City's industrial zones. The operations plan submitted with the City's land use application indicates hours of operation will be 8:00 AM to 8:00 PM seven days a week.

With respect to safety, Oregon Administrative Rules require specific safety measures for marijuana licensees including indoor marijuana producers. Security measures must include commercial grade door locks installed on every external door, fully operational security alarm system able to detect unauthorized entry onto the licensed premises and unauthorized activity within any limited access area where marijuana is present, and video surveillance equipment including at points of ingress and egress. In addition, security measures for marijuana producers must prevent public access and obscure from public view all areas of marijuana production.

Conclusion: Provided all required development standards are met the proposed conditional use will not have significant adverse impacts on the livability of nearby lands with respect to noise, glare from lights, late-night operations, odors, litter, privacy and safety issues.

General Standards for All Marijuana Facilities (Development Code §10.8.1100)

A. The application shall demonstrate compliance with the locational requirements of ORS 475B and must maintain State certification at all times.

Applicant Response: The proposed use will meet or exceed all general standards listed above for marijuana facilities as determined by city, county, state and OLCC requirements.

Applicant Response: The applicant provided a copy of the marijuana facility operation plan as part of the conditional use permit application.

Finding: Under ORS 475B the marijuana producer licensee must maintain compliance with all applicable State of Oregon licensing requirements. This includes being subject to inspection of licensed premises by state or local government officials to determine compliance with state or local health and safety laws.

Conclusion: This standard is met through State of Oregon licensing requirements.

B. Marijuana-related activities are prohibited on publicly-owned lands.

Applicant Response: The proposed use will meet or exceed all general standards listed above for marijuana facilities as determined by city, county, state and OLCC requirements.

Finding: The subject property is privately owned.

Conclusion: This standard is not applicable

C. Entrances and off-street parking areas shall be well-lit and not visually obscured from public view / right-of-way. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances. Interior building lighting, exterior building lighting and parking area lighting shall be of sufficient foot-candles and color rendition so as to allow the ready identification of any individual at a distance of no less than forty (40) feet. Exterior lighting shall be provided in accordance with required security measures and shall be continuously maintained.

Applicant Response: The proposed use will meet or exceed all general standards listed above for marijuana facilities as determined by city, county, state and OLCC requirements.

Finding: No detail was provided regarding proposed lighting. A security and operations plan was provided to OLCC for review. The plan states that the premises will be equipped with cameras that IR (infrared) functionality. In addition, the site plan review application included a landscaping plan identifying proposed trees and shrubs. Proposed shrubs will range from 18 inches to 30 inches height. The proposed landscaping will not obstruct clear lines of sight from public rights-of-way to building entrances.

Conclusion: Staff is proposing a conditional of approval that landscaping be installed consistent with the site plan review application and continuously maintained so as not to obstruct site lines from public rights-of-way to all building entrances and parking areas. Staff is also proposing a condition of approval that exterior building and parking lot lighting be installed and continuously maintained to provide sufficient foot candles to allow ready identification of individuals at no less than 40 feet.

D. The facility must provide for secure disposal or render impotent marijuana remnants or by-products, or items with marijuana residue of any kind.

Applicant Response: The proposed use will meet or exceed all general standards listed above for marijuana facilities as determined by city, county, state and OLCC requirements.

Applicant Response: A small solid waste dumpster will be stored inside the proposed warehouses and wheeled out on pickup day. No exterior solid waste dumpsters or solid waste collection areas are proposed.

Applicant Response: Usable marijuana will be disposed of using a method of composting. The composting area will be inside the license premise, have 24/7 recording on the area and not be visible in any public area.

Finding: The demonstrated compliance with this standard.

Conclusion: In general this standard is met. A condition is proposed that the small solid waste dumpster be located in a highly visible location with video surveillance for refuse pick-up to minimize dumpster diving.

E. All hazardous materials shall be stored and processed in a manner approved by the City Fire Marshal. Hazardous waste shall be disposed of properly through a properly licensed solid waste disposal or recycling facility.

Applicant Response: The proposed use will meet or exceed all general standards listed above for marijuana facilities as determined by city, county, state and OLCC requirements.

Applicant Response: No information has been provided by the applicant indicating the use of hazardous materials in the production process requiring approval by the City Fire Marshal.

Finding: The application is for an indoor recreational marijuana production facility. Staff is unaware of proposed storage of hazardous materials requiring review by the City Fire Marshal.

Oregon Administrative Rules address requirements for use of pesticides, fertilizers and agricultural chemicals. Under these rules, a producer may only use pesticides in accordance with state law (ORS chapter 634 and OAR 603, Division 57). A producer may only use fertilizer, agricultural amendments in accordance with state law. State law also requires that marijuana producers must maintain at all times and on the licensed premises the material safety data sheets for all pesticides, fertilizers or agricultural chemicals used by the producer in the production of marijuana. In addition, producers must maintain a log of all pesticides, fertilizers, or other agricultural chemicals used by the marijuana producer.

Conclusion: This standard is met through compliance with state law as described above.

F. A pre-application conference and conditional use approval (§10.2.200 et. seq.) is required for any marijuana producer, processor, wholesaler, or testing laboratory. A neighborhood meeting may be required as part of the pre-application process pursuant to §10.2.200 et. seq.

Applicant Response: A pre-application conference was held on May 4, 2016.

Finding: A pre-application conference was held on May 4, 2016.

Conclusion: This standard is met.

G. The City shall not issue any other permit for development until final conditional use approval has been granted.

Applicant Response: The applicant is aware that conditional use approval is required prior to issuance of any other permit for development.

Finding: The applicant is aware that no development permits will be issued until final conditional use approval has been granted.

Conclusion: This standard is met.

H. Any person or property in violation of §10.8.1100 et. seq. is subject to abatement and assessment by the City under the abatement procedures of Municipal Code §§5.270 through 5.290.

Applicant Response: None

Finding: This standard addresses future compliance and does not apply to the conditional use permit application.

Conclusion: This standard is not applicable.

Development Standards for other Marijuana Facilities (Development Code §10.8.1120)

The following requirements apply to marijuana-related wholesaler, processing, producers, and testing laboratories.

A. 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. Views into a production or processing area or testing laboratory from the exterior of a building are prohibited.

Applicant Response: The proposed use will meet or exceed all general standards listed above for marijuana facilities as determined by city, county, state and OLCC requirements.

Applicant Response: The applicant provided information for site plan review including building elevations for three warehouses.

Finding: The marijuana production facility will be located in warehouse buildings. No outdoor storage of merchandise, raw materials, or other material associated with the facility is proposed.

Conclusion: This standard is met.

B. Public access to a marijuana facility shall be limited to employees, personnel, and persons over the age of 21 legally authorized to conduct business with the operator.

Applicant Response: The proposed use will meet or exceed all general standards listed above for marijuana facilities as determined by city, county, state and OLCC requirements.

Applicant Response: We have limited access to our facility and will not let individuals under 21 onto the license premises. The Company will also post signs at every entrance and exit to the building prohibiting individuals under 21 from entering the premises. Prior to granting access to the facility photo ID's will be checked to verify age and that information will be kept on record and archived for future reference.

Finding: This standard will be met through State of Oregon licensing requirements.

Conclusion: The applicant's response demonstrates compliance with this standard.

C. All, producers, processors, wholesalers, and testing laboratories shall provide a method to control odors. Such facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. The systems shall include the following features:

1. Installation of activated carbon filters on all exhaust outlets to the building exterior; and
2. Location of exhaust outlets a minimum of 10 feet from the property line; 3 feet from exterior walls; and 10 feet above finished grade; and
3. Maintenance of negative air pressure within the facility; or
4. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

Applicant Response: The proposed use will meet or exceed all general standards listed above for marijuana facilities as determined by city, county, state and OLCC requirements.

Applicant Response: Odor control will be controlled with carbon filters on every exhaust exit from the location. There will be no untreated air that leaves the facility. That process will lead to no odor leaving the warehouse.

Finding: The applicant proposes the installation of an odor control system.

Conclusion: Staff proposes a condition of approval requiring installation of a carbon filtration system and enhanced ventilation system meeting Development Code §10.8.1120(C) prior to issuance of any certificate of occupancy.

IV. ALTERNATIVES

The Planning Commission has the following alternatives available:

1. Approve the application as submitted by the applicant;

2. Approve the application with conditions;

3. Continue deliberations on this application to a date certain; or

4. Deny this request.

V. RECOMMENDATION

Based on the information provided in the application and the findings above, staff recommends Alternative 2, approval of the application for a conditional use permit for the proposed indoor recreational marijuana production facility, with the following conditions:

1. Compliance with all approved conditions for site plan approval (City Case File: 311-16-000138-PLNG) Exhibit F.

2. Ongoing compliance with applicable state law including Oregon Revised Statutes (ORS) 457B (Cannabis Regulation) and Oregon Administrative Rules Chapter 845, Division 25 as may be amended.

3. Ongoing compliance with Forest Grove Development Code §10.8.1100 (General Standards for All Marijuana Facilities) and §10.8.1120 (Other Marijuana Facilities).

4. Up to date City of Forest Grove Business License for each Oregon Liquor Control Commission producer licensee operating at the site.

5. This approval applies to all phases of development on the subject property and is for indoor recreational marijuana production only.

6. As authorized by Oregon Administrative Rules Chapter 845, Division 25, the licensed premise is subject to inspection by authorized local government officials to determine compliance with local health and safety laws.

7. Place the dumpster in a highly visible location with video surveillance for refuse collection to minimize dumpster diving.

VI. EXHIBITS

A. Land Use Application (311-16-000185-PLNG);

B. Proposed Phase 1 Plan;

C. Proposed Phase 2 Plan;

D. Proposed Building Elevations;

E. Proposed Landscaping Plan; and

F. Conditions of Approval for Site Plan Approval 311-16-000138-PLNG

City of Forest Grove

LAND USE APPLICATION FORM

APPLICATION FOR:

- ☐ Site Plan Approval
- ☒ Conditional Use
- ☐ Variance
- ☐ Appeal to _____

Establish a Planned Development:

☐ PRD ☐ CPD ☐ PID

Comprehensive Plan Amendment:

☐ Text ☐ Map

Zoning Ordinance Amendment:

☐ Text ☐ Map

Land Division:

☐ Subdivision ☐ Partition
☐ Tentative Plat ☐ Final Plat

Other _____

Applicant:

Name Cold Frame LLC
Address 220 NW 8th Ave / Attn: Wolf Legal
City Portland
State OR Zip 97209
Phone 503-893-9788 Fax
Email Josh@wolflegalpdx.com

Property Owner:

Name Bulu Properties LLC
Address 220 NW 8th Ave / Attn: Wolf Legal
City Portland
State OR Zip 97209
Phone 503-893-9788 Fax
Email Josh@wolflegalpdx.com

Property Description:

Site Address 2336 9th Ave
Map & Tax Lot # 1S3 / 1100
(Please attach legal description)
Total Acres or Square Feet:
Acres 1.66 Sq. Feet 72,309

Property Use Description

Existing Land Use none
Existing Zoning General Industrial (GI)
Proposed Zoning (if applicable) N/A
Proposed Use Recreational Marijuana Production

Additional Information:

In order to expedite and complete the processing of this application, the Planning Division requires that all pertinent material required for review be submitted at the time application is made. If the application is found to be incomplete, review and processing of the request will not begin until the application is made complete. The submittal requirements relative to this application may be obtained from the specific sections of the Zoning or Land Division Ordinances pertaining to this application and from Planning Division staff. Pre-application conferences with Planning Division staff are encouraged. If there are any questions as to submittal requirements, contact the Planning Division prior to formal submission of the application. In submitting this application, the applicant should be prepared to give evidence and information which will justify the request. *The filing fee must be paid at the time of submission. This fee in no way assures approval of the application and is non-refundable.*

Continued

Additional Information

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application.

Applicants Signature Ryan Lundahl Date 9/7/16

Property Owner's Signature Date 9/7/16

For Office Use:

Received by _____ Date _____ Receipt Number _____

Fee Paid _____ Date _____ Application Number _____

File Number _____

Community Development Department
City of Forest Grove
PO Box 326
1924 Council Street
Forest Grove, OR 97116
Phone: (503) 992-3227

city of forest grove

OREGON LIQUOR CONTROL COMMISSION REQUEST

Land Use Compatibility Statement

CITY/COUNTY USE ONLY
Date delivered by license applicant: 8/29/16 via email
Received by (print): Jon Holan
Initial: JH

What is a land use compatibility statement (LUCS)? The LUCS is a form used by a state agency and local government to determine whether a land use proposal is consistent with local government's comprehensive plan and land use regulations.

Why is a LUCS required? OLCC and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and to have a process for determining consistency. Section 34(4)(a) of 2015 Oregon Laws, Chapter 614, requires OLCC to request and obtain the LUCS and have a positive LUCS prior to issuing a license.

When is a LUCS required? A LUCS is required for all proposed marijuana facilities before an OLCC license can be obtained.

How to complete a LUCS:

- **Step 1: Applicant** completes Section 1 of this form and submits it to the appropriate city or county planning office. Applicant verifies with local jurisdiction whether additional forms, applications, or permits are required.
- **Step 2: Local jurisdiction** completes Section 2 of this form indicating whether the proposed use is compatible with the acknowledged comprehensive plan and land use regulations and returns signed and dated form to the applicant.
  - **Applicant completes payment to local jurisdiction for processing application.**
  - **Local jurisdictions are NOT required to begin processing LUCS forms until January 4, 2016 at 8:30 AM.**
- **Step 3: Applicant** submits this date-stamped form and any supporting information provided by the city or county to the OLCC with the license application. This form may be submitted while Section 2 is in process with the local governing body.

Section 1 – To be Completed by Applicant

**Sections marked with an asterisk should be verified with the local planning department prior to submitting this form.*

Applicant Name: Cold Frame LLC Phone: 971-330-0880

Mailing Address: 7127 SE 35th Ave Rm/Ste: n/a

City: Portland State: OR ZIP: 97202

☑ Site plan of the subject property and proposed development attached? *(required)*

Proposed Premises Address: 2336 9th Ave Rm/Ste: n/a

City: Forest Grove County: Washington ZIP: 97116

Tax Lot #*: 1100 Range/ Section*: Range 3W/Section 6 Latitude: 45.5075330

Township*: 1S Map*: 1S3 Longitude: 123.105330

Proposed use/permit type sought *(A separate LUCS may be necessary for each proposed use even if it is on the same property)*:

☑ Producer (Note indoor or outdoor below) ☐ Wholesaler ☐ Processor (List endorsements below) ☐ Retailer ☐ Laboratory ☐ Research Certificate

Details of proposed use (note any attachments):

Indoor recreational marijuana production.

Section 2 – To be Completed by Local Jurisdiction

Site Location:

☑ Inside city limits ☑ Inside UGB ☐ Outside UGB

Name of Jurisdiction: City of Forest Grove

Property Zoning of Proposed Premises: General Industrial (GI)

☐ The proposed land use has been reviewed and **is prohibited.**

☑ The proposed land use has been reviewed and **is not prohibited.**

If the proposed land use is allowable only as a conditional use, permits are required as noted below.

Comments:

The proposed land use (indoor recreational marijuana producer) is allowable in the General Industrial zone only as a conditional use requiring Planning Commission review and decision to approve. The conditional use permit approval is subject to Forest Grove Development Code Section 10.2.200 through 10.2.220 (Conditional Use) and the place and manner restrictions contained in 10.8.110 and 10.8.1130 (Other Marijuana Facilities).

Name of Reviewing Local Official (print): Jon Holan

Title: Community Development Director

Date: 9/1/16

Email: jholan@forestgrove-or.gov

Phone: (503) 992-3224

Signature: Jn Holan

Check this box if there are attachments to this form: ☐

REMINDER: Local jurisdictions are NOT required to begin processing LUCS forms until January 4, 2016 at 8:30 AM

Life of a License Application

Submitted

Applicant submits marijuana license application in online licensing system and paid application fee.

Received

OLCC License Investigator receives application and begins review.

Local Government

Land Use Compatibility Statement and local opt-out reviewed for prohibited use.

Prohibited Use

Denied

House Bill 3400 prohibits the OLCC from issuing a recreational marijuana license if the proposed use is prohibited by the local governing body.

Completeness Review

License Investigator and Applicant collect all additional necessary information.

Application Review

License Investigator reviews application to determine if submitted information meets requirements.

Non-Compliant

Possible Denial

The OLCC must review for compliance with administrative rules and Oregon law. In some cases, a potential denial may be overcome if the applicant can correct the issue or otherwise show good cause to overcome the denial basis.

Premises Inspection

OLCC Inspector visits site to determine compliance with physical requirements: Security, operations, etc.

Non-Compliant

Possible Denial

A failed inspection means that a premises does not meet security, operational, or other requirements. An opportunity is provided to correct any compliance issues, but failure to do so or a second failed inspection may result in application denial.

Approved

Applicant has met all requirements of application and premises inspection.

License Fee Due

Applicant pays the licensing fee in the online system.

All Fees Paid

License Issued

The license is issued and can be printed by the applicant. It must be displayed prominently at the location.

OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Operating Plan

What is this form?

An operating plan is required for all recreational marijuana applications. Applicants should review the Application Process rule under OAR 845-025-1030. This form will be used to document how an applicant intends to meet the requirements of that rule. If your business has a formal operating plan that meets these requirements, you may submit a copy of that operating plan **in addition to** this form.

What must be covered in an operating plan?

Applicants must identify how the proposed premises will comply with applicable laws and rules regarding the following:

- Security
- Employee qualifications and training
- Transportation of product
- Preventing minors from entering the licensed premises
- Preventing minors from obtaining marijuana items at the business

Applicants seeking a **Producer** or **Processor** license must also use the **Producer Cultivation Plan** and **Processor Endorsement** forms to meet the additional operating plan requirements for those license types.

Section 1 – Business Information

Enter information for the business seeking to be licensed, as identified on the license application.

Business Name:	Cold Frame LLC (referred to as "the company" below)				
License Type(s):	Recreational Marijuana Grow				
Trade Name:	Cold Frame Cannabis				
Mailing Address:	2336 9th Ave				
City:	Forest Grove	**State:**	OR	**ZIP:**	

Physical Address:	2336 9th Ave				
City:	Forest Grove	**State:**	OR	**ZIP:**	

Primary Contact:	Ryan Lundahl		
Main Phone:	971 330 0880	**Cell Phone:**	971 330 0880
Email:	lundahlryan@yahoo.com		

OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Operating Plan

Section 2 – Hours of Operation

Use the following section to identify the regular hours during which your business will be in operation (IE: when yourself, partners, representatives, or employees will be on the premises and engaged in the operation of the business and the exercise of license privileges for the operation.)

Under OAR 845-025-8520, during regular business hours, your premises must be accessible on request to an identified OLCC inspector. Outside of regular business hours, your premises must be accessible on request to an identified OLCC inspector who has reason to believe a violation has occurred.

If your business will have seasonal variations, or irregular hours, detail these variations and schedules in the space available.

Regular business hours, specify AM and PM:

Sunday:	8am - 8pm
Monday:	8am - 8pm
Tuesday:	8am - 8pm
Wednesday:	8am - 8pm
Thursday:	8am - 8pm
Friday:	8am - 8pm
Saturday:	8am - 8pm

Seasonal or other variations:

We may close during the winter months.

OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Operating Plan

Section 3 – Physical Security Requirements

Review the requirements under OAR 845-025-1410 through OAR 845-025-1600 and identify how the proposed premises will meet the listed requirements.

If you are requesting a waiver of specific security requirements, indicate that the request is being made and complete the **Security Waiver Request** form, identifying each item for which you are requesting a waiver.

Describe how the proposed premises will comply with following:

Physical Security Requirements (OAR 845-025-1410):

Describe safeguards against theft and diversion of marijuana items:

The Company is privileged to maintain a license to operate a marijuana facility, and understands there are considerable risks in operating a marijuana business. Those risks include risk of burglary and theft by outside parties, product diversion by both employees and customers, risk of minors accessing product, and risk to the safety of our employees. Our company is committed to ensuring a safe environment that mitigates as much risk as possible. Risk mitigation includes, but is not limited to, implementing the security requirements as mandated by all state and local laws, including the roles set forth by the Oregon Liquor Control Commission. In addition to ensuring the safety and security of its employees and customers, the company is responsible for safeguarding the theft or diversion of any marijuana items, and any records, be they in hardcopy documents or in digital form.

This Operating Plan shall be representative of all the most recent applicable laws and regulations. This plan will be reviewed by the General Manager and Security Manager at least annually, and updated as requirements and security plans change. The review will include an internal audit of the business and premises to ensure that the operations are compliant with this plan and that this plan represents all latest applicable laws, regulations, and policies.

Describe recordkeeping polices:

Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the licensed business is open.

Sensitive files may be password protected, or stored in a password protected file storage system. No company files shall ever be stored in public internet spaces, including un-secured file storage sites. Emailing sensitive data files to anyone outside the company is strictly prohibited without the permission of the General Manager. Customer-specific transaction data and contact information, including email addresses, will not be shared with any third party without permission of the customer.

Company shall adhere to all good practice guidelines and regulations with respect to email marketing.

Describe the type and number of locks present on external doors of the proposed premises and the engineering standards used to determine whether the locks are commercial-grade:

The Security Manager will ensure that all external doors of the premise, including server room and drying room utilize auto lock commercial-grade door locks. The Company may implement key card secure access locks that ensure only authorized personnel may enter the premises.

Describe the plan for ensuring all entrances and exits are locked when the business is not operating:

At any time when the business is not operating, all entrances to and exits from the premises will be securely locked and any keys or key codes to the enclosed area will remain in the possession of Security Director, the General Manager or his authorized representative.

During all hours when the licensee is not operating a licensee must ensure that: All entrances to and exits from a licensed premises are securely locked and any keys or key codes to the enclosed area remain in the possession of the licensee, licensee representative, or authorized personnel. (845-025-1410.3)

Describe the plan for maintaining the security of key codes or keys to any enclosed areas and ensuring possession of these items remains only with the licensee(s) or authorized representatives:

Access to secure areas will be given only to areas where need can be demonstrated. The General Manager, Security Manager have ultimate responsibility for issuing access. Issuance must be recorded by the issuing individual, including documentation of any facility keys, alarm codes, electronic access codes, passwords, or combination codes. Keys and electronic access codes must be protected. They may not be loaned and should not be left unattended. All keys, access cards, passwords issued to employees should be retained in the possession of the employee to whom issued and may not be transferred directly from one employee to another. Employees must report any lost keys or access cards to his or her manager immediately. The general manager along with the security manager will make a determination as to whether the system has been compromised and whether re-keying will be necessary. It is against company policy to duplicate keys, share passwords, or share access codes.

For Retailers, describe how the safe or vault on the premises meets the definition under OAR 845-025-1015 and the plan for ensuring all marijuana items are secured within the safe or vault when the business is not operating. Enter "NA" if you are not applying for a Retailer license.

NA

OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Operating Plan

For all license types except Retailers, describe the locked, enclosed area within the proposed premises and the locking mechanism in use for any area where marijuana is present. If you are applying for a Retailer license, note that here. (*Any doors into this area must contain a multiple-position combination lock or the equivalent and a relocking device.*):

All marijuana items on the licensed premises will be kept in a locked, enclosed area within the licensed premises that is secured with a door that contains a Commercial Grade Auto relocking device or the equivalent.

Describe any network infrastructure present for electronic record-keeping and communication and how they meet the requirement for an encrypted network infrastructure:

The Company recognizes that cyber threats may impact its business and customers. It will take precautions to protect its customers' privacy and sensitive financial data, with the goal of avoiding unauthorized access. As required, the Company's network infrastructure will be encrypted and password protected.

Only authorized personnel who have been trained in secure records management procedures will be granted access to customer data. Users of our system will also have role-based authentication, and will be prohibited from sharing login credentials. Our software will incorporate security measures such as password lockouts, login timeouts, strong password requirements and periodic password expiration. Administrators will be empowered to disable users as necessary.

The Company will work with CannaGuard Security and third-party vendors to ensure that its computer system and network infrastructure is secure.

Describe the electronic back-up system for electronic records:

Electronic records will be stored both on-site (short-term storage) and off-site (long-term, back up storage). Electronic records will be backed up on a daily basis using an on-site secure server. This secure server will be physically located in a secure room on the premises. This on-site back up storage will include at least one year of data. Off-site secure data storage will be managed by a third-party data storage provider. Remote data storage will include all data records that are at least seven days old. These records will be stored in perpetuity. Data older than three years old may be purged from storage.

All records that the Company is required to keep and that are not stored electronically will be stored 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 Company is open.

Describe the storage area for video recordings and archived records that are not stored electronically and how it meets the requirement for a "locked storage area" under OAR 845-025-1410(4)(c):

Any archived records and non-digital records will be kept on the premises after hours will be secured in a safe or vault.

Section 4 – Alarm System

Alarm System (OAR 845-025-1420):

An alarm system is required for all license types. Describe the alarm system for the proposed premises:

The Company will engage the services of CannaGuard Security to install, maintain and monitor an alarm system that is activated at all times that the business is closed. The system will detect unauthorized entrance at all entry or exit points, and all exterior windows. It will also detect movement in indoor areas, subject to the request for a security waiver on the last page of this document.

Upon request, the Company will make all information related to security alarm systems, monitoring and alarm activity available to the OLCC.

The alarm system must be activated on all exits and entries and perimeter windows at all times when the licensed premises is closed for business. Describe the how the alarm system meets this requirement:

The alarm system will be armed as the last person of the day leaves. The General Manager will automatically be notified if the alarm system is not armed after a specific time, and he or she will be able to arm the system remotely. The system will also be programmed to automatically arm at a certain time.

Describe how the alarm system detects movement within all indoor areas of the proposed premises:

System will be designed to detect movement throughout the facility in areas that would be used to access limited access areas. Motion detectors will not be installed in areas where there are fans or plants that may trigger false alarms.

The alarm system must be programmed to notify a security company that will notify authorized personnel or law enforcement in the event of a breach. Describe how the alarm system meets this requirement:

This alarm system will be programmed to notify CannaGuard Security, which will then notify the General Manager or his or her designee, in the event of a breach. If these parties are unavailable, law enforcement will be contacted.

The alarm system must have at least two operational "panic buttons" located inside the licensed premises that will immediately notify a security company and law enforcement. Describe how the alarm system meets this requirement:

At least two panic buttons will be installed and available for employees to access. These buttons will be placed within reach of personnel as recommended by CannaGuard Security. Once pressed, these panic buttons will immediately send text and email alerts to all parties involved. The General Manager will be responsible for ensuring the alarm system and panic buttons are in proper working order, and that the system will be tested periodically, as recommended by the General Manager.

OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Operating Plan

Section 5 – Video Surveillance and Recording

Video Surveillance and Recording (OAR 845-025-1430 through OAR 845-025-1460):

All recreational marijuana licensed premises must meet minimum standards for surveillance equipment. Applicants should be able to answer "Yes" to all items below unless a **Security Waiver Request** has been approved by the Commission.

What is a "Limited Access Area?"

As defined under OAR 845-025-1015 (24), a "limited access area" means a *"building, room, or other contiguous area on a licensed premises where a marijuana item is produced, processed, stored, weighed, packaged, labeled, or sold, but does not include a point of sale area on a licensed Retailer premises."*

Video surveillance equipment for the proposed licensed premises consists of:	Yes	No
Digital or network video recorders	■	☐
Cameras that continuously record 24 hours a day in all areas with marijuana items	■	☐
Video monitors, including a minimum of at least one monitor on the premises capable of viewing video	■	☐
Digital archiving devices	■	☐
A printer capable of producing a still photo from a recording	■	☐

Video surveillance equipment is equipped with:	Yes	No
A failure notification system that notifies licensee or representative within one hour of a surveillance interruption or failure	■	☐
A battery backup capable of supporting one hour of recording	■	☐

Cameras in use meet the following minimum standards:	Yes	No
All cameras record at a resolution of 1280 x 720 pixels	■	☐
Cameras covering limited access areas record at 10 frames per second	■	☐
Cameras covering non-limited access areas record at 5 frames per second	■	☐

Cameras cover the following areas of the premises:	NA	Yes	No
All point-of-sale areas (Retailers only. Check "NA" for other license types.)	■	☐	☐
All limited access areas		■	☐
All points of entry and exit from limited access areas		■	☐
All points of entry and exit from the licensed premises		■	☐

Describe how the surveillance system records video in any lighting condition:

The premises will be equipped with cameras that have IR (infared) functionality.

Video coverage will be periodically audited to ensure that all cameras are in good working condition, and that areas that must be covered are covered at all times.

Describe the locked secure area where video surveillance and recordings are stored and how you will ensure the area is accessible only to authorized personnel and the Commission:

All surveillance video recordings will be stored electronically in a locked storage area with a commercial grade auto relocking door lock. Archived surveillance video recordings will be kept in a format that allows for authentication as a legitimately-captured video that has not been altered. Surveillance video recordings will be kept for longer than thirty days upon the OLCC's request. All surveillance video recordings will be easily accessible for viewing by CannaGuard Security, law enforcement, the OLCC or an authorized employee upon request.

Location and Maintenance of Surveillance Equipment (OAR 845-025-1460):	Yes	No
Surveillance room or area is clearly defined on the **Premises Sketch** or **Floor Plan**	■	☐
Surveillance recording equipment is housed in a designated, locked and secured room or enclosure	■	☐
Surveillance recording equipment access is limited to authorized personnel, Commission employees, state and local law enforcement, and service personnel or contractors	■	☐
Video recordings are backed up off-site	☐	☐
Licensee maintains a current list of authorized employees and service personnel who have access to the surveillance system and room on the premises	■	☐
Licensee keeps a surveillance equipment maintenance activity log on the premises	■	☐

All required video surveillance recordings must be backed up off-site. This off-site storage must be secure and recordings must be easily accessed for viewing and easily reproduced. Describe how you will meet this requirement:

As relayed, OLCC is going to waive compliance with the backup video requirement of OAR 845-025-1460(1)(c) for all applicants for at least 90 days, possibly longer. The exact timeframe for those waivers are being worked out and will be publicly announced once decided. Please note that some form of back up video requirements will be in place after these waivers expire, so applicants/licensees should keep that in mind when selecting cameras/equipment to make sure it is capable of being backed up in the future.

OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Operating Plan

Section 6 – Producer Security Requirements

If you are not applying for a Producer license, you do not need to complete this section

What are the additional Producer Requirements?

Under OAR 845-025-1470, a Producer must effectively prevent public access and obscure from public view all areas of marijuana production. A Producer may satisfy this requirement by:

- Submitting a security plan as described in OAR 845-025-1400 (Security waivers);
- Fully enclosing indoor production on all sides so that no aspect of the production area is visible from the exterior
- Erecting a solid wall or fence on all exposed sides of an outdoor production area that is at least eight (8) feet high.

If you are submitting a security plan to satisfy this requirement, please note that information below and include the security plan as a separate uploaded document.

Describe how your Production premises will meet the requirements noted above:

We have limited the access to our facility and will not let individuals under 21 onto the license premises. The Company will also post signs at every entrance and exit to the building prohibiting individuals under 21 from entering the premises.

	Yes	No
Will you be disposing of usable marijuana by any method of composting?	■	☐

If yes to the above, describe how you will obscure the composting area from public view and prevent any public access into the area:

Composting area will be inside the license premise, have 24/7 recording on the area and not be visible in any public area.

OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Operating Plan

Section 7 – Employee Qualifications and Training

Describe how your business will meet the requirements for employee qualifications and training. If you are attaching supplemental information containing this information to your online license application, reference that information here.

The company will utilize the services of on site trainers, on line training and classroom training for best practice, technology-driven training for state certification, recertification, compliance and pre-applications.

OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Operating Plan

Section 8 – Transportation

If your business engages or will engage in the transport of marijuana, your Operating Plan must include a description of how the operation will meet the requirements for transportation under OAR 845-025-7700.

Check all that apply:

- ☐ **My business will transport marijuana. I have read OAR 845-025-7700 and have described how my business will meet these requirements below.**
- ☐ **My business will hire an OLCC licensed wholesaler to transport marijuana on its behalf. I have read OAR 845-025-7700 and have described how my business will meet these requirements below.**
- ☐ **My business will not engage in the transport of marijuana.**

If your business will engage in the transport of marijuana, describe how the operation will meet the transportation requirements:

All aspects of OAR 845-025-7700 will be complied with explicitly.

OREGON LIQUOR CONTROL COMMISSION

Marijuana Business Operating Plan

Section 9 – Minor Control Plan

Describe how the business will prevent minors under the age of 21 from gaining access to any portion of the licensed premises and marijuana items.

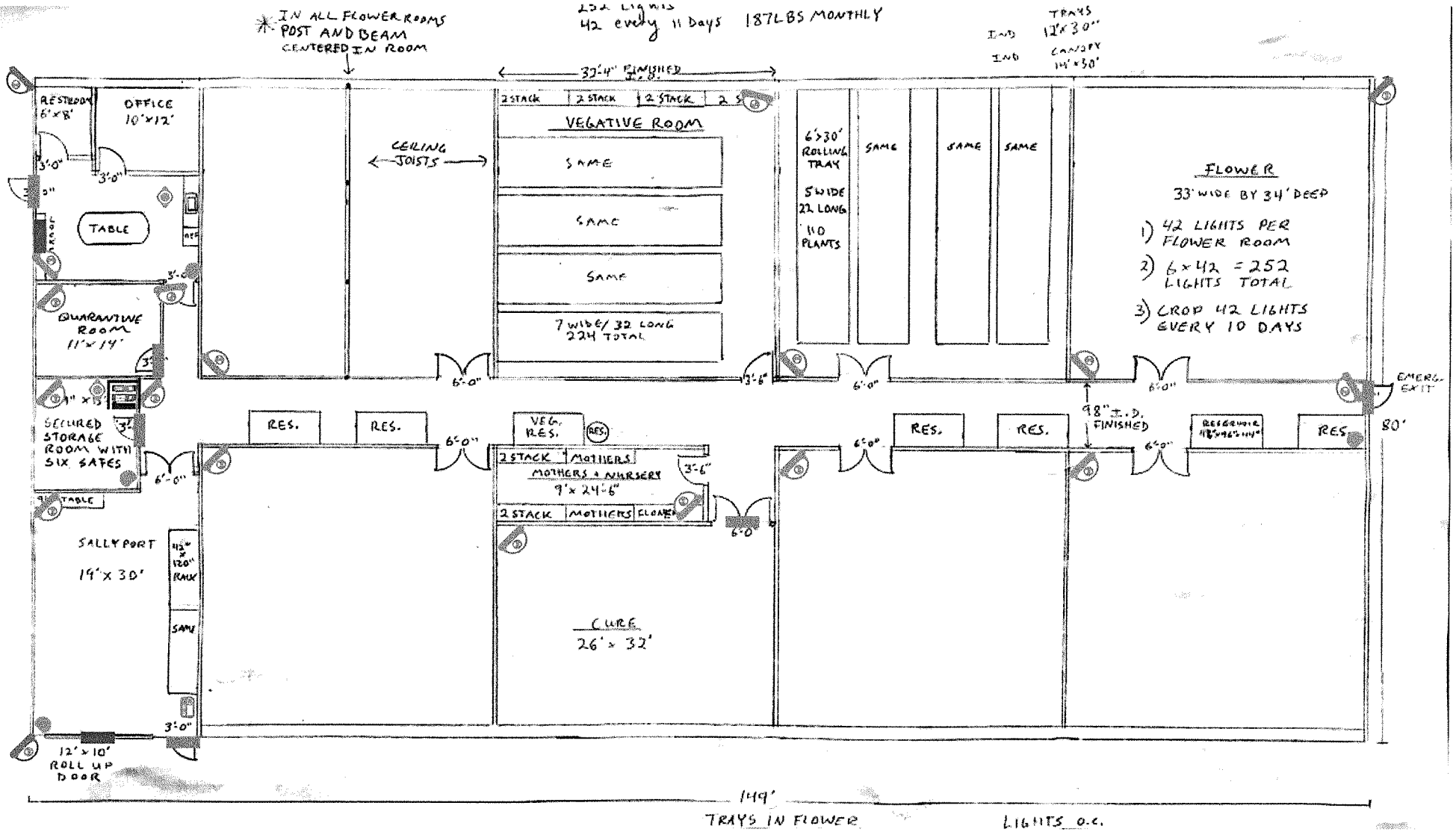
Prior to granting access to the facility photo ID's will be checked to verify age and that information will be kept on recorded and archived for future reference.

8089 SW Cirrus Dr
Beaverton, OR 97008

Cold Frame

Ryan Lundahl
971-330-0880

2336 9th Ave,
Forest Grove, OR 97116



Alarm	PROJECT ID	Surveillance
Alarm Keypad, Panic Button, Motion Detector, Door Contact	075200OR	Locking Server Rack, Battery Backup, Server, Outdoor IP Dome, Indoor IP Dome

EconoPure™
Water Systems

LFNano Technical Data Sheet

	1	Quotation No. 20160531PORRL		Date: 05/31/2016	Page 1
	2	Client: Ryan Lundahl			
	3				
	4				
Items	5	Item No.	1		
	6	Quantity	3		
	7	LFNano Type/Size	Revolvler/8"		
	8	No. of EconoPure Elements	2	EPWS-NF6T-8040 (*99.0% MgSO4, 80.0% NaCl*)	
	9	No. of Pumps	2		
System Specifications	10	LFNano Vessel Style		Revolver/2-Element	
	11	Design Product Water Capacity*	m^3/hr	0.62	*164 gal/hr*
	12	Design Operating Pressure*	psi	<100	
	13	Design Recovery*	%	95	
	14	Pressure Pump Type/No.		Rotay Vane Pump	
	15	Max. Capacity	m^3/hr	1.25	*330 gal/hr*
	16	Operating Pressure	psi	<100	
	17	Power Requirements	V	110	
	18	Energy Consumption	kW	0.55	
	19	Recirculation Pump Type/No.		EPWS Internal Recirculation	
	20	Capacity	m^3/hr	50	
	21	Operating Pressure	psi	10	
	22	Max. Inlet Pressure	psi	200	
	23	Power Requirements	V	110	
	24	Energy Consumption	kW	0.33	
Water Qaulity	25	Feed Water			*RainWater*
	26	TDS	mg/L	<100	
	27	Total Hardness	mg/L	<50	
	28	COD	mg/L	-	
	29	BOD	mg/L	-	
	30	Turbidity	NTU	-	
	31	Other:			
	32				
	33				
	34				
	35				
	36	Permeate Water			
	37	TDS	mg/L	<25	
	38	Total Hardness	mg/L	<5	
	39	COD	mg/L	-	
	40	BOD	mg/L	-	
	41	Turbidity	NTU	-	

EconoPure™ Water Systems

LFNano Technical Data Sheet

				Date:	Page 2
	42	Other:			
	43				
	44				
	45				
	46				
	47				
	48	Brine Water			
	49	TDS	mg/L	max. 600	
	50	Total Hardness	mg/L	max. 850	
	51	COD	mg/L	-	
	52	BOD	mg/L	-	
	53	Turbidity	NTU	-	
	54	Other:			
	55				
	56				
	57				
	58				

*Actual values may vary. A Pilot test is recommended.

Oregon Rainfall Calculations:

Decmeber Average Monthly Rainfall (in/hr) = 0.01 0.01 * 12,000 = 70 GPH

Worst Case Scenario [100-yr Storm] (in/hr) = 1.2 1.2 * 12,000 = 10,080 GPH

Clean Water Services

August 18, 2016

GALLANT CONSTRUCTION
PO BOX 181
BANKS OR 97106

RE: Lundahl Industrial Park; CWS file 16-002273 (Tax map 1S306C0 Tax lot 01100)

Clean Water Services has received your Site Assessment for the above referenced site. District staff has reviewed the submitted materials including site conditions and the description of your project. Staff concurs that the above referenced project will not significantly impact the existing Sensitive Areas and Vegetated Corridors found near the site. In light of this result, this document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

This letter does NOT eliminate the need to protect Sensitive Areas if they are subsequently identified on your site.

If you have any questions, please feel free to call me at (503) 681-3653.

Sincerely,

Amber Wierck
Environmental Plan Review

2550 SW Hillsboro Highway • Hillsboro, Oregon 97123
Phone: (503) 681-3600 • Fax: (503) 681-3603 • cleanwaterservices.org

SITE PLAN REVIEW FOR LUNDAHL INDUSTRIAL PARK

TL 1100 TOWNSHIP 1 SOUTH, RANGE 3 WEST, SEC. 6 W.M.
CITY OF FOREST GROVE
WASHINGTON COUNTY, OREGON

GROSS ACREAGE: 1.55 AC

BENCHMARK:

WASHINGTON COUNTY BENCHMARK NO. 472,
A BRASS DISK LOCATED AT SOUTHWEST CORNER
OF BRIDGE, 0.4 MILES SOUTHWEST OF ELM STREET
AND HWY 47 INTERSECTION.

ELEVATION DATUM: NGVD 29, ELEVATION = 171.343

UTILITIES & SERVICES:

WATER:	CITY OF FOREST GROVE
STORM:	CLEAN WATER SERVICES
SEWER:	CLEAN WATER SERVICES
POWER:	CITY OF FOREST GROVE LIGHT & POWER
GAS:	NORTHWEST NATURAL
FIRE:	FOREST GROVE FIRE & RESCUE
POLICE:	CITY OF FOREST GROVE
SCHOOL:	FOREST GROVE SCHOOL DISTRICT
PARKS:	FOREST GROVE PARK & RECREATION
PHONE:	FRONTIER
WASTE DISPOSAL:	WASTE MANAGEMENT SERVICES
CABLE:	COMCAST

LOT COVERAGE:

35,700 SF BLDGS / 67,445 SF LOT = 52.9% COVERAGE

APPLICANT:

GALLANT CONSTRUCTION
PO BOX 181
BANKS, OR 97106
(P) 503-773-5077
CONTACT: JOSHUA SHROYER

OWNERS:

RYAN LUNDAHL
7127 SE 35th AVE. PORTLAND, OR 97202

JON BURNETT
10651 SE STEVENS WAY HAPPY VALLEY, OR 97086

PLANNER:

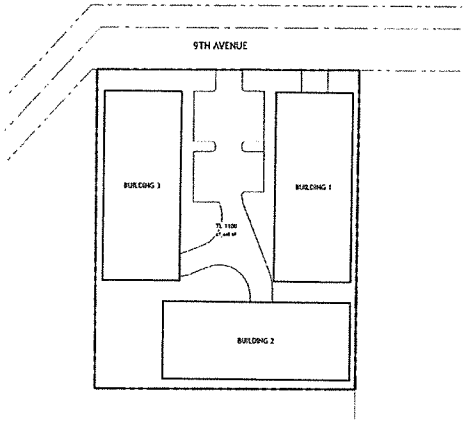
PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN ST.
TIGARD, OR 97223
(P) 503-941-9484
CONTACT: STACY CONNERY, AICP

CIVIL ENGINEER:

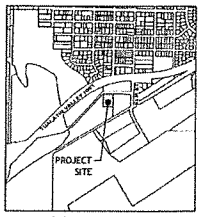
PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN ST.
TIGARD, OR 97223
(P) 503-941-9484
CONTACT: KC SCHWARTZKOPH, PE

SURVEYOR:

PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN ST.
TIGARD, OR 97223
(P) 503-941-9484
CONTACT: TRAVIS JANSEN, PLS, PE



SITE MAP
1" = 40'



VICINITY MAP

LEGEND:
- PROPERTY LINES
- ROW LINES
- PROJECT BOUNDARY

SHEET INDEX:

CWS FILE NO. 16-007273
Approved
FOR ENVIRONMENTAL REVIEW
Clean Water Services
By AW Date 8/18/16

SPL ATTACHMENT 1 of 2

Pacific Community Design
12564 SW Main Street
Tigard, OR 97223
(P) 503-941-9484

DATE: 6/20/2016

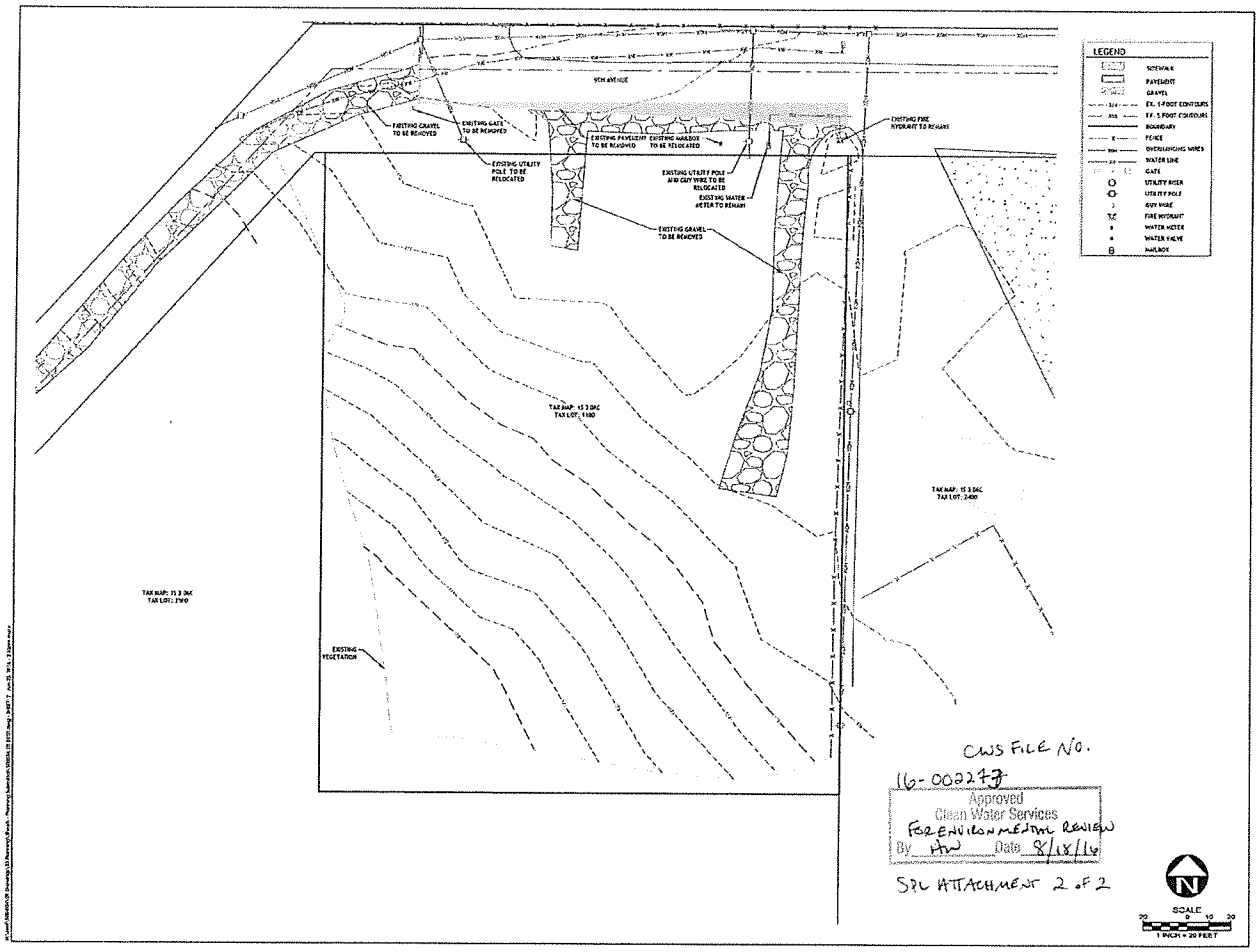
REVISIONS

NO.	DATE	DESCRIPTION

SITE PLAN REVIEW FOR LUNDAHL INDUSTRIAL PARK

COVER SHEET

PROJECT NO.: 508-01
TYPE: PLANNING
REVIEWED BY: PRE



CWS FILE NO.
16-00227
Approved
Clean Water Services
FOR ENVIRONMENTAL REVIEW
By HW Date 8/18/16

SPL ATTACHMENT 2 of 2

Pacific Community Design
12564 SW Main Street
Tigard, OR 97223
(T) 503 941 9484

DATE: 6/20/2016

REVISIONS

NO.	DATE	DESCRIPTION

SITE PLAN REVIEW FOR LUNDAHL INDUSTRIAL PARK

EXISTING CONDITIONS PLAN

PROJECT NO.: 500-034
TYPE: PLANNING
REVIEWED BY: PKE

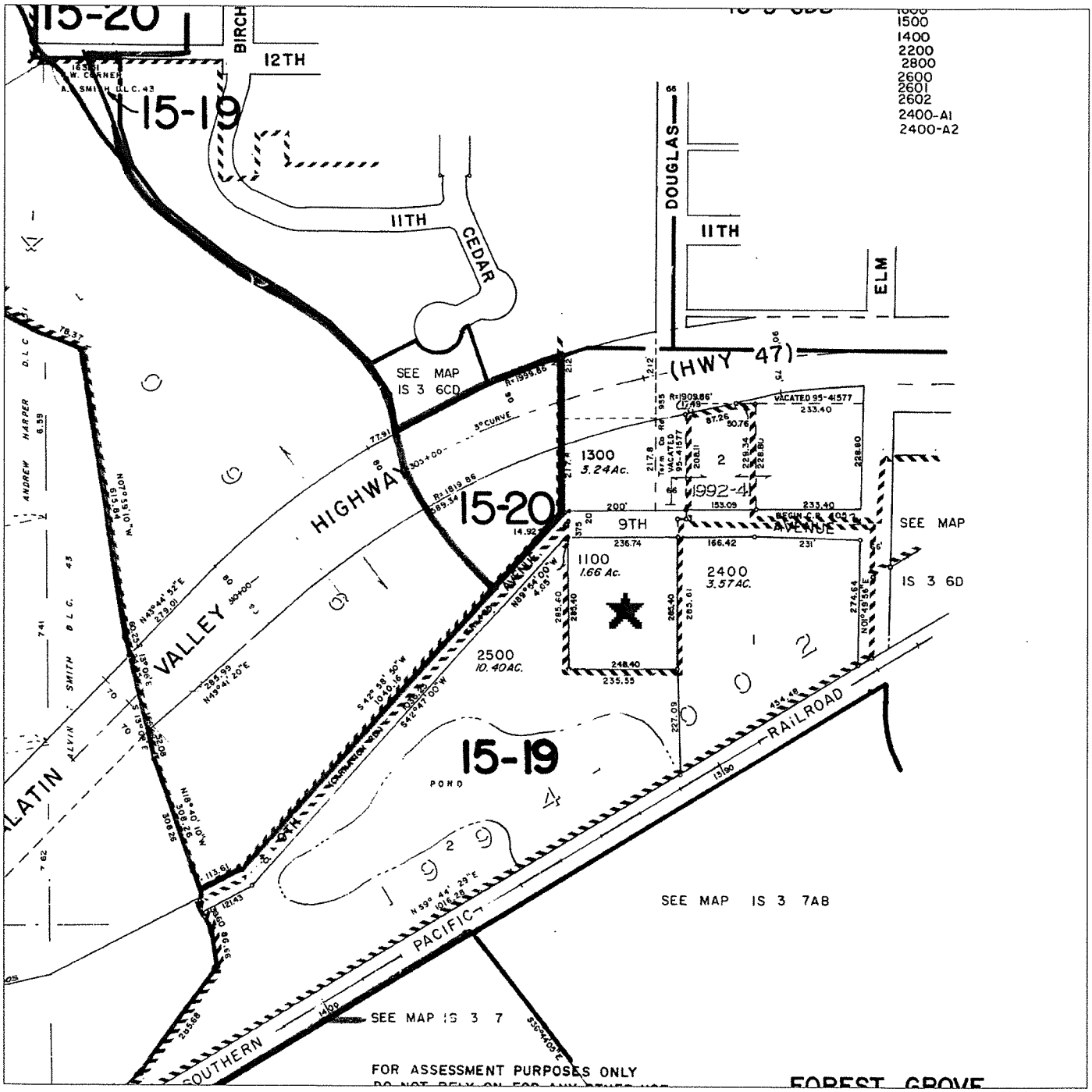
2

First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

This map is provided as a convenience in locating property
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

Reference Parcel Number 1S306C0 01100



First American

myFirstAm® **Recorded Document** **2336 9th Ave, Forest Grove, OR 97116**

The requested Recorded Document images are displayed in the subsequent pages for the following property:

2336 9th Ave
Forest Grove, OR 97116

Document Number: 000000002811
Document Date: 01/15/2016

Limitation of Liability for Informational Report

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

Washington County, Oregon **2016-002811**
D-DW
Stn=19 D MOON **01/15/2016 09:38:13 AM**
$15.00 $11.00 $5.00 $250.00 $20.00 **$301.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio

THIS SPACE RESE

After recording return to:
Jon D. Burnett
2336 9th Avenue
Forest Grove, OR 97116

Until a change is requested all tax statements shall be sent to the following address:
Jon D. Burnett
2336 9th Avenue
Forest Grove, OR 97116

File No.: 7032-2572446 (KK)
Date: December 16, 2015

FIRST AMERICAN 2572446-tts

STATUTORY WARRANTY DEED

Premier Community Bank, Grantor, conveys and warrants to **E. Elaine Brunold, trustee of the J&E Brunold Trust dated May 26, 1996** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Washington, State of Oregon, described as follows:

See attached exhibit "A"

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **$250,000.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 5th day of January, 2016.

Premier Community Bank

By:

Name: Fred Johnson
Title: Executive Vice President

STATE OF Oregon)
)ss.
County of Washington)

This instrument was acknowledged before me on this 5th day of January, 2016 by Fred Johnson as Executive Vice President of Premier Community Bank, on behalf of the Corporation

Tracy R. Dobbyn

OFFICIAL STAMP
TRACY R DOBBYN
NOTARY PUBLIC - OREGON
COMMISSION NO. 939617
MY COMMISSION EXPIRES JUNE 02, 2019

* Notary Public for Oregon
My commission expires: June 2, 2019 **

* Notary
** My

EXHIBIT A

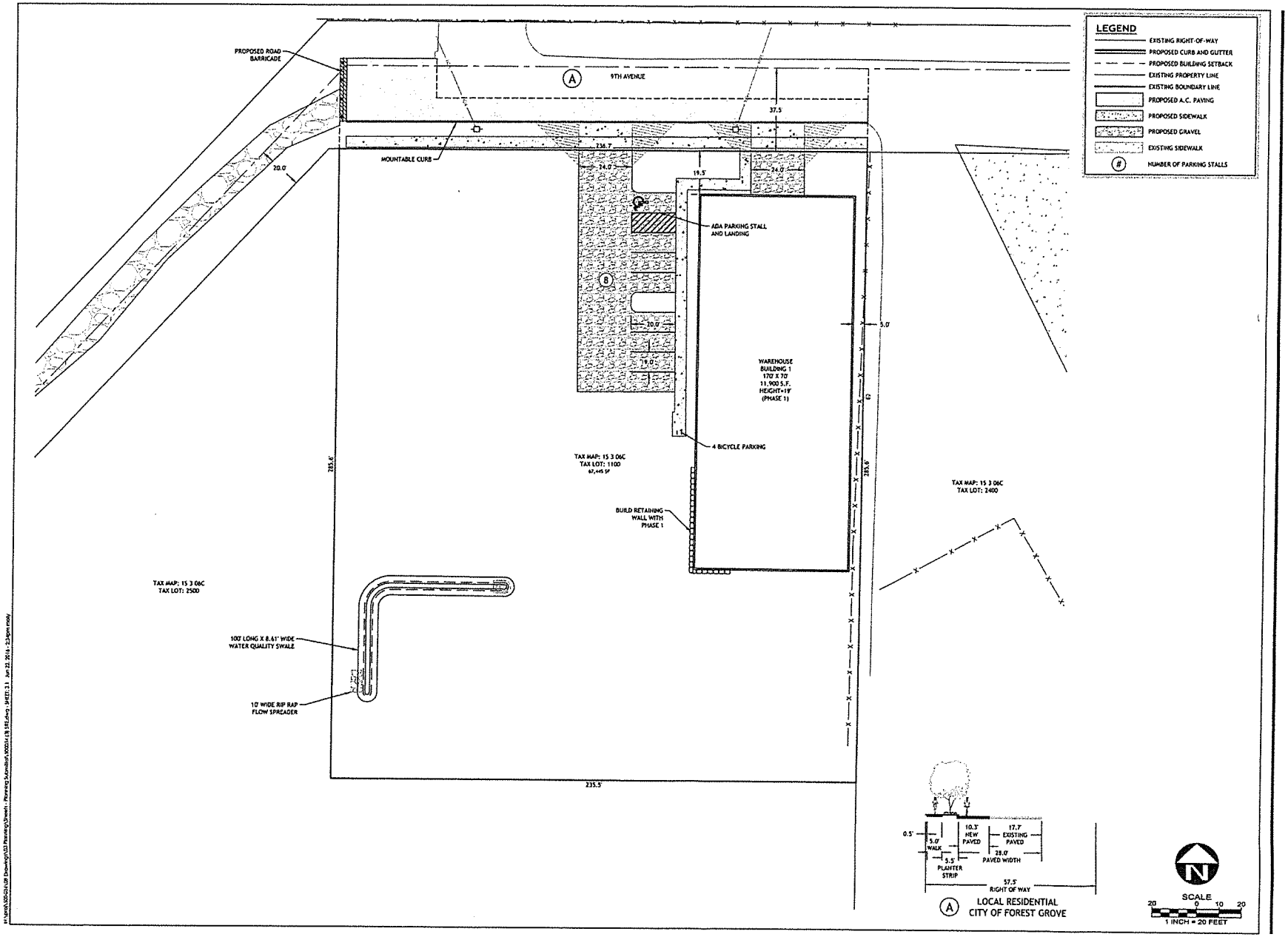
LEGAL DESCRIPTION: Real property in the County of Washington, State of Oregon, described as follows:

BEING A PART OF THE ALVIN T. SMITH DONATION LAND CLAIM, TOWNSHIP 1 SOUTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF FOREST GROVE, COUNTY OF WASHINGTON AND STATE OF OREGON:

BEGINNING AT AN IRON PIPE 358.76 FEET NORTH 0°13' EAST OF THE RAILROAD IRON SET ON THE NORTHERLY BOUNDARY OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, AND AT THE SOUTHWEST CORNER OF THAT CERTAIN 5.77 ACRE TRACT CONVEYED TO THEODORE HASHBARGER, BY DEED RECORDED IN DEED BOOK 124, PAGE 71; THENCE NORTH 0°13' EAST 285.4 FEET TO THE SOUTH LINE OF THE COUNTY ROAD #405; THENCE SOUTH 88°49' EAST FOLLOWING THE BOUNDARY OF THE COUNTY ROAD #405, A DISTANCE OF 248.4 FEET TO A POINT 8 FEET WEST OF THE EAST LINE OF FOURTH STREET, IF EXTENDED, FOREST GROVE, OREGON; THENCE SOUTH 0°29' WEST ALONG A LINE PARALLEL WITH THE EAST LINE OF THE EXTENSION OF FOURTH STREET, FOREST GROVE, OREGON, 285.4 FEET; THENCE NORTH 88°49' WEST 248.4 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE EAST 10 FEET CONVEYED BY INSTRUMENT RECORDED JUNE 23, 1965 IN BOOK 557 PAGE 676 OF DEED RECORDS.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.



Pacific Community Design
12564 SW Main Street
Tigard, OR 97223
(T) 503-941-9484

DATE: 6/20/2016

REVISIONS

NO.	DATE	DESCRIPTION

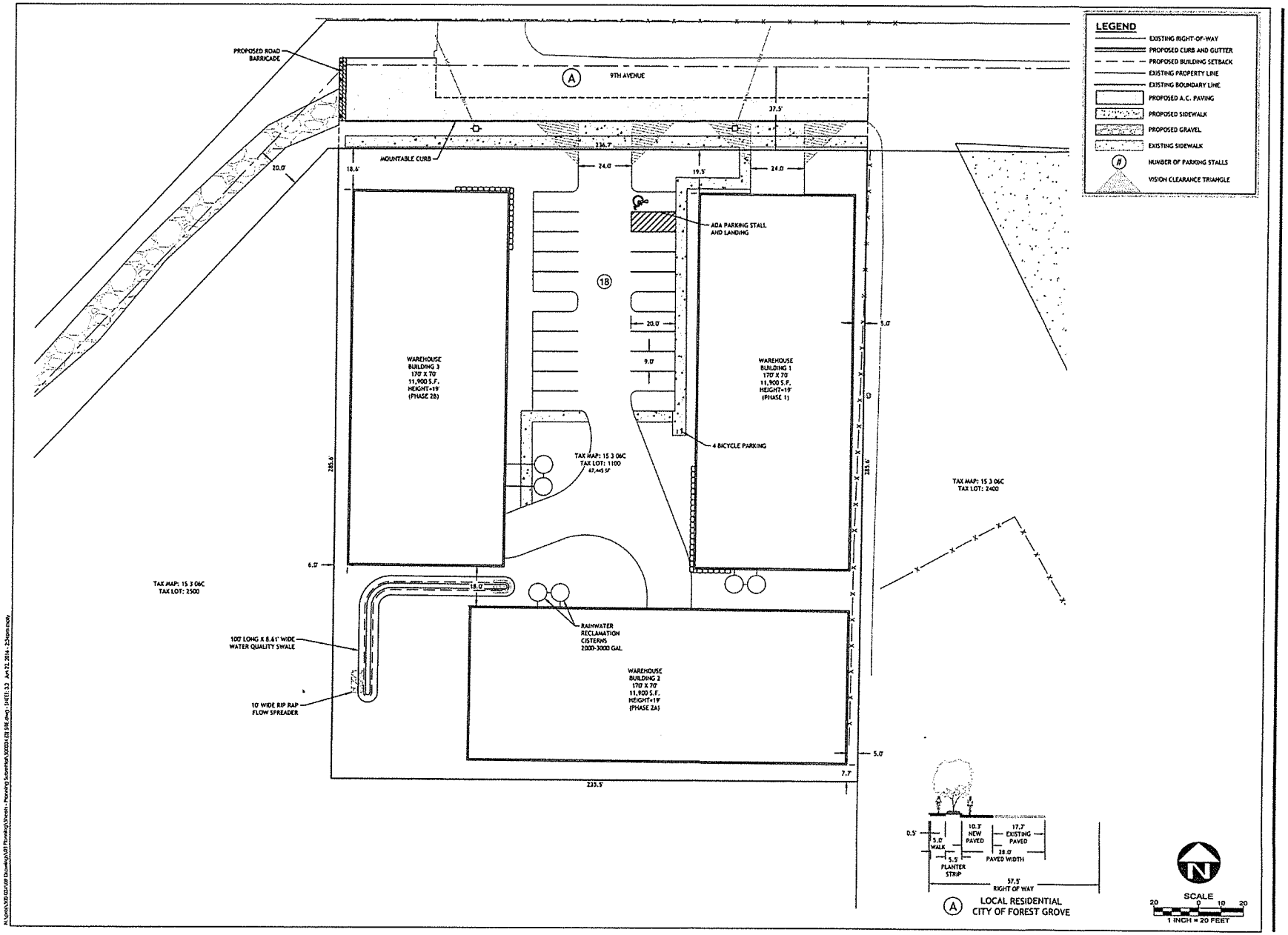
SITE PLAN REVIEW FOR LUNDAHL INDUSTRIAL PARK

SITE PLAN (PHASE 1)

PROJECT NO.: 500-034
TYPE: PLANNING
REVIEWED BY: PRE

3.1

EXHIBIT B



Pacific Community Design
12564 SW Main Street
Tigard, OR 97223
(T) 503-941-9484

DATE: 6/20/2014

REVISIONS

NO.	DATE	DESCRIPTION

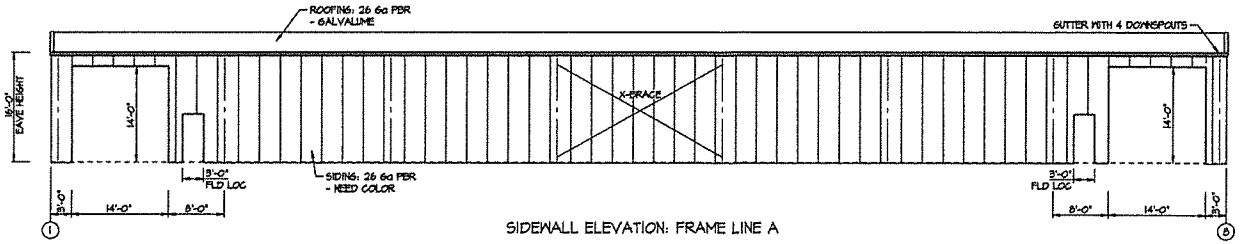
SITE PLAN REVIEW FOR LUNDAHL INDUSTRIAL PARK

SITE PLAN (PHASE 2)

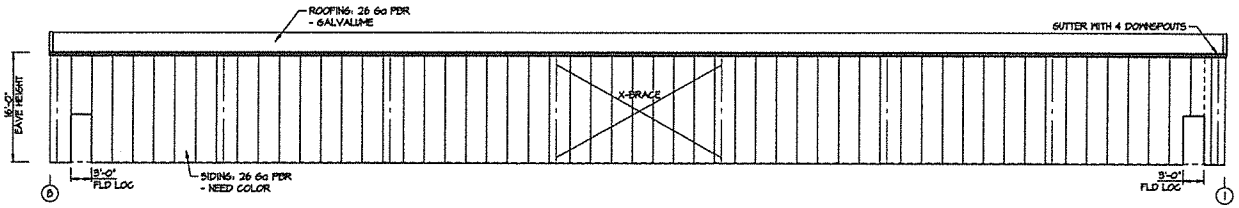
PROJECT NO.: 500-034
TYPE: PLANNING
REVIEWED BY: PRE

3.2

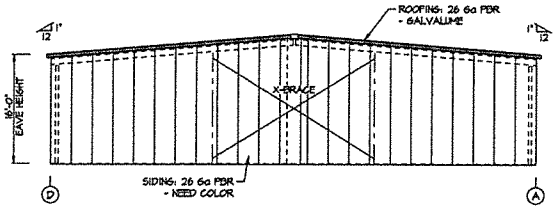
EXHIBIT C



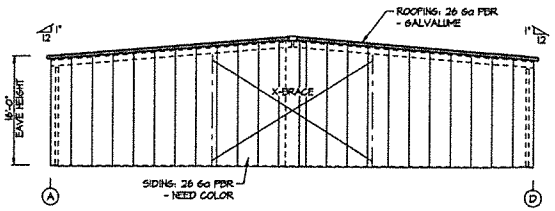
SIDEWALL ELEVATION: FRAME LINE A



SIDEWALL ELEVATION: FRAME LINE D



ENDWALL ELEVATION: FRAME LINE I



ENDWALL ELEVATION: FRAME LINE B

FOR APPROVAL ONLY

CLIENT SIGN _____ DATE _____

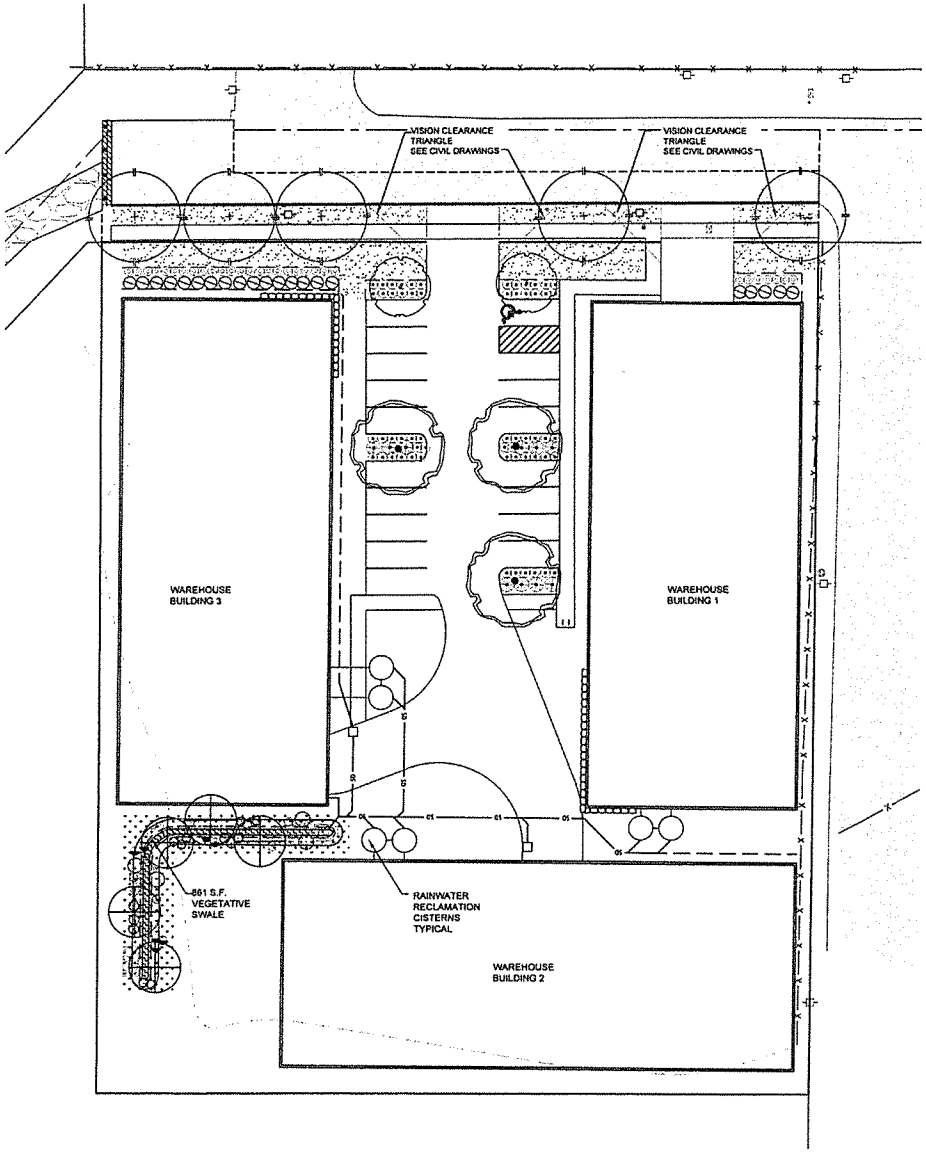
DATE: 4/26/16
DWG BY: LG
CHECKED BY:
PAGE: A2 OF A2
JOB ID: 16-7787

PACIFIC BUILDING SYSTEMS
MANUFACTURED BY TRUSS-T STRUCTURES, INC.
2100 N. PACIFIC HWY. WOODBURN, OREGON 97071 PHONE (503) 981-9591

PROJ: Warehouse
Forest Grove, OR 97116
TITLE: Wall Elevations
DEALER: Ryan Lundahl

REVISION		DATE
-	Issued For Approval Only	4/26/16 LG

EXHIBIT D



PLANTING LEGEND

TREES

	QTY.	COMMON NAME / BOTANICAL NAME:	SIZE AND DESCRIPTION
	2	EASTERN REDBUD / CERCIS CANADENSIS:	2" CAL., B&B
	5	NYSSA SYLVATICA / BLACK TUPELO:	2" CAL. B&B - 30' O.C.
	3	KATSURA TREE/ CERCIDIPHYLLUM JAPONICA:	2" CAL., B&B

SHRUBS

SYMBOL	QTY.	COMMON NAME / BOTANICAL NAME:	SIZE AND DESCRIPTION
	10	DWARF BURNING BUSH / EUONYMUS ALATA 'COMPACTA':	24"-30" HT.
	32	DAVID VIBURNUM / VIBURNUM DAVIDII:	15"-18" HT.
	58	KELSEY REDOSIER DOGWOOD / CORNUS V. SERICEA 'KELSEYI':	15"-18" HT.
	22	RHODODENDRON 'JEAN MARIE DE MONTEGUE':	24"-30", B&B, 5' O.C.

LAWN AND GROUND COVER

SYMBOL	CODE	QTY.	COMMON NAME / BOTANICAL NAME:	SIZE AND DESCRIPTION
	LAWN	2,985 S.F.	PRO-TIME 309 (SUPREME MIX) GRASS SEED BY HOBBS AND HOPKINS, LTD.	AT A RATE OF 8LBS/1000 SQUARE FEET.

NOTE:

1) LANDSCAPE AREAS WILL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM DESIGNED BY CONTRACTOR. CONTRACTOR WILL PROVIDE MATERIALS AND INSTALL ALL IRRIGATION DOWNSTREAM OF THE WATER METER.

VEGETATED WATER QUALITY SWALE PLANTING LEGEND

TREES

SYMBOL	QTY.	COMMON NAME / Botanical name	Size and description
	4	VINE MAPLE / ACER CIRCINATUM:	2 Gal.,
	5	OREGON ASH / FRAXINUS LATIFOLIA:	3' HT., 10 O.C.
TOTAL	9	861 S.F X .01= 9 REQUIRED TREES	

SHRUBS

SYMBOL	QTY.	COMMON NAME / Botanical name:	Size and description
	7	RED TWIG DOGWOOD / CORNUS SERICEA:	1 GAL.
	7	OCEANSPRAY / HOLODISCUS DISCOLOR:	1 GAL.
	7	SERVICEBERRY / ALMELANCHIER ALNIFOLIA:	1 GAL.
	7	SNOWBERRY / SYMPHORICARPUS ALBUS:	1GAL.
	7	DOUGLAS SPIREA / SPIREA DOUGLASII:	1 GAL.
	8	RED FLOWERING CURRENT/ RIBES SANGUINEUM:	1 GAL.
TOTAL	43	861 S.F X .05= 43 REQUIRED SHRUBS	

HERBACEOUS PLANTS

SYMBOL	QUANTITY	COMMON NAME / Botanical name	Size and description
	600	SLOUGH SEDGE / CAREX OBNUPTA:	Plugs 1"x 6", (6) PER S.F.
	600	SPREADING RUSH / JUNCUS PATENS:	Plugs 1"x 6", (6) PER S.F.
TOTAL	1200	200 S.F X 6 (6 PLUGS PER SQ. FT.)= 1200 REQUIRED EMERGENTS	

GRASS SEED

SYMBOL	QUANTITY	COMMON NAME / Botanical name	Size and description
	CLEAN WATER "LOWGROW" SEED MIX: 120 LB PER ACRE		4,054 S.F. (0.109 ACRES)
	DWARF TALL FESCUE / FESTUCA ARUNDINACEA		40%
	PR8820 DWARF PERENNIAL RYEGRASS / LOLIUM PERENNE 'PR8820'		30%
	CREEPING RED FESCUE / FESTUCA RUBRA		25%
	HIGHLAND COLONIAL BENTGRASS / AGROSTIS TENUIS 'HIGHLAND'		05%

NOTES:

1. WATER QUALITY FACILITY PLANT MATERIAL SHALL BE PROVIDED WITH A TEMPORARY AUTOMATIC IRRIGATION SYSTEM DESIGNED BY CONTRACTOR. CONTRACTOR WILL PROVIDE MATERIALS AND INSTALL ALL IRRIGATION DOWNSTREAM OF THE WATER METER. TEMPORARY IRRIGATION SYSTEM SHALL BE MAINTAINED A MINIMUM OF THREE (3) GROWING SEASONS

SCALE
20 0 10 20
1 INCH = 20 FEET

Pacific Community Design
12564 SW Main Street
Tigard, OR 97223
(T) 503-941-9484

DATE: 6/20/2016

REVISIONS

NO.	DATE	DESCRIPTION

SITE PLAN REVIEW FOR LUNDAHL INDUSTRIAL PARK

PLANTING PLAN

PROJECT NO.: 500-034
TYPE: PLANNING
REVIEWED BY: PRE

L1

EXHIBIT E

FINDINGS AND CONDITIONS
Lundahl Industrial Park
2336 9th Avenue File Number: 311-16-000138PLNG

BACKGROUND: Gallant Construction (Applicant) applied for a Site Development Review permit to construct three warehouse buildings. The subject property is located in a General Industrial (GI) zoning district.

The application was submitted on June 28, 2016. It was deemed complete on July 14, 2016. Public notice was mailed on June 29, 2016.

DECISION: Based on the evidence in the record including the site plan submitted June 28, 2016 and the findings below, the application for Site Development Review for the proposed warehouses at 2336 9th Avenue is APPROVED with conditions.

PROCEDURE: An application for a Site Development Review permit is processed using the Type II procedure.

FINDINGS: The findings are based on the evidence in the record, including the application and related public comments. The following sections of the Forest Grove Development Code (DC) apply to an application for site development review.

Review Criteria: The review criteria are set forth in DC §10.2.450 A-F.

DC §10.2.450(A): The site development plan complies with all applicable standards of the base zone district (Article 3), any overlay district, and the applicable general development standards of Article 8.

FINDING: The base zone is the General Industrial zone and the applicable standards are set forth at DC §10.3.500 et seq. The proposed site plan complies with the applicable standards of DC §10.3.510 et. seq. as follows:

The application proposes three new warehouse buildings. These buildings are within the definition of a "warehouse" use pursuant to DC §10.12.140(E) Warehouse/Freight Movement which allows for uses involved in the storage and movement of large quantities of material or products indoors and/or outdoors. Examples include free-standing warehouses, cold storage plant and frozen food lockers, grain terminals and the like. The warehouse use is permitted by right in the General Industrial zone district.

DC §10.3.530 sets forth the dimensional requirements for a use in the industrial zone, including lot size, setbacks and building height. The site and site plan demonstrate compliance with the dimensional requirements of DC §10.3.530.

DC §10.3.540.A-E sets forth additional industrial zone standards. These standards are satisfied as follows:

A. The development has been reviewed pursuant to a Type II process.

B. Parking and loading areas are not located within required setback areas as there are no minimum setbacks required, pursuant to DC §10.3.530 Table 3-15.
C. This section requires an applicant to maintain "continuing compliance" with the standards of the Environmental Protection Agency, Oregon Department of Environmental Quality, and Metro, which are not enforced by the City. Noise complaints would be enforced pursuant to Forest Grove Code (FGC) §5.250 et. seq.
D. Solid waste areas must be screened. A condition of approval is included that requires the applicant to provide the required screening for any solid waste storage area.
E. Mechanical equipment must be screened. A condition of approval is included that requires the applicant to provide the required screening of any mechanical equipment.

FINDING: The property is not subject to an overlay district.

FINDING: The site plan complies with the applicable standards of DC §10.8.000 et. seq. as follows:

10.8.005(C) Adoption by Reference of CWS Standards. The site and all improvements are conditioned to comply with CWS standards for any discharge into either the sanitary sewer or storm drainage systems. For this reason, this criterion is met.

10.8.100 – 10.8.140 Access and Circulation. The site is located in an industrial area with no transit or pedestrian access. Access to the site is expected to be by vehicle. The proposed vehicular access would comply with the provisions of this section. Pedestrian connections will be provided between the parking areas, the public right-of-way, and the building entrances.

10.8.150 Clear Vision Area. The site plan demonstrates that no structures or other features will be located within the clear vision area described in DC §10.8.155 Figure 8-5. Accordingly, the site plan complies with this section.

10.8.200 Open Space and 10.8.300 Hazards and Resources: Open space requirements apply only to residential projects. No floodplains, designated wetlands, or other documented resource areas exist on the site. Therefore, this criterion is not applicable.

10.8.400 Landscaping. This section establishes landscaping standards. Projects within General Industrial zones are exempt from landscaping requirements, pursuant to DC §10.3.530.

10.8.500 Off-Street Parking. The site plan demonstrates compliance with this section for the overall number of spaces required.

10.8.600 Public Improvements. The site design shall be required to comply with City and CWS sidewalk, sanitary, street, and storm drainage standards and specifications.

10.8.700 Building Design. Not applicable to projects located in industrial zones.

10.8.750 Lighting Standards. Not applicable to projects located in industrial zones.

10.8.800 Signs. No signage has been requested. If requested, signage shall be required to comply with the provisions of DC §10.8.830(D).

10.8.880 Other Development Standards. Not applicable to projects located in industrial zones.

10.8.900 Land Division Standards. Not applicable as no land division has been requested.

10.8.1000 Covenants, Conditions and Requirements. Not applicable as no CC&Rs have been proposed.

10.8.1100 Medical Marijuana Dispensaries. Not applicable as dispensaries are not permitted in industrial zones.

DC 10.2.450(B): The site development plan ensures reasonable compatibility with surrounding land uses as it relates to the following factors:

1. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and
2. Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential areas and/or are adequately mitigated through other design techniques.

FINDING: The site is located in a General Industrial zone. No residential properties are located nearby, and none of the adjacent property is designated or zoned for residential use. Because there are no residential uses located nearby, development of the site for the proposed uses will not have an impact on residential properties.

DC 10.2.450(C): The site development plan preserves or adequately mitigates impacts to unique or distinctive natural features, including but not limited to:

1. Significant on-site vegetation and trees;
2. Prominent topographic features; and
3. Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.

FINDING: The site has no significant vegetation, trees, prominent topographic features or sensitive natural areas. This criterion is therefore not applicable.

10.2.450(D): The site development plan preserves or adequately mitigates impacts to designated historic structures.

FINDING: No historic structures are located on or adjacent to the site; this criterion is not applicable.

10.2.450(E): The site development plan provides adequate right-of-way and improvements to abutting streets to meet the street standards of the City. This may include, but not be limited to, improvements to the right-of-way, sidewalks, bikeways, and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

FINDING: No additional right-of-way along 9th Avenue is needed. The street has not been improved to City standards, as it lacks curbs, gutters, sidewalks, street trees, storm drainage, etc. Approval has been conditioned on the installation of frontage improvements.

10.2.450(F): The site development plan promotes safe, attractive and usable pedestrian facilities that connect building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians.

FINDING: Approval has been conditioned with the requirement to install frontage improvements, including a public sidewalk. One walkway would connect two of the three buildings to the sidewalk. Approval has been further conditioned to require a walkway connection to the third building.

CONDITIONS:

1. All construction, dedications, landscaping and other site improvements shall conform to the project description, site plan, engineering plans and other representations made by the applicant as part of the application and during the application review process.
2. Exterior solid waste collection areas and mechanical equipment shall be screened as required by Development Code (DC) §10.3.540(D) and (E), and §10.7.205.
3. The applicant shall maintain compliance with all applicable regulations of the State of Oregon Department of Environmental Quality, the U.S. Environmental Protection Agency, Clean Water Services, and Metro relative to noise, vibration, smoke and particulate matter, odors, heat, glare, insects and rodents, sanitary sewerage, storm drainage, and erosion control. Failure to comply with one or more of these regulations may result in the City revoking this permit.
4. Submit a building code analysis to indicate the type of occupancy so that allowable building size can be determined.
5. Submit a geo-tech report of the site conditions. All foundations must incorporate geo-tech requirements. Questions on Conditions 4 and 5 should be directed to Building Official Rich Mead at 503-992-3155 or rmead@forestgrove-or.gov.
6. Provide PDF electronic files of the site and floor plans to the Fire Department.
7. Post the address digits so that they are clearly visible from 9th Avenue. Digits shall be at least 8 inches tall and shall contrast with their background (Forest Grove Code §9.520).
8. Provide a Knox key box in an approved location.
9. Replace the fire hydrant at the property's entrance with one that complies with City standards. Questions on Conditions 6-9 should be submitted to Fire Marshal Dave Nemeyer at 503-992-3177 or dnemeyer@forestgrove-or.gov.
10. All work shall comply with current CWS standards and specifications (DC §10.8.005(C)).
11. Walkways shall connect all three buildings to one another, and to the street (DC §10.8.115(A)).
12. All parking and maneuvering areas shall be paved with concrete or asphalt prior to building occupancy (DC §10.8.525 (F))
13. Parking spaces along the boundaries of a parking lot or adjacent to walkways shall be provided with a wheel stop at least four (4) inches high located 1 ½ feet back from the front of the parking stall (DC §10.8.525(G)).
14. The 9th Avenue frontage shall be improved to City standards (DC §10.8.610).
15. Submit copies of all on- and off-site easements, including any temporary construction easements (DC §10.8.615).

16. Public Improvements (DC §10.8.625, §10.8.635, and §10.8.650) –
    a. Provide a copy of Washington County septic system permit approval
    b. Submit a private storm water quality maintenance agreement
    c. Submit a copy of the storm water connection permit per Clean Water Services' requirements
    d. Submit a public sewer improvement - deferral agreement
    e. Submit a public sewer extension agreement

    Questions on the above items should be directed to Civil Engineer Derek Robbins at 503-992-3292 or djrobbins@forestgrove-or.gov.

17. The National Electrical Safety Code (NESC) requires a minimum 7 ½-foot clearance between buildings and overhead power lines. Because the overhead power line on the SakeOne property is close to the common property line, the location of the building may need to be adjusted to comply with this spacing standard. Please contact Electrical Engineering Manager Michael Stoltz at 503-992-3296 or mstoltz@forestgrove-or.gov for further information.
18. All utility connections shall be underground (DC §10.8.645(A)).
19. This permit shall expire two years from the date it becomes final.
20. Any modifications to the approved activities on the site are required to undergo an additional Type II site plan approval review.

DRAFT

1. CALL TO ORDER:

Chairman Beck called the meeting to order at 7:00 p.m.
Planning Commission Present: Tom Beck, Carolyn Hymes, Lisa Nakajima, Phil Ruder and Hugo Rojas.
Absent (excused): Sebastian B. Lawler , Dale Smith
Staff Present: Jon Holan, Community Development Director; Dan Riordan, Senior Planner; Tom Gamble, Parks & Rec. Director; Marcia Phillips, Assistant Recorder.

2. PUBLIC MEETING:

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

2.2 PUBLIC HEARING:

A. Planning Commission recommendation to City Council to approve the 2016 Parks, Recreation and Open Space Master Plan update as an implementing document to the Forest Grove Comprehensive Plan.

Chairman Beck opened the public hearing at 7:02 p.m. and called for the staff report.

Mr. Riordan gave a PowerPoint presentation, and began with background information on the existing plan. He said the current Parks, Recreation & Open Space Master Plan was adopted in 2002 followed by the comprehensive Trails Master Plan in 2007. Riordan explained that in 2015 the Parks and Recreation Department hired MIG Consulting as lead firm to update the 2002 Master Plan. He said the Master Plan is considered an implementing document of the Forest Grove Comprehensive Plan suggesting adoption as a land use decision to address Comprehensive Plan goals and policies and to establish guidelines for level of service. He said it is similar to the Transportation System Plan and Development Code. Riordan said adopting the Master Plan as a land use decision reduces potential for possible appeal, provides a basis for setting parks system development charges, and helps establish a sufficient connection for providing an opportunity to require dedications through the development review process. He said it is not current City policy to require dedications.

Mr. Riordan stated that many opportunities for community input were provided during the planning process. He said a Community Advisory Committee (CAC) was appointed by the Parks & Recreation Commission and representation included adult sports, youth sports, Friends of Historic Forest Grove, Forest Grove School District, Forest Grove Chamber of Commerce, Pacific University, Forest Grove Senior & Community Center, Forest Grove Swim Club, and Clean Water Services. The CAC met five times during the project. Riordan explained that community involvement included stakeholder interviews, an online questionnaire, a Sport & Recreation Provider Focus Group, an Hispanic-Latino Focus Group, and community workshops. He said over 564 responses related the Master Plan were collected and recorded during the process. Riordan stated the Parks & Recreation Commission recommended City Council approval of the Master Plan update on September 21, 2016.

Mr. Riordan showed a chart of the core values, vision, mission, goals and strategies. He stated the Master Plan meets statewide land use planning goals, the Metro Regional Framework Plan for

Regional Trails, and Forest Grove's Comprehensive Plan. Riordan showed a map of the existing parks system, and a chart of City park definitions for community parks, neighborhood parks, special use parks, open space greenways, trails and undeveloped parkland. He said the Master Plan update recommends changes to standards to more accurately reflect existing levels of service, and the amount of land that should be allocated for parks by population.

Mr. Riordan showed a map of the proposed Forest Grove Parks, Recreation and Open Space Plan, and read a list of system recommendations. He said the estimated cost for all Master Plan recommended capital improvement projects is $66.1 million, and explained that the estimated revenue during the 10-year planning period is $10 million on the low-side and $25 million on the high-side. Riordan explained that even on the lower end, the City will not have sufficient resources to develop all undeveloped park acreage such as Kyle Park and Reuter Farm Park.

Mr. Riordan showed a slide of the 10-year recommended implementation plan. He said primary projects would cost $17 million, but this exceeds the low-end resource estimate of $10 million. Riordan said desired projects would cost an additional $7.4 million. He said possible funding strategies could include an increase in the System Development Charge (SDC) rate (currently $3,000 per residential unit). He showed a comparison of Forest Grove's SDC charge to Beaverton, Sherwood, Tigard, North Plains, Hillsboro and Banks. There was a comment from the Commission that Forest Grove's SDC is lower than all the other jurisdictions except Banks. Riordan said other ways to fund parks could be to leverage partnerships, donations and easements to reduce costs. The City could apply additional General Fund dollars towards operations, or renew the City's Local Option levy. He said other options could be to expand and focus the Community Enhancement Fund on program initiatives, consider a Recreation/Event Operational Levy of $25-$50 annually for homeowners, provide fee-based programs and reinvestment revenues, and investigate the potential for selling naming rights.

In conclusion, Mr. Riordan stated that the Master Plan update is consistent with Statewide Land Use Planning Goals, Metro Regional framework Plan and the Comprehensive Plan. He said the Master Plan update documents park and recreation needs for a 10-year period including the amount of land required to meet identified needs and desired locations for new park land and investments. Riordan stated that the Master Plan update establishes a prudent investment strategy for funding parks, recreation and open space projects and programs. Riordan said based on the staff analysis including the staff report dated September 26, 2016, staff recommends the adoption of the findings included in the staff report, and for the Commission to recommend that the City Council adopt the Master Plan as an implementation document to the Forest Grove Comprehensive Plan.

In response to a question from Commissioner Rojas, Mr. Gamble explained that the SDC was based on a dwelling unit.

Chairman Beck commented that the Scenic Bike Ride was never mentioned, and should be included as a resource even though the City is not funding it.

Mr. Gamble explained that there are links to the bike ride in the Trails Plan.

Chairman Beck said regional trails like the Council Trail it should be added. He said there are challenges to access some trails, and there should be some links between this plan and our Transportation System Plan. Beck said he wanted to object to a new park in industrial zone. He said

a park east of Quince Street/Ace Hardware would be better. He said if the area were going to be rezoned residential and had a MAX station it would be great.

Mr. Gamble explained that was why the plan is not specific, because people get excited if the Master Plan shows a trail going through their property. He stated that parks are sorely lacking on the east side of town.

Chairman Beck made the comment that if verbiage like that was in the Master Plan, it would explain things better.

Mr. Gamble gave the example of the Gordon Favor Park along the freeway with the stadium, and there is no residential there.

Mr. Holan explained that many cities have parks in industrial areas to provide a place for employees to gather.

Chairman Beck said there are two kinds of parks; neighborhood parks and parks like Thatcher Road Park with ball fields – a destination for people to come to. He commented that neighborhood parks serve the very young people and very old people. Beck stated there should be more talk about the east side park in the future.

Commissioner Hymes agreed that Forest Grove's park SDC is low compared to other cities.

Mr. Gamble explained that it was five years ago that it was brought up to $3,000.

Mr. Holan said another aspect is that other cities charge non-residential park SDC fees, but policywise, the City has chosen not to do this.

Mr. Gamble said he has a hard time with charging commercial SDC fees to a business for their employees.

Mr. Holan said right now for a new typical 2,000 sq. ft. house there are $22,000 in SDC fees.

Mr. Gamble pointed out that was the reason for the conservative approach by the City Council.

Chairman Beck commented that this fee should be associated to the price of houses being built – if house prices go up the SDC could go up.

Commissioner Hymes commented that improving parks greatly enhances people's desire to move here.

Mr. Gamble stated that a recreational facility is a desire of the community, but partners are not willing to support it financially.

PUBLIC TESTIMONY:

Darren Hudains, 3221 Valley Crest Way, Forest Grove, OR. Mr. Hudains said he grew up in Hillsboro, and raised his family in Forest Grove. He supports sport parks and is greatly in favor of

them.

Chairman Beck said he thought the Park & Rec. staff works a miracle with the small budget they have.

Commissioner Rojas said he appreciated the effort to involve the Hispanic community, and greatly appreciated the meeting held especially for the Hispanic people.

Mr. Gamble replied that staff heard things during that meeting that greatly impacted what was put in the Master Plan – family, family, family.

Chairman Beck closed the public hearing at 7:43 p.m.

COMMISSION DISCUSSION:

There were no further comments or discussion from the Commissioners.

Commissioner Hymes made a motion to recommend to City Council the approval of the 2016 Parks, Recreation and Open Space Master Plan update as an implementing document to the Forest Grove Comprehensive Plan with no changes or amendments. Commissioner Nakajima seconded. Motion passed 5-0.

2.3 ACTION ITEMS: None.

2.4 WORK SESSION ITEMS: None.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: Commissioner Nakajima made a motion to approve the minutes of the September 19, 2016 meeting as written. Commissioner Rojas seconded. Motion passed 5-0.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT:

Mr. Holan said the upcoming meetings remain the same as stated at the last Commission meeting. He said on October 17th there will be two marijuana grow facilities on the agenda. The first meeting in November will be on the Westside Planning Project (infrastructure). He explained that staff is waiting for a response from the consultants.

Mr. Gamble thanked Commissioner Nakajima for her involvement with the Parks & Recreation Master Plan process.

3.4 ANNOUNCEMENT OF NEXT MEETING: The next meeting will be held on October 17, 2016 at 7p.m.

3.5 ADJOURNMENT: The meeting was adjourned at 7:46 p.m.

Respectfully submitted by:
Marcia Phillips
Planning Commission Coordinator