

Jul-16						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					S&CC 1st Friday	1
Mayor out until July 9						
Thompson out until July 20						
Johnston out until July 29						
Wenzl out July 10 - July 15						
3	CITY OFFICES CLOSED HOLIDAY	4	5	6	7	8
Mayor out		Planning Comm 7pm CCI 5:30pm	PAC Art Dedication 5:30pm MPAC 5pm	EDC Postponed to 07/14		Mayor returns
10	1st DAY TO FILE CANDIDACY PETITION 120-DAYS BEFORE ELECTION 9:00 am - City Recorder's Office	11	12	13	14	15
		Red Cross Blood Drive 1pm - 6pm - Comm Aud	Municipal Court	PAC 5pm EDC Mtg		
Thompson out	CITY COUNCIL 6:00 PM - EXECUTIVE SESSION (CM Eval)			Nyuzen - Mayor Meet & Greet 5pm - Comm Aud	Nyuzen Welcome Dinner 6pm - Location TBA	
Johnston out	7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	Library 6:30pm		Nyuzen Adult Delegation Arrives		
Wenzl out					Wenzl returns	Cruis'n the Grove
OCCMA Conference						
17	18	19	20	21	22	23
Chamber Luncheon FGS&CC Bd Mtg 6:30pm		P&R 7am (Cancelled) CFC 5:15pm CAO 5pm CWAC 5:30pm				
Rotary Concours	Planning Comm 7pm	Fernhill Wetlands 5:30pm	Thompson returns	Food Film 7:30pm	UMA Conference	
Nyuzen Adult Delegation Departs						
24	25	26	27	28	29	30
	CITY COUNCIL NO REGULAR MEETING SCHEDULED	HLB 7:15pm	Municipal Court PSAC 7:30am	WEA Breakfast Sustainability 6pm		
			Wenzl out until August 3		Johnston returns	
31						
Aug-16						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
		Nat'l Night Out CCI 5:30pm	MPAC 5pm			
Wenzl out until August 3						
7	8	9	10	11	12	13
	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	Red Cross Blood Drive 1pm - 6pm - Comm Aud Library 6:30pm	Municipal Court	PAC 5pm		
14	15	16	17	18	19	20
Chamber Luncheon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm		Fernhill Wetlands 5:30pm	P&R 7am CFC 5:15pm CAO 5pm CWAC 5:30pm	Food Film 7:30pm		FG Uncork 4pm
21	22	23	24	25	26	27
	CITY COUNCIL NO REGULAR MEETING SCHEDULED	Ford Leadership HLB 7:15pm	Municipal Court PSAC 7:30am	WEA Breakfast Sustainability 6pm		
Kidd out until Sept 4						
28	29	30	31			
		LAST DAY TO FILE COMPLETED PETITION 70-DAYS BEFORE ELECTION 5:00 pm - City Recorder's Office				
Sep-16						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
Kidd out until Sept 4						
4	5	6	7	8	9	10
	CITY OFFICES CLOSED HOLIDAY	CCI 5:30pm Planning Comm 7pm	MPAC 5pm	Notice of Measures Filing Deadline		
Kidd Returns				PAC 5pm		
11	12	13	14	15	16	17
	County Voters' Pamphlet Filing Deadline	Red Cross Blood Drive 1pm - 6pm - Comm Aud	Municipal Court			
	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	Library 6:30pm		Food Film 7:30pm		
18	19	20	21	22	23	24
Chamber Luncheon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm			P&R 7am CFC 5:15pm CAO 5pm CWAC 5:30pm	WEA Breakfast Sustainability 6pm		
25	26	27	28	29	30	
Historic Homes Tour 1pm	CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	HLB 7:15pm	Municipal Court PSAC 7:30am			

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*A place where families and businesses thrive.*

**CITY COUNCIL MEETING AGENDA**

**MONDAY, JULY 11, 2016**

**6:00 PM – Executive Session (City Manager Evaluation)  
7:00 PM – Regular Meeting**

**Community Auditorium  
1915 Main Street  
Forest Grove, OR 97116**

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

**PETER B. TRUAX, MAYOR**

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

Ronald C. Thompson  
Elena Uhing  
Malynda H. Wenzl

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

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

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

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

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

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**EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC.**

Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.

The City Council will convene in the Community Auditorium – Conference Room to hold the following executive session(s):

Peter Truax, Mayor

**6:00**

In accordance with ORS 192.660(2)(i) to review and evaluate the employment-related performance of the City Manager.

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**7:00**

1. **REGULAR MEETING:** Roll Call and Pledge of Allegiance

1. A. **EMPLOYEE RECOGNITION:**

- *Linda S. Taylor, Adult Services Librarian, 18 Years of Service*

2. **CITIZEN COMMUNICATIONS:** Anyone wishing to speak to Council on an item not on the agenda may be heard at this time. *Please sign-in before the meeting on the Citizen Communications form posted in the foyer.* In the interest of time, please limit comments to two minutes. Thank you.

3. **CONSENT AGENDA:** See Page 4

4. **ADDITIONS/DELETIONS:**

5. **PRESENTATIONS:** None.

Mayor Peter Truax  
Colleen Winters, Library Director

7:10

6. **CONTINUE PUBLIC HEARING FROM JUNE 27, 2016:  
SECOND READING OF ORDINANCE NO. 2016-13  
AMENDING FOREST GROVE CITY CODE CHAPTER 2,  
GOVERNMENT AND ADMINISTRATION, BY ADDING  
NEW CODE SECTIONS 2.705 TO 2.710,  
ESTABLISHING MUNICIPAL COURT JURISDICTION;  
ADDING NEW CODE SECTIONS 5.375 TO 5.390,  
ESTABLISHING EXCLUSION FROM CITY FACILITY  
OR PROPERTY; AND AMENDING CITY CODE  
CHAPTER 5, PUBLIC PROTECTION, ABATEMENT-  
RELATED PROCEDURES AND OTHER PROVISIONS**

Paul Downey, Administrative  
Services Director  
Kevin Ellingsburg, Police Captain  
Jesse VanderZanden, City Manager

- 
- |  |                    |  |
|--|--------------------|--|
| (PowerPoint Presentation)<br>Dan Riordan, Senior Planner<br>Jon Holan, Community<br>Development Director<br>Jesse VanderZanden, City Manager | 7:25               | 7. <b><u>CONTINUE PUBLIC HEARING FROM JUNE 27, 2016:<br/>SECOND READING OF ORDINANCE NO. 2016-14<br/>AMENDING FOREST GROVE DEVELOPMENT CODE<br/>ARTICLES 3, 8 AND 12 FOR THE PURPOSES OF<br/>ADOPTING TIME, PLACE AND MANNER RESTRICTIONS<br/>FOR MARIJUANA FACILITIES; CLASSIFYING<br/>MARIJUANA FACILITIES; AND ADOPTING<br/>DEFINITIONS; FILE NO. 311-16-00034</u></b>                      |
| (PowerPoint Presentation)<br>Jon Holan, Community Development<br>Director<br>Jesse VanderZanden, City Manager                                | 7:45               | 8. <b><u>CONTINUE PUBLIC HEARING FROM JUNE 27, 2016:<br/>SECOND READING OF ORDINANCE NO. 2016-15 OF<br/>CITY OF FOREST GROVE IMPOSING A THREE<br/>PERCENT TAX ON THE SALE OF MARIJUANA ITEMS<br/>BY A MARIJUANA RETAILER AND REFERRING<br/>ORDINANCE TO THE ELECTORS OF FOREST GROVE<br/>AT THE NEXT GENERAL ELECTION TO BE HELD ON<br/>TUESDAY, NOVEMBER 8, 2016</u></b>                      |
| Jon Holan, Community Development<br>Director<br>Paul Downey, Administrative<br>Services Director<br>Jesse VanderZanden, City Manager         | 8:00               | 9. <b><u>RESOLUTION NO. 2016-49 OF THE CITY OF FOREST<br/>GROVE, WASHINGTON COUNTY, OREGON,<br/>APPROVING REFERRAL TO THE ELECTORS OF THE<br/>CITY OF FOREST GROVE THE QUESTION OF IMPOSING<br/>A THREE PERCENT TAX ON THE SALE OF MARIJUANA<br/>ITEMS BY A MARIJUANA RETAILER WITHIN THE CITY<br/>OF FOREST GROVE AT THE GENERAL ELECTION TO<br/>BE HELD ON TUESDAY, NOVEMBER 8, 2016</u></b> |
| City Councilors  | 8:05               | 10. <b><u>CITY COUNCIL COMMUNICATIONS:</u></b>   |
| Jesse VanderZanden, City Manager   | 8:20               | 11. <b><u>CITY MANAGER'S REPORT:</u></b>   |
| Peter Truax, Mayor   | 8:25               | 12. <b><u>MAYOR'S REPORT:</u></b> <ul style="list-style-type: none"><li>• <i>Council Consensus to Submit Top Four (4) Priorities to League of Oregon Cities (LOC) for 2017 Legislative Agenda</i></li></ul>  |
|  | <b><u>8:45</u></b> | 13. <b><u>ADJOURNMENT:</u></b>   |

- 3. CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).
- A. Approve City Council Regular Meeting Minutes of June 13, 2016.
  - B. Approve City Council Work Session (City Code Update) Meeting Minutes of June 13, 2016.
  - C. Accept Historic Landmarks Board Meeting Minutes of May 24, 2016.
  - D. Accept Public Safety Advisory Commission Meeting Minutes of April 27 and May 25, 2016.

# CERTIFICATE OF APPRECIATION

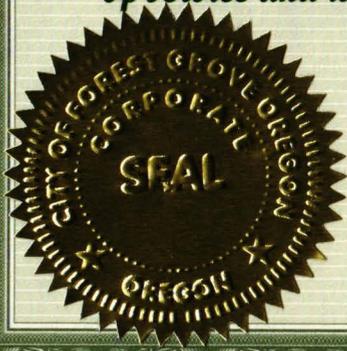
*Awarded to*

*Linda S. Taylor*

*Adult Services Librarian*

**In Recognition of 18 Dedicated Years of Service to the  
City of Forest Grove and Citizens of Forest Grove**

*The Forest Grove City Council sincerely thanks you for your exceptional employment and years of service and is so honored to have had you as an employee of the City of Forest Grove since 1998.*



FOREST GROVE OREGON



*A place where families and businesses thrive.*

*Peter B. Truax, Mayor  
Forest Grove City Council  
July 11, 2016*

**Minutes are unofficial until approved by Council.**

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

Mayor Peter Truax called the regular City Council meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

**ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax.

**STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Jon Holan, Community Development Director; J. F. Schutz, Police Chief; Brandi Walstead, Program Coordinator; Matt Brown, Senior Management Analyst; and Anna Ruggles, City Recorder.

**2. CITIZEN COMMUNICATIONS:** None.

**3. CONSENT AGENDA:**

Items under the Consent Agenda are considered routine and are adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).

- A. Approve City Council Special Meeting Minutes of April 28, 2016.
- B. Accept Committee for Citizen Involvement Meeting Minutes of October 6 and November 3, 2015, January 5, February 2, March 1 and April 5, 2016.
- C. Accept Community Forestry Commission Meeting Minutes of April 20, 2016.
- D. Accept Historic Landmarks Board Meeting Minutes of April 26, 2016.
- E. Accept Planning Commission Meeting Minutes of March 21 and May 2, 2016.
- F. Community Development Department Monthly Building Activity Informational Report for May 2016.
- G. Endorse Change of Ownership Liquor License Application (Full On-Premises Sales) for Ballad Town Billiards, 2036 Pacific Avenue (Applicant: Tony LaMar).
- H. Endorse Change of Ownership Liquor License Application (Full On-Premises Sales) for My Place, 1930 21<sup>st</sup> Avenue (Applicant: Thomas Lepschat).
- I. **ENDORSE LIQUOR LICENSE RENEWAL APPLICATION FOR YEAR 2016:**
  - 1. Pac Thai (Limited On-Premises Sales)

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

4. **ADDITIONS/DELETIONS:** None.

5. **PRESENTATIONS:**

5. A. **Family Justice Center of Washington County Introduction**

Police Chief Schutz introduced Patrick Lemmon, Family Justice Center of Washington County Project Manager, who presented a short video and PowerPoint presentation titled "The Path to Safety, Healing and Hope". Lemmon reported the Domestic Violence Resource Center has served victims for 40 years and is the only shelter in Washington County, but it needs more connection and collaboration. Lemmon added the Family Justice Center has been considering as early as 2003 pursuing opening a center that offers comprehensive, one-stop services under one roof to domestic-abuse victims and their families, including day care, food, housing, financial assistance, law enforcement, safety planning, counseling, legal assistance, court appearance, etc. Lemmon noted the Justice Center is raising funding to open a building near the max line and/or bus line, possibly in central Washington County-Beaverton/Aloha area, with a square footage of up to 25k to 30k to house domestic violence agency representatives under one roof, noting Washington County is long past due for a Family Justice Center and providers, law enforcement, city officials, legal teams and most importantly, survivors all agree. In conclusion of the above-noted presentation, Lemmon addressed various Council inquiries, noting Washington County law enforcement agencies responded to 5,998 domestic-related calls in 2014 and 6,130 in 2015 (Forest Grove responded to 323 domestic-related calls in 2015).

5. B. **Quarterly Financial Report for Period Ending March 31, 2016**

Downey and Brown presented a PowerPoint presentation outlining the quarterly financial report ending March 31, 2016, noting this is the third quarter of the City's fiscal year ending June 30, 2016. Downey reported the quarterly report compares the budget to the year-to-date revenues and expenditures, noting the first section contains a graphical presentation of the revenues and expenditures in the General Fund with expenditures by departments and other major operating funds; second section of the report contains the line item detail for all of the City's funds; and third section is actual revenues received or expenditures disbursed through the end of the quarter and are compared to the year-to-date quarterly budget allotments and expressed in the detail report as both a dollar variance and percent variance. In addition, Downey thanked Brown for his service to the city, noting Brown's tenure with the city is ending soon as Brown has accepted a job offer with another city. In conclusion of the presentation, Downey highlighted graphs pertaining to the General Fund, Building Services Fund, Information Systems Fund, Light Fund, Street Fund, Sewer Fund, Water Fund, Surface

Water Management Fund, Equipment Fund and other funds, noting the Beginning Fund Balance for FY 2015-16 is just over \$6.15 million, which is \$214,000 over what the five-year financial forecast estimated the balance would be during the budget preparation for FY 2015-16.

6. **CONTINUE PUBLIC HEARING FROM MAY 23, 2016: SECOND READING OF ORDINANCE NO. 2016-12 AMENDING FOREST GROVE CITY CODE CHAPTER 7 BY ADDING NEW CODE SECTIONS 7.900 TO 7.930 PROHIBITING THE USE OF SINGLE-USE PLASTIC CARRYOUT BAGS**

The first reading of Ordinance No. 2016-12 by title occurred at the Council meeting of May 23, 2016.

**Staff Report:**

Holan and Walstead presented the above-proposed ordinance for second reading and presented a PowerPoint presentation summarizing additional written public comments received as noted below and summarized amendments to the ordinance as proposed by Councilor Kidd, which are also noted below. In conclusion of the above-noted staff report, Holan advised staff is recommending Council take appropriate action on the proposed ordinance, noting Council may adopt the ordinance as proposed, as amended; as denied; or remand back to the Sustainability Commission with specific direction for reconsideration.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing from the meeting of May 23, 2016, and explained hearing procedures.

**Written Testimony Received:**

Jeff Haboush, Banks, submitted a letter dated May 23, 2016, in opposition of mandating five-cent pass through cost for paper bags.

Valerie Snyder, Forest Grove, submitted an e-mail dated May 24, 2016, urging Council to cut the flow of pollution into the ocean by banning disposal plastic bags.

Kee Her, Gresham, submitted an e-mail dated May 24, 2016, urging Council to cut the flow of pollution into the ocean by banning disposal plastic bags.

Allan Vanderzanden, Cornelius, submitted an e-mail dated May 26, 2016, in opposition of requiring use of paper bags, stating "whatever happened to "save the trees" and noted he would no longer shop in Forest Grove.

Todd Mabee, Forest Grove, submitted an e-mail dated May 27, 2016, in support of the proposed code amendments and imposing five-cent pass through cost for paper bags as an incentive approach.

Charles Noll, Forest Grove, submitted an e-mail dated May 27, 2016, in opposition of proposed code amendments and five-cent pass through cost for paper bags, stating the ordinance is punitive to city's businesses, has limited to no benefit to the residents, and is questionable in its environmental benefit.

A. Wentz, Forest Grove, submitted an e-mail dated May 27, 2016, in support of the proposed code amendments and five-cent pass through cost for paper bags and providing some free reusable bags.

Susan Cooper, Forest Grove, submitted an email dated May 30, 2016, in support of the proposed code amendments and supporting \$0.50 rather than five-cent pass through cost for paper bags.

Hope Kramer, Forest Grove, submitted an e-mail dated June 2, 2016, in support of the proposed code amendments as proposed by the Sustainability Commission, stating businesses could always offset cost by offering a discount if consumers use their own bags.

No other written testimony was received prior to the published deadline of June 13, 2016, 7:00 p.m.

**Proponents:**

Elaine Cole, Sustainability Commission, addressed testimony heard and urged Council to keep the five-cent pass through cost for paper bags in the ordinance as proposed by the Sustainability Commission, noting the cost can be readdressed if necessary at a later date. In response to Councilor Thompson's inquiry, Cole reported that four businesses who said yes in the survey had more than 10 employees and pointed out the Chamber is not opposed to the ordinance.

John Hayes, Sustainability Commission, addressed testimony heard and urged Council to keep the five-cent pass through cost for paper bags in the ordinance as proposed by the Sustainability Commission, noting if Council finds there are too many complaints, the cost can be dropped at a later date.

No one else testified and no written comments were received.

**Opponents:**

Lisa Nakajima, Ace Hardware testified in opposition of the proposed ordinance requiring a mandatory five-cent pass through cost for paper bags, noting Ace Hardware has provided paper bags of a variety of sizes for over 30 years, questioning if businesses would be required to collect the same bag fee regardless of bag size. In addition, Nakajima urged Council to ask the Sustainability Commission to remove the

five-cent pass through cost for paper bags and instead revisit imposing a fee in a year.

No one else testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

Kidd made a motion to amend the ordinance as noted below, noting he supports banning plastic bags but the ordinance should be fair to all businesses. Kidd proposed removing the requirement of "more than 10 full-time equivalent employees" and proposed allowing businesses the opportunity to offer a refund to customers who bring their own reusable bags.

**MOTION TO AMEND:** Councilor Kidd moved, seconded by Councilor Thompson, to amend Ordinance No. 2016-12, Exhibit A, as follows:

1. 7.900 (line 4) replace "requires allows" and "at least up to".
2. 7.915 (line 2) delete "~~with more than 10 full-time equivalent employees~~".
3. 7.915 (line 4) replace "shall" "may"
4. 7.915 (line 5) replace "~~not less than up to~~"
5. 7.915 (paragraph (a) amend to read: "May reimburse the customer up to 5 cents per customer furnished reusable carry bag"
6. 7.915 paragraph (b) replace 7.920(db)
7. 7.915 (line 11) replace "~~the any~~"
8. 7.920 paragraph (a) and (b) delete
9. 7.920 renumbering to coincide with amendments (a) through (d).

**Council Discussion:**

Thompson indicated he agrees with testimony heard that plastic bags are needed for persons with disabilities who frequently tie their grocery bags to their wheelchairs and agrees the ordinance impacts low-income persons and persons who have no vehicles or other means of transportation.

Uhing indicated she is in opposition of the paper bag portion of the ordinance as currently written. Uhing added though she supports the Sustainability Commission and agrees that plastic bags need be removed from the system, she does not feel the education process has been substantial enough to reach out to all the community.

Council President Johnston indicated he does not support the ordinance, noting a

plastic bag ban should be by the vote of the people. Johnston added the City has not done enough education and has yet to get the reusable bags.

Wenzl stressed there has been a lot of public support, noting Forest Grove as a community can start making a stance.

Lowé questioned why more education was needed, when well thought out education has occurred for over two years. Lowé added the paper bag fee should in fact be set at \$0.50, noting she has used reusable bags for over 30 years. Lowé also referenced the Vision Statement and Council Goals, noting she agrees with the community and children who want changes made for their future and existence.

**ROLL CALL VOTE ON MOTION TO AMEND: AYES: Councilors Kidd, Thompson, Uhing, and Wenzl. NOES: Council President Johnston, Councilor Lowé, and Mayor Truax. MOTION CARRIED 4-3.**

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of May 23, 2016, as amended.

VanderZanden read Ordinance No. 2016-12 by title for second reading as amended.

**ROLL CALL VOTE: AYES: Councilors Kidd, Lowé, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: Council President Johnston. MOTION CARRIED 6-1.**

**Recess:** Mayor Truax called for a recess at 8:25 p.m. and Council reconvened at 8:35 p.m.

- 7. CONTINUE PUBLIC HEARING FROM APRIL 11, 2016: RESOLUTION NO. 2016-36 FIXING SOLID WASTE RATES TO BE CHARGED BY FRANCHISE (WASTE MANAGEMENT) IN THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2016, AND REPEALING RESOLUTION NO. 2013-72 (CANCELLING RESOLUTION NO. 2016-24)**

**Staff Report:**

Downey presented the above-proposed resolution for Council consideration, noting on April 5, 2016, Waste Management (WM) proposed a rate increase of 5.1 percent for all customer classes, noting at the Council meeting of April 11, 2016, staff reviewed the \$1.50 per month increase for food waste recycling program (Resolution No. 2016-24) and at the Council meeting of May 23, 2016, staff made recommendation to bring the WM proposed rate increase and the \$1.50 increase for food waste recycling program as one resolution for Council consideration (cancelling Resolution No. 2016-24) and setting the Public Hearing for this evening, June 13, 2016. Downey reported staff is recommending a four percent (4%) rate increase across-the-board for all WM rates

except 20 gallon and 35-gallon roll carts for which staff is recommending a 5.1 percent increase and a \$1.50 per month to cover the cost of processing food waste with yard debris as part of the City's new food waste recycling program. In conclusion of the above-noted staff report, Downey referenced Exhibit 1, which showed the effect of the proposed increase in residential rates and referenced Exhibit 2, which compared commercial container and drop-box rates in Forest Grove to other Washington County jurisdictions.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a new motion to adopt Resolution No. 2016-36, cancelling the motion on the floor from the Council meeting of April 11, 2016 (cancelling Resolution No. 2016-24).

VanderZanden read Resolution No. 2016-36 by title.

**MOTION: Councilor Kidd moved, seconded by Councilor Wenzl, to adopt Resolution No. 2016-36 Fixing Solid Waste Rates to be Charged by Franchise (Waste Management) in the City of Forest Grove, Effective July 1, 2016, and Repealing Resolution No. 2013-72 (cancelling Resolution No. 2016-24).**

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony Received:**

No written testimony was received prior to the published deadline of June 13, 2016, 7:00 p.m.

**Proponents:**

Elaine Cole, Sustainability Commission, signed in to testify but when her name was called, she was not present.

John Hayes, Sustainability Commission, testified in support of the City's food waste recycling program, noting the City was recently mentioned at conference in regards to receiving a grant for its food waste recycling pails.

No one else testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

In response to Uhing's concern pertaining to the rate increases, Downey explained the rate would increase from \$18.05 per month to \$20.50 (\$2.45 per month increase) for 20-gallon cart, which includes the food waste program.

In response to Council President Johnston's inquiry pertaining to if the bags for the food waste pails were biodegradable, Downey noted the pails the City is ordering do not require bags, but biodegradable bags may be purchased for such use.

Lowe suggested asking Recology, facility in North Plains who recycles residential food waste for WM, to donate garden compost to the community garden or school garden after year one of the City's food waste recycling program.

Mayor Truax added the Sustainability Commission has been working on this program well over a year, noting Council does not make rate increases lightly, but there is a cost of living in society.

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

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

**8. PUBLIC HEARING AND RESOLUTION NO. 2016-37 FIXING WATER RATES FOR THE CITY OF FOREST GROVE (4.25 PERCENT INCREASE), EFFECTIVE JULY 1, 2016, AND REPEALING RESOLUTION NO. 2015-39**

**Staff Report:**

Downey presented the above-proposed resolution increasing water rates for all customer classes by 4.25 percent, effective July 1, 2016. Downey reported as part of the budget process for Fiscal Year 2016-17, staff explained the need to make changes to actuarial assumptions for the City's Defined Benefit Retirement Plan, which will increase the annual contribution costs for the Plan by \$1.2 million per year. The Water Fund's share of the increased costs is \$98,368 (\$32,790 annually), which will be implemented over the next three years, noting staff is recommending adding an additional rate increase of 0.75 percent to pay for the first year's increase, bringing the total water rate increase to 4.25 percent, effective July 1, 2016. In conclusion of the above-noted staff report, Downey outlined the significant changes to the water rates as noted in the staff report and proposed resolution (Exhibit A), noting for the average residential user, the proposed water rate increase would be approximately \$1.46 per month.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-37.

VanderZanden read Resolution No. 2016-37 by title.

**MOTION:** Council President Johnston moved, seconded by Councilor Thompson, to adopt Resolution No. 2016-37 Fixing Water Rates for the City of Forest Grove (4.25 Percent Increase), Effective July 1, 2016, and Repealing Resolution No. 2015-39.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony Received:**

No written testimony was received prior to the published deadline of June 13, 2016, 7:00 p.m.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

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

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

9. **RESOLUTION NO. 2016-38 APPROVING THE CITY OF FOREST GROVE TO SPONSOR AND ADMINISTER AN APPLICATION TO RE-DESIGNATE THE FOREST GROVE/CORNELIUS ENTERPRISE ZONE**

**Staff Report:**

King presented the above-proposed resolution requesting authorization to extend the

Forest Grove/Cornelius Enterprise Zone for another 10-year period, noting the program was established in 2006 and is scheduled to sunset on June 30, 2016. King presented a PowerPoint presentation; provided background information; and referenced a map showing the Enterprise Zone, noting the zone includes industrial zones and hotel/motel within commercial zones. King reported the program has benefited six businesses and six business expansions for a total of 172 jobs created and \$21.86 million investment, noting the tax benefit is \$30,331 annually or estimated \$333,644 over 11 years. In conclusion of the above-noted staff report, King advised staff is recommending Council approve the proposed resolution authorizing Forest Grove to reapply with the State for renewing the Forest Grove/Cornelius Enterprise Zone for another 10-year period, effective July 1, 2016, noting Cornelius adopted its Council resolution for reauthorization of the program on May 2, 2016.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-38.

VanderZanden read Resolution No. 2016-38 by title.

**MOTION: Councilor Kidd moved, seconded by Councilor Uhing, to adopt Resolution No. 2016-38 Approving the City of Forest Grove to Sponsor and Administer an Application to Re-Designate the Forest Grove/Cornelius Enterprise Zone.**

**Council Discussion:**

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

**ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Thompson, Uhing, Wenzl, and Mayor Truax. NOES: Councilor Lowe. MOTION CARRIED 6-1.**

**10. RESOLUTION NO. 2016-39 ADOPTING REVISED PENSION FUNDING POLICY FOR THE CITY OF FOREST GROVE RETIREMENT PLAN**

**Staff Report:**

Downey presented the above-proposed resolution requesting to approve the revised Pension Funding Policy for the City's Retirement Plan, noting the City adopted a Funding Policy for the City's Defined Benefit Retirement Plan on December 14, 2015, and since then, the City has changed some of the actuarial assumptions for the Plan resulting in a need to revise the Pension Funding Policy. Downey reported the actuary presented significant changes to the current actuarial assumptions in Council work session and at the Budget Committee meetings, noting there are two revisions proposed to the current Pension Funding Policy as noted below:

- When developing the amortization schedule for a given amortization base, payments will be assumed to increase at 2.50 percent per annum instead of the previous rate of 2.75 percent. This change is consistent with the new inflation assumption for the Plan.
- The other change adds the sections “Contributions under Temporary Phase-in Policy” that describes that the additional contributions resulting from the updated actuarial assumptions will be phased in over three years.

In conclusion of the above-noted staff report, Downey advised staff is recommending Council approve the revised Pension Funding Policy (attached as Exhibit A) for the City’s Retirement Plan, noting the City will need to add \$1.2 million in ongoing annual contributions to the City’s Defined Benefit Plan contributions. Downey noted this amount would be allocated over three years to the Funds that have employees in the Defined Benefit Plan.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2016-39.

VanderZanden read Resolution No. 2016-39 by title.

**MOTION: Councilor Uhing moved, seconded by Council President Johnston, to approve Resolution No. 2016-39 Adopting Revised Pension Funding Policy for the City of Forest Grove Retirement Plan.**

**Council Discussion:**

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

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

**11. CITY COUNCIL COMMUNICATIONS:**

Council President Johnston reported on Parks and Recreation Commission-related meeting and activities. In addition, Council President Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported on Public Arts Commission-related meeting and activities. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported on Regional Water Providers Consortium-related meeting and activities, noting she was re-elected as Vice Chair. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Thompson reported on Community Forestry Commission-related meeting and activities. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing reported on Economic Development Commission (EDC)-related meeting and activities, noting EDC moved its next meeting to July 14, 2016. In addition, Uhing reported on other matters of interest and upcoming meetings she was planning to attend.

Wenzl reported on Library Commission and Fernhill Wetlands-related activities. In addition, Wenzl reported on other matters of interest and upcoming meetings she was planning to attend.

**12. CITY MANAGER'S REPORT:**

VanderZanden reported on upcoming meetings and events as noted in the Council calendar and City Manager's Report. In addition, VanderZanden referenced the City Manager's Report, which was emailed to Council in advance and outlined various upcoming Council-related meetings; upcoming Council-related agenda; updates on department-related activities and projects, including Administrative Services, Parks and Aquatics, Police, Library, Light and Power, Economic Development, Community Development, and Engineering and Public Works; and other upcoming citywide calendar events.

**13. MAYOR'S REPORT:**

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. In addition, Mayor Truax referenced a written copy of his notes and reported on various local, regional, Metro, and Washington County-related matters of interest and meetings he attended, upcoming community-related events, and upcoming meetings he was planning to attend.

**14. ADJOURNMENT:**

Mayor Truax adjourned the regular meeting at 9:35 p.m.

Respectfully submitted,

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Anna D. Ruggles, CMC, City Recorder

A place where families and businesses thrive.

City Council Work Session Minutes  
City Code Update

Monday, June 13, 2016  
6:00 p.m., Conference Room

**Minutes are unofficial until approved by Council.**

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

Mayor Peter Truax called the Work Session to order at 6:16 p.m.

**CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax.

**STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Elsner, City Attorney; Paul Downey, Administrative Services Director; Tom Gamble, Parks and Recreation Director; J. F. Schutz, Police Chief; Kevin Ellingsburg, Police Captain; Sue Hudson-Rau, Municipal Court Supervisor; and Anna Ruggles, City Recorder.

Anne Newkirk Niven and Tim Rippe, Public Safety Advisory Commission (present in the audience).

**2. WORK SESSION: CITY CODE UPDATES**

Downey, staff noted above, and VanderZanden facilitated the work session, noting the purpose of the work session was to discuss and review the proposed amendments to City Code, Chapter 2, Government and Administration, and Chapter 5, Public Protection. Downey reported, with the advisement of the City Attorney, staff is seeking to make Chapter 5 consistent with Chapter 6, Vehicles and Traffic, by outlining the abatement process through Municipal Court instead of City Council, noting with this effort, new code language is necessary in Chapter 2 for the purposes of delegating jurisdiction to Municipal Court over code violations and certain offenses and authority to implement processes for conduct of hearings, ordering compliance of code provisions and imposing civil penalties on behalf of the City. Downey advised without the proposed amendments to the abatement procedures contained in Chapter 5, persons have no recourse of having abatement notices and matters heard in a court of jurisdiction. In addition, Downey reported staff is also proposing to enact new code provisions authorizing the City the ability to exclude an individual from city parks, city-owned or leased properties and/or city-sponsored events for a period of up to 90 days, if the individual is engaging in conduct made criminal or in violation of city code provisions or adopted rules of conduct. Downey advised the proposed exclusion authority is due to increased criminal activities and behaviors that disrupt or create a risk of harm to other users, particularly children and families, who are using city facilities, such as parks and recreational areas, and officers having no authority to exclude individuals who are engaging in such criminal activities while on city-owned properties, noting the code provision allows individuals to

appeal exclusion notices through Municipal Court, similar to other cities who have adopted similar ordinances. In addition, Downey and Hudson-Rau presented a PowerPoint presentation overview of the proposed code amendments as outlined in the staff report, noting Chapter 5 and Chapter 6 deal with nuisance violations and abatements. Downey and Hudson-Rau reported Chapter 6 was updated in 2013, which requires abatement of discarded vehicles to be abated through Municipal Court instead of City Council, noting staff is proposing to update only those pertinent sections in Chapter 5 that contain nuisance abatement procedures so the procedures are consistent with Chapter 6, noting Chapter 5 contains Nuisances Affecting Public Health, Safety or Welfare, i.e., accumulations of debris and rubbish, unsanitary conditions or premises, attractive nuisances, sidewalk nuisances, noxious vegetation, etc. Staff is also proposing to declare graffiti as a public nuisance, which would allow abating graffiti through Municipal Court. In conclusion of the above-noted staff report, Downey advised the Parks and Recreation Commission and Public Safety Advisory Commission reviewed and supported the proposed code amendments with an immediate implementation of the proposed code amendments and 90-day exclusion authority. In addition, Downey advised the City Attorney conducted a legal review and/or drafted language pertaining to the code amendments proposed in Chapter 2 and 5.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to the procedural changes to City Code, Chapter 2, Government and Administration, and Chapter 5, Public Protection, pertaining to abatement procedures and other minor proposed amendments. Downey, staff and VanderZanden addressed various Council concerns, inquiries, and scenarios posed by Council pertaining to the 90-day exclusion authority and what types of criminal conduct and which rules of conduct would apply, noting the exclusion would only apply to individuals engaging in conduct made criminal as either a misdemeanor or felony under state law, in violation of City Code or in violation of an adopted rule of conduct, such as park regulations adopted in City Code, and if an individual violates a notice of exclusion that is in effect, the individual commits the crime of criminal trespass. Gamble addressed park regulations, noting city parks close at dusk pursuant to adopted regulations found in City Code. Captain Ellingsburg addressed city facility or property, which includes the watershed, noting officers can cite and/or arrest individuals for criminal acts, but officers currently do not have authority to exclude individuals who are engaging in criminal acts while on city-owned properties. City Attorney Elsner advised on case laws pertaining to exclusion authority, noting other cities are dealing with similar situations. Police Chief Schutz added the Police Department uses extreme discretion, and she entrusts police officers to do the right thing and understand when a person is down on their luck, noting exclusion authority is another tool officers can use for repeated criminal activities. In conclusion of the above-noted Council discussion, Downey advised staff is proposing to bring back an ordinance adopting the procedural changes set forth in Chapter 2 and Chapter 5 and new code

provisions relating to exclusion from city facility or property and staff is seeking Council consensus to consider adopting the proposed ordinance with an immediate effective date after second reading of the ordinance, so the nuisance abatement procedures can be administered in an efficient and effective manner consistent with Chapter 6 and the exclusion authority can be effective immediately due to it is increasingly difficult to enforce due to summer being underway and increased criminal activities occurring on city-owned properties and officers having no authority to exclude individuals who are engaging in such criminal activities, to which no objections were heard; however, a majority of the Councilors voiced concerns that the ordinance did not warrant an emergency clause. In addition, VanderZanden added staff is also pursuing, with the advisement of the City Attorney, to conduct a comprehensive legal review and recodification of the entire City Code, noting the City Code has not had legal review or technical codification since 1988.

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

**3. ADJOURNMENT:**

Mayor Truax adjourned the work session at 7:00 p.m.

Respectfully submitted,

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Anna D. Ruggles, CMC, City Recorder

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**APPROVED**

Forest Grove Historic Landmarks Board  
Community Auditorium, 1915 Main Street  
May 24, 2016 -- 7:15 P.M. Page 1 of 2

30

**Members Present:** Jennifer Brent, George Cushing, MJ Guidetti-Clapshaw Kaylene Toews, Holly Tsur, Larissa Whalen Garfias (01 vacancy)  
**Staff Present:** James Reitz  
**Council Liaison:** Richard Kidd was excused  
**Citizens Present:** 03 (Andrea Davis, Brandon Kang, Neil Poulsen)

1. **Call to Order:** Tsur opened the meeting at 7:15 p.m.

2. **Citizen Communication:** None.

3. **Action Items / Discussion:**

**A. Renovation Grant Requests –**

- **House at 1837 Douglas Street (Washington County Tax Lot 1S3 6AB-11500). Applicant: Andrea Davis. File Number 311-16-000074-PLNG.** Andrea Davis was present to discuss her re-roofing project. The roof started to leak last year and so was definitely in need of replacement. She noted it would be a total tear-off as a previous roofer had installed asphalt shingles on top of shake on a portion of the roof, and that was part of the reason it had started to leak. She had three bids and was taking the one from A & T Roofing, based on referrals of others and because she felt this contractor best understood her needs. **Brent/Toews to award a \$500 grant. Motion carried unanimously.**
- **House at 1711 22<sup>nd</sup> Avenue (Washington County Tax Lot 1N4 36DD-1300). Applicant: Brandon Kang. File Number 311-16-000079-PLNG.** Brandon Kang was present to discuss his re-roofing project. He commented that the roof was beginning to fail and some portions were starting to sag due to the underlayment failing. He had received four estimates and had selected Old Recreation because he knew their work and was impressed with it. **Brent/Garfias to award a \$500 grant. Motion carried unanimously.**

**B. Strategic Plan Update:** Bernadette Niederer and David Pinyerd of Historic Preservation Northwest (HPNW) were present to discuss the first draft. Several Board members noted that they had not yet completely read through it, but all felt able to discuss general points and possible revisions, including -

- Move the first sections to the appendix, including the history of Forest Grove and pages 2-7, with possibly a short synopsis of that information up front with a referral to appendix.
- Start with the survey questions and then discuss existing incentive programs, current programs and their basic assessment of the program.
- Follow the assessment with suggested goals and then the balance of the information.
- Remove mention of current situations in favor of more generic descriptions.
- Remove mention of current members and staff by name, in favor of more generic descriptions such as "Board members", "Council Liaison", and "Senior Planner".
- Due to inevitable Board member and staff turnover, this plan should include some mention of a succession methodology.
- Remove redundancies e.g. the number of historic resources was noted at least twice.
- Standardize the text, instead of part first person and part third person. Staff noted that formal wording was preferred for what will become an official City document.
- More sources of funding resources were desired including web site addresses, but Pinyerd noted that web addresses frequently change.

- Niederer and Pinyerd felt that this had been a good discussion and that they could continue to refine the plan as per these suggestions.
- Staff reminded the Board that we need to totally go through the document and provide the consultants with more specific suggestions and revisions; also, that it is very important to go through the task list and prioritize projects as the first two years had too much for the Board to realistically accomplish.
- Niederer and Pinyerd encouraged the Board to forward their comments to them immediately for inclusion into the next draft.

**4. Old Business/New Business:**

- Approval of HLB Meeting Minutes. **The meeting minutes of April 26, 2016 were approved as submitted.**
- Council Liaison Report: None, as Kidd was excused.
- Staff Update: Reitz reported that he called the Anderson Building owner to encourage him to proceed more rapidly on the window restoration part of the project. He further noted that there were two possible renovation grant projects being considered for the June meeting.
- Garfias said that she was working on a kit house project with a first grade class at Harvey Clark School. She asked if anyone knew of kit houses in the community; Neil Poulsen said there are a few. She plans to take photos of the homes to make the project more interesting for the kids.
- Tsur requested that when grant project final inspections were completed, that the inspector takes photos of the project for inclusion in the CEP grant application.
- Toews reported that the Castle School article by Garfias and Cushing was going to be published by the *Oregonian*, and she requested that we do a link on our web site to the *Oregonian* web site. The *News Times* is going to publish an article on the Eric Stewart Award but due to publication by the *Oregonian* they could not run the Castle school article.
- Brent noted that the history class by Mary Jo Morelli was proceeding and was very informative. Brent herself was extremely positive and indicated that she was amazed by the facts she had been learning.

**5. Adjournment:** The May 24, 2016 meeting adjourned at 8:43 p.m.

These minutes respectfully submitted by George Cushing, Secretary

APPROVED

PUBLIC SAFETY ADVISORY COMMISSION  
Forest Grove Fire Department  
1919 Ash Street  
April 27, 2016

3D

*Minutes approved by Public Safety Committee on June 22<sup>nd</sup>, 2016*

**1. CALL TO ORDER**

Meeting called to order by Chairman Nathan Seable at 7:30 am.

**Members Present:**

Nathan Seable, Tim Rippe, Robert Mills, Tom Epler, Drue Garrison, Mason Brown (dismissed at 8:30 am), Glenn VanBlarcom and Anne Niven (arrived at 7:32 am).

**Liaisons Non-Voting Representatives Present:**

Guy Storms, Connie Potter, Nick Chan, and Councilor Ron Thompson.

**Others Present:**

Fire Chief Kinkade, Police Chief Janie Schultz, Kara Oliver, Pacific University Student Dustin Keithly, and News Times reporter Travis Loose (arrived at 7:32 am).

**2. INTRODUCTIONS**

Self-Introductions were made.

**3. CITIZEN COMMUNICATIONS**

None at this time

**4. APPROVAL OF MINUTES**

There was a motion and a second to approve the minutes from April 12th, 2016 as emailed. Due to an inaudible recording, the individuals who moved and seconded could not be identified.

**Motion Carried 8-0**

**5. ADDITIONS/DELETIONS**

None

**6. STAFF REPORTS**

**Police Department** – Chief Schutz discussed the recruitment process and she would like 8-10 reserve officers. Officer Gerald was just offered a position after volunteering for five years and Sergeant Foster retired, which leaves the department without an Admin Sergeant at this time. The City Council held a work session regarding a new building for the department. This project is at least five years out depending on different variables.

**Fire Department** –The WCCCA Bond measure will raise about 77 million at eight cents per thousand dollars to replace our critically aging infrastructure.

**PUBLIC SAFETY ADVISORY COMMISSION**  
**Forest Grove Fire Department**  
**1919 Ash Street**  
**April 27, 2016**

The election is May 17<sup>th</sup>. Planning for the annual firework celebration at Tom McCall has begun.

**City Council** – The City Council held a work session regarding the levy project. They had some concerns and the capital investment being within one year. The Council is going to go ahead and move forward with the contract and gave the go ahead for Phase I.

The Marijuana Open Grow work session that was held was regarding a temporary ban with recreational marijuana producers within the City. Councilor Thompson referred to Ordinance No. 2016-10 declaring an immediate effective date. There was some discussion regarding whether it would ban processing and production.

**7. NEW BUSINESS-**

**Marijuana Open Grow-** The subcommittee presented the recommendations that they proposed regarding marijuana open grow within city limits. There was a round table discussion on each item listed below, with moves to amend individual motions. The amended motions are as follows:

- 1) **MOTION TO AMMEND RECOMMENDATION 1:** ~~The No open grow of Marijuana (commercial production) for recreational production in the city limits of Forest Grove is not permitted.~~ Anne Niven moved, seconded by Glenn VanBlarcom. **Motion carried 8-0**
- 2) **MOTION TO AMMEND RECOMMENDATION 2:** All Marijuana activities shall not be permitted in mixed use zones or residential zones. ~~All “activities” shall include commercial production, processing, and sale, both retail and medical.~~ Robert Mills moved, seconded by Glenn VanBlarcom. **Motion carried 8-0**
- 3) **Recommendation 3:** All Marijuana activities are not allowed within 1000 feet of a school (public or Private), city parks and libraries. Motion by Robert Mills, seconded by Anne Niven. **Motion carried 8-0**
- 4) **MOTION TO AMMEND RECOMMENDATION 4:** Any Marijuana processing or commercial production, whether enclosed or not, shall not be permitted within ~~500~~ 1,000 feet of a residential zone. Moved by Robert Mills, seconded by Glenn VanBlarcom **Motion carried 6-1** (Mason Brown absent)
- 5) **MOTION TO AMMEND RECOMMENDATION 5:** Any Marijuana

**PUBLIC SAFETY ADVISORY COMMISSION**  
**Forest Grove Fire Department**  
**1919 Ash Street**  
**April 27, 2016**

activities shall be conditional uses in the affected zoning. ~~No permit approval on any Marijuana activities without at least two (2) public hearings on the proposal.~~ Anne Niven moved, seconded by Tom Epler.  
**Motion carried 7-0** (Mason Brown absent)

**8. OLD BUSINESS**

**Standard of Cover Endorsement-**

**MOTION:** Robert Mills moved, seconded by Anne Niven, to endorse the recommendations of the Forest Grove Fire & Rescue Standard of Cover.  
**Motion carried 7-0** (Mason Brown absent)

**Fire Department Budget Report-** Chief Kinkade received word from the City Council regarding the items approved for the budget. All decision packages were approved, except for two additional firefighters. A new ladder truck is one of the packages approved.

**Police Department Budget Report-** Funding has been looked at for body worn cameras for officers. Currently, there are three cameras in operation as part of a pilot program. A remodel of the squad room was turned down by the Council at this time.

**MOTION:** Robert Mills moved, seconded by Anne Niven, to endorse and support the City Manager's Public Safety budget recommendations to the City Council. **Motion carried 7-0** (Mason Brown absent)

**National Night Out-** Tim Rippe requested assistance with NNO. Drue Garrison offered to assist with the logistics.

**9. ANNOUNCEMENT OF NEXT MEETING – May 25, 2016**

**10. ADJOURN**

The meeting was adjourned at 9:10 am.

Recorded & submitted by Kara Oliver, Administrative Assistant

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**APPROVED**

*Minutes were approved by the Public Safety Advisory Commission on June 22<sup>nd</sup>, 2016*

**1. ROLL CALL**

Meeting called to order by Tim Rippe (filling in for Nathan Seable absence) at 7:31 am.

**Members Present:**

Tim Rippe, Glenn VanBlarcom, Anne Niven, and Mason Brown

**Members Absent:** Robert Mills, Drue Garrison, Nathan Seable, and Tom Epler.

**Liaisons Non-Voting Representatives Present:**

Guy Storms, Councilor Ron Thompson, Nick Chan & Connie Potter

**Others Present:**

Police Chief Janie Schutz, Fire Division Chief Ian O'Connor, and Kara Oliver

**2. INTRODUCTIONS**

Self-Introductions were made.

**3. CITIZEN COMMUNICATIONS**

None at this time

**4. APPROVAL OF MINUTES**

Unable to approve minutes from April 27<sup>th</sup>, 2016 due to not having a quorum.

**5. ADDITIONS/DELETIONS**

Deletion of Strategic Plan off the agenda. Additions to 'New Business' include: Marijuana Activities Update, National Night Out Update, and Latino Summit Update.

**6. STAFF REPORTS**

**Police Department** – Chief Schutz presented the May Police memorandum. Highlights include:

- DUII and Courtroom Scenario training day in June which will include court reenactments will be hosted at the Community Auditorium
- An arrest was made in connection with the robbery of the Forest Grove

Wells Fargo Bank earlier this year

- Detectives attended sentencing in a case where the defendant was convicted of rape and multiple felony charges to the assault was sentenced to 29.5 years in prison.

The walkout that occurred last week was discussed. No marked police vehicles were used and the gathering of 300-400 students was closely monitored using the app, Periscope.

**Fire Department** – Fire Division Chief Ian O'Connor filled in for Chief Kinkade who was in Salem for training. The Fire Report was emailed to the commission prior to the meeting.

**City Council** – Councilor Thompson stated that the marijuana open grow issue is still not over. Regardless of the action of the Council, the issue would have been appealed. It now has to go through the Planning Commission next Monday night. The regulations have to be complete by August 5<sup>th</sup>.

Economic Development endorsed PSAC's suggestions for Marijuana Open Grow verbatim.

The Post Office has a five point criteria standard for a new station location. They have stated they are committed to finding a location in Forest Grove.

## **7. NEW BUSINESS**

**Latino Annual Summit-** This was the second annual summit and was held at the Farmers Market from 6-8pm. Chief Schutz and Connie Potter expressed concern regarding the format of the summit and would like to see a change for next year. Like last year, there was zero opportunity to respond to the Latino community's concerns. Some of the community's concerns included dangerous sidewalks and crosswalks near Rose Grove and stolen cars in the same area.

**Funding Source Discussion for Classroom Kits-** Nick Chan sent a note to Captain Tony Carter asking if the Association would be willing to make a donation for the classroom kits. Guy Storms mentioned that he may be able to find a deal on buckets. There was discussion regarding submitting a request to CEP (Community Enhancement Program) for funding in February/March of next year for future funding sources.

**Economic Development and Parks-** Both commissions took PSAC's Marijuana Open Grow recommendations verbatim and put it through to the City Council. The school board also passed a resolution Monday night using PSAC's recommendation regarding distance from schools

**Chapter 5-** This ordinance deals with various enforcement actions, including code enforcement. There is an emergency work session regarding 4-5 issues in Chapter Five that need to be addressed and voted on. Some of the issues are as follows:

- Abatement- currently the appeal process goes to the Council. A change to this process would match other cities by going to Municipal Court.
- Accept the Washington County Ordinance- which would allow enforcement to put a dog in quarantine when necessary.
- Exclusions- Give officers and park personnel the ability to exclude people from parks due to breaking designated rules.

## 8. OLD BUSINESS

**NNO-** Most of the vendors that came last year are returning this year. Anne Niven is communicating with vendors and projects the numbers will meet, if not exceed, last year's numbers. At the PSAC July meeting, the commission will be judging all posters and awarding 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place. Grove Link will be contacted to see if they can extend their hours of operation to 8:30pm for the evening.

**New Member Orientation-** Tim Rippe has been working on the New Member Orientation and it is about 98 percent complete. He will put it up on Dropbox once completed. This is a document that needs to be updated annually.

## 9. ANNOUNCEMENT OF NEXT MEETING – June 22<sup>nd</sup>, 2016 at Forest Grove Fire Department

## 10. ADJOURN

The meeting was adjourned at 8:55 am.

Recorded & submitted by Kara Oliver, Administrative Assistant

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*A place where families and businesses thrive.*

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>6</u>
MEETING DATE:	_____
FINAL ACTION:	_____

**CITY COUNCIL MEMORANDUM**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**PROJECT TEAM:** *Anna Ruggles, CMC, City Recorder*

**DATE:** *July 11, 2016*

**SUBJECT:** *Second Reading of Ordinance No. 2016-13 (P&R and PSAC meeting dates)*

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**BACKGROUND:**

At the Council meeting of June 27, 2016, Council requested the meeting dates of when the Parks and Recreation Commission and Public Safety Advisory Commission reviewed the proposed amendments and updates to Chapter 5.

Attached is a copy of the approved minutes:

- Parks and Recreation Commission reviewed and accepted the proposed amendments to Chapter 5 at its meeting of August 19, 2015.
- Public Safety Advisory Commission reviewed the proposed amendments to Chapter 5 at its meeting of August 26, 2015, and had no concerns.
- Public Safety Advisory Commission reviewed and accepted the proposed amendments to Chapter 5 at its meeting of May 25, 2016.

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**PARKS AND RECREATION COMMISSION REGULAR MEETING  
WEDNESDAY, AUGUST 19, 2015  
COMMUNITY AUDITORIUM CONFERENCE ROOM  
PAGE 2 OF 3**

**d) By-Laws Revision/Development**

- 1) This has been tabled until the next meeting.

**7) NEW BUSINESS:**

**a) Chapter 5 Code Revisions (Park Regulations)**

- i) Chapter 5 is under reconstruction. This includes the Park regulations regarding exclusions.
  - 1) The process and the appeals process need to be clarified.
  - 2) Once someone is cited it goes through a court process and then back to the City Manager.
  - 3) Repeated violations may result in expulsion from the City's parks.
- ii) The Recreation Commission voted to accept the proposed changes on advice and approval of the City attorney. The revisions will go to the Public Safety Advisory Committee, who will review them and then recommend to the City Council that they adopt the changes.

**b) Volunteer(s) Of The Year Nominations**

- i) How do we get nominations?
  - 1) Put a note in the utility bills.
  - 2) Have the News/Times and the Forest Grove Leader run an article.

**c) C.E.P. Project Presentation**

- i) The Recreation Commission received \$1700 to produce a Parks brochure.
  - 1) Paper size will be 8 ½ X 11 and can be either a tri-fold or 4 fold style.
  - 2) Map on one side and references on the other side with pictures and context.
  - 3) Professional photos have been taken.
  - 4) Information below photos might include:
    - (i) Historical context.
    - (ii) When the property was acquired.
    - (iii) Address.
- ii) Jeremiah will check prices on 2000 copies.

**8) COMMISSIONER'S REPORTS:**

**a) Howard:**

- i) The Corn Roast will be September 19 from noon to 5:00 p.m.

**9) COUNCIL LIAISON REPORT:**

**a) T.J.:**

- i) The City Council voted to become a Purple Heart City. There will be a ceremony and plaque placed in one of our parks.

The unveiling is scheduled for the Sidewalk Chalk Art Festival in September.

**City Council** – Councilor Thompson reported the Council met on August 11<sup>th</sup>. He asked Paul Downey to discuss the Police Facility findings. Paul said that one of the Council goals was to do a review of the Police Facility. The architects have finished the preliminary needs assessment and have presented 3 options to the Council. The first option is to utilize the existing building, remodel and add on to it. The second option is to demo the existing building and rebuild on the same site. The third option is to relocate the Police facility to a new location. They will be discussing these findings further at the Council meeting on September 28<sup>th</sup>. They will have to ask taxpayers for a General Obligation Bond. The PSAC will be included in the process as it moves forward.

Councilor Thompson said that he wants to make sure the building will be sufficient for the next 50 years.

He also said they passed a Resolution declaring the City of Forest Grove a Purple Heart City. Elks Lodge members made a presentation.

WCCLS will be asking for an additional .05/\$1,000 at the next election and passed a resolution supporting the upcoming Washington County Public Safety levy.

They passed a Resolution authorizing an additional full-time police officer to be added to the Transit Police next spring.

**7. OLD BUSINESS**

**National Night Out** – Tim Rippe said that an after action review was conducted on August 10, 2015 with Chief Shutz, Captain Herb, Brandi Walstead, Carol Lorenz, Anne Niven, Ray Arkus and himself.

He said that he had sent this review to the PSAC members.

Due to lack of quorum this will be added to the next agenda for discussion.

**8. NEW BUSINESS**

Captian Ellingsburg said the Police Department has been updating/reviewing

Chapter 2 (Government and Administration) and Chapter 5 (Public Protection) of their Municipal Code.

Chapter 2 had a couple of minor changes where Chapter 5 had several changes relating to chronic nuisances, nuisance abatement procedures, abatement hearing, costs and liens, civil penalty schedules and other minor language adjustments.

They added the Washington County Curfew Code and Animal Services Code. A new code has been added called Exclusion from City Facility or Property. If someone violates a code (for example at the skate park) they could be excluded for up to 90 days at that particular property.

The Graffiti Code has added unlawful to aid and abet code and penalties.

The Noise Code added regulations prohibiting acts including barking dogs and prohibiting construction activity on Sunday.

9. **ANNOUNCEMENT OF NEXT MEETING** – The next meeting will be September 23, 2015.

10. **ADJOURN**  
The meeting was adjourned at 8:35 am.

Recorded by Carol Lorenz, Records Specialist  
Submitted by Sharon Cox, Administrative Assistant

**Economic Development and Parks-** Both commissions took PSAC's Marijuana Open Grow recommendations verbatim and put it through to the City Council. The school board also passed a resolution Monday night using PSAC's recommendation regarding distance from schools

**Chapter 5-** This ordinance deals with various enforcement actions, including code enforcement. There is an emergency work session regarding 4-5 issues in Chapter Five that need to be addressed and voted on. Some of the issues are as follows:

- Abatement- currently the appeal process goes to the Council. A change to this process would match other cities by going to Municipal Court.
- Accept the Washington County Ordinance- which would allow enforcement to put a dog in quarantine when necessary.
- Exclusions- Give officers and park personnel the ability to exclude people from parks due to breaking designated rules.

**8. OLD BUSINESS**

**NNO-** Most of the vendors that came last year are returning this year. Anne Niven is communicating with vendors and projects the numbers will meet, if not exceed, last year's numbers. At the PSAC July meeting, the commission will be judging all posters and awarding 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> place. Grove Link will be contacted to see if they can extend their hours of operation to 8:30pm for the evening.

**New Member Orientation-** Tim Rippe has been working on the New Member Orientation and it is about 98 percent complete. He will put it up on Dropbox once completed. This is a document that needs to be updated annually.

**9. ANNOUNCEMENT OF NEXT MEETING – June 22<sup>nd</sup>, 2016 at Forest Grove Fire Department**

**10. ADJOURN**

The meeting was adjourned at 8:55 am.

Recorded & submitted by Kara Oliver, Administrative Assistant



**ORDINANCE NO. 2016-13**

**ORDINANCE AMENDING FOREST GROVE CITY CODE CHAPTER 2, GOVERNMENT AND ADMINISTRATION, BY ADDING NEW CODE SECTIONS 2.705 TO 2.710, ESTABLISHING MUNICIPAL COURT JURISDICTION; ADDING NEW CODE SECTIONS 5.375 TO 5.390, ESTABLISHING EXCLUSION FROM CITY FACILITY OR PROPERTY; AND AMENDING CITY CODE CHAPTER 5, PUBLIC PROTECTION, RELATING TO ABATEMENT PROCEDURES AND PROVISIONS**

**WHEREAS**, the current abatement procedures in Chapter 5, for nuisances affecting public health, safety and welfare, were adopted when the City do not have a Municipal Court; as such, the code requires protesting abatements through City Council, which is outdated and inconsistent with other abatement procedures found in City Code; and

**WHEREAS**, it is in the public interest of the City to delegate authority to the Municipal Court for city code violations and certain offenses as well as conduct of hearings and all matters heard in Municipal Court; and

**WHEREAS**, the City is adding new code provisions in City Code Chapter 2, Municipal Court, delegating jurisdiction to Municipal Court over city code violations and certain offenses and authorizing to implement processes for conduct of hearings, ordering compliance of code provisions and imposing civil penalties on behalf of the City;

**WHEREAS**, the City is adding new code provisions in City Code Chapter 5, Public Protection, Sections 5.375 to 5.385, Exclusion from City Facility or Property, authorizing the City the ability to exclude an individual from city parks, city-owned or leased properties and/or city-sponsored events for a period of up to 90 days, if individual has engaged in conduct made criminal or in violation of city code provisions or Council adopted rules of conduct; and

**WHEREAS**, and the City is proposing other housekeeping amendments to City Code Chapter 5, including repealing Section 5.000, Adoption of 1971 Criminal Code, in its entirety as advised by City Attorney; reenacting Section 5.505, Washington County Animal Services Code (dog control); and amendments relating to abatement procedures and other provisions; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on June 27 and continued the hearing on July 11, 2016, on the proposed ordinance.

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

**Section 1.** Forest Grove City Council hereby amends Forest Grove City Code Chapter 2 by adding new Code Section 2.705 to 2.710, titled Municipal Court; adding new Code Section 5.375 to 5.390, titled Exclusion from City Facility or Property; and amending Chapter 5, as set forth in the attached Exhibit A.

**Section 2.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 3.** This ordinance shall be effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading the 27<sup>th</sup> day of June, 2016.

**PASSED** the second reading this 11<sup>th</sup> day of July, 2016.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 11<sup>th</sup> day of July, 2016.

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Peter B. Truax, Mayor

**CHAPTER 2**  
**GOVERNMENT AND ADMINISTRATION**  
**EXHIBIT A**

---

The following are proposed amendments to the Chapter 2, Government and Administration.

Strikethrough is deleted language and underline is new language in Red.

**MUNICIPAL COURT**

**2.705**

**Jurisdiction – Limitation.**

- (1) The Municipal Court has jurisdiction over:
  - (a) Traffic violations as defined by State law;
  - (b) Violations of State law provisions denominated as offenses punishable by other than imprisonment relating to:
    - i. Minor in possession of alcohol (person under 21)
    - ii. Allowing minor (person under 21) to consume alcohol on property;
    - iii. Minor in possession of alcohol (person under 21) while operating a motor vehicle;
    - iv. Provisions of Oregon marijuana laws by a minor (person under 21) and person over 18 which are classified as violations; and
  - (c) Violations of the provisions of Chapter 2 through 9 of the Forest Grove City Code and Chapter 10 of the Forest Grove Development Code.

**2.710**

**Authority of the Municipal Court.**

- (1) The Municipal Court may adopt rules concerning procedure, conduct of hearings and forms so as to implement the provisions of the Code.
- (2) The Municipal Court may order a party found in violation of the code to comply with the provisions within such time as the Municipal Court may allow. The order may require the party to do any and all of the following:
  - (a) Make any and all necessary repairs, modifications and/or improvements to the building, real property or equipment involved;
  - (b) Abate or remove any nuisance;
  - (c) Change the use of the building or real property involved;
  - (d) Install any equipment necessary to achieve compliance;
  - (e) Pay the City a civil penalty of up to \$1,000 per day or greater amount as authorized elsewhere in the code; or
  - (f) Undertake any other action reasonably necessary to correct the violation or mitigate the effects.
- (3) If any person fails to comply with any of the provisions ordered by the Municipal Court (except requiring payment of a civil penalty), the Court may authorize the City to undertake such actions as the Court may believe is reasonably necessary and/or to take other actions to correct the

violation, eliminate, or mitigate the effect. The City's reasonable costs of such actions, including any unpaid civil penalties, may be made a lien against the affected real property.

**CHAPTER 5**  
**PUBLIC PROTECTION**  
**EXHIBIT A**

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The following are proposed amendments to the Chapter 5, Public Protection.

~~Strikethrough~~ is deleted language and underline is new language in Red.

**5.000** ~~ADOPTION OF OREGON CRIMINAL CODE OF 1971.~~

Repealing in its entirety

## GRAFFITI PREVENTION, PROHIBITION AND REMOVAL

### 5.170 Other Violations.

- (1) ~~Any property located in the City that becomes a graffiti nuisance property is in violation of this Ordinance and subject to abatement by the City under Code Sections 5.275, 5.280 and 5.285 and assessment of costs under Code Section 5.290.~~
- (2) ~~Every owner, occupant or responsible party who permits a property to become a graffiti nuisance property is in violation of this Ordinance and subject to any remedy or penalty provided by Code Chapter 5.~~

### 5.180 Graffiti Removal; Notice and Procedures.

- (1) ~~The ,occupant or responsible party Person-in-Charge and/or Owner of Property of any within the City shall remove any graffiti from that such property within ten (10) days of the graffiti's appearance or discovery.~~
- (2) ~~Whenever the Manager, or manager's designee, Upon determination by the Enforcement Officer that graffiti nuisance exists on any property in the City, the Manager, or manager's designee, the Officer shall cause to be mailed a "Graffiti Nuisance Property Warning Notice" to may give the Person-in-Charge and/or Owner, occupant responsible if different at the address shown on the county tax records. written notice of these Code requirements and request for removal of graffiti within 10 days.~~
- (3) The notice shall contain:
  - (a) A statement that the Property has been identified as a potential Graffiti Nuisance Property;
  - (b) A statement that the Person may request a "hardship" or extension of time in which to remove the graffiti by filing a written request with the Police Chief within ten (10) days of the date of the warning notice. For the purpose of this subsection, "hardship" includes, but not limited to, serious illness or disability, inclement weather or other circumstances that prevent removal of the graffiti within ten (10) days;
  - (c) A statement that unless the graffiti is either removed or a "hardship" requested within the time specified in the notice, the Property may be declared a nuisance and subject to abatement by the City and civil penalties imposed.

~~Ten days after a written notice if the graffiti still exists on the property, the Manager, or manager's designee, may issue an abatement notice. The owner, occupant or responsible party has 10 days after the date of service of the notice to remove the graffiti.~~

- (4) If the graffiti is not removed within the time specified in the notice and/or a hardship no longer applies, the Property shall be declared a nuisance and abated pursuant to Section 5.270.  
The notice will be served by addressing the notice to the owner, occupant or responsible party and delivering it by personal service or by mailing it as certified mail. Service may also be accomplished by posting the notice in a clearly visible location on the subject property.
- (5) ~~The person served with the notice who is unable to remove, or cause to remove, the graffiti within 10 days due to a hardship may apply to the Manager for an extension of time or alternate resolution such as volunteer or community service clean up. For purposes of this subsection, "hardship" means serious illness or disability, extremely inclement weather that temporarily prevents removal of the graffiti, or other extraordinary circumstance.~~
- (6) ~~If graffiti is not removed within 10 days after service of notice, the Manager, or manager's designee, may issue a citation to the owner, occupant or responsible party, or all of them requiring appearance in Forest Grove Municipal Court.~~
- (57) Failure to remove graffiti as required by this Section is a violation punishable by a civil penalty of up to \$500. Each day the graffiti remains after the notice is sent constitutes a separate offense.
- (8) ~~The City Manager, or manager's designee, may adopt rules and procedures to implement this Ordinance.~~

## NUISANCES

### 5.205

#### Definitions.

As used in Code Sections [5.180](#), 5.210 to 5.245 and 5.260 to 5.305, the following words and terms mean as follows:

Enforcement Officer. Any person charged or designated in writing by the City Manager to enforce the terms [provisions](#) of [this](#) Code. ~~Sections 5.210 to 5.245 and 5.260 to 5.305 or any other sections of the Code.~~

## UNENUMERATED NUISANCES

### 5.265

#### Unenumerated Nuisances.

(1) The acts, conditions or objects specifically enumerated and defined in Code Sections [5.180](#), 5.210 to 5.2612 are declared public nuisances and may be abated by the procedures set forth in Code Sections 5.270 to 5.305.

## ABATEMENT PROCEDURE

5.270

### Abatement Notice.

- (1) Except in the case where summary abatement is authorized, pursuant to Section 5.295, or when a different abatement procedure is specified elsewhere in this Code, public nuisances identified in this Code shall be abated under the general abatement procedures outlined in this subchapter.
- (12) ~~Upon determination by the manager or designee~~ Enforcement Officer that a nuisance exists, the manager or designee Officer shall cause post a notice to be posted on the premises or consistent with 5.270(4) at the nuisance site of the nuisance, directing the person responsible Person-in-Charge and/or Owner to abate the nuisance within ten (10) days of the notice.
- (23) ~~At the time of posting, the manager or designee shall cause~~ Enforcement Officer shall send a copy of the notice to be forwarded by registered or certified by Certified Mail to the person responsible at the person's last known address Person-in-Charge and/or Owner, if different, at the address shown on the county tax records. In addition, the Officer shall prepare a declaration for the file setting out the date, time and place of the posting as well as the date and time of the mailing of the notice by Certified Mail.
- (34) The notice to abate shall contain:
- (a) A description of the real property, by The street address or legal description sufficient to identify the Property or otherwise on which where the nuisance exists;
  - (eb) A brief description of the nuisance and specific code provision being violated;
  - (bc) ~~A direction to~~ A demand that the Person-in-Charge and/or Owner comply with the terms of the Code and abate the nuisance within ten (10) days of the date of the notice;
  - (d) A statement that unless the nuisance is removed, the City may abate the nuisance and the cost of abatement therefor (including administrative costs) and any civil penalties imposed shall be made will be charged to the person responsible and may become an assessment lien on the Property; and
  - (e) ~~A statement that failure to abate a nuisance may warrant imposition of a fine.~~
  - (fe) A statement that the person responsible Person-in-Charge and/or Owner may protest challenge the order to abate abatement notice by giving notice filing a written petition to the City Recorder with the Municipal Court within ten (10) days of the date of the notice to request a hearing to show cause why the nuisance should not be abated.

- (4) ~~If the person responsible is not the owner, an additional notice shall be sent to the owner, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.~~
- (5) ~~Upon completion of the posting and mailing, the person posting and mailing shall execute and file certificates stating the date and place of the mailing and posting.~~
- (56) An error in the name or address of the person responsible contents of the notice shall not make the notice void the notice or the ability to proceed towards abatement, and in such case the posted notice shall be sufficient.
- (6) The Person-in-Charge and/or Owner may challenge the abatement notice by filing a written petition with the Municipal Court within ten (10) days of the date of the notice briefly setting out the basis for the challenge.
- (7) In the event the Person-in-Charge and/or Owner files a properly and timely written petition with the Municipal Court, the Court shall schedule and conduct a hearing pursuant to Section 5.280.

**5.285 5.275 Abatement by the City; Hearing; Imposition of Costs; Assessment Lien.**

- (1) In the event the Person-in-Charge and/or Owner fails to abate the nuisance or challenge the abatement notice with the Municipal Court within the time specified in Section 5.270(6), the Enforcement Officer may commence an action to abate the nuisance by filing a complaint or citation with the Municipal Court. If the nuisance has not been abated by the person responsible within the time allowed, the Council may cause the nuisance to be abated.
- (2) The complaint or citation shall include:
  - (a) The street address or legal description sufficient to identify the property or otherwise where the nuisance exists;
  - (b) A brief description of the nuisance and specific code provision being violated;
  - (c) A copy of both the notice to abate and declaration described in Section 5.270(3); and
  - (d) A description of the relief being sought (i.e., order to abate, imposition of civil penalty, etc.).

~~The officer charged with abatement of the nuisance shall have the right to enter into or upon property at reasonable times to investigate or cause the removal of a nuisance.~~
- (3) The Enforcement Officer shall cause a true copy of the citation or complaint be served on the Person-in-Charge and/or Owner, if different, either by personal service or Certified Mail, mailed to the address shown on the county tax records or such other address which the Enforcement Officer reasonably believes under the

circumstances will apprise the Person-in-Charge and/or Owner of the existence and pendency of the City's action. In addition, the Enforcement Officer shall prepare a declaration for the file as to the method and timing of the service of the citation or complaint and file said declaration with the Municipal Court and a copy kept with the file.

~~The code enforcement officer shall keep an accurate record of the expenses incurred by the City in abating the nuisance and shall include a charge equal to 15 percent of those expenses for administrative costs.~~

- (4) The Municipal Court shall set a date and time for the hearing on the citation or complaint not less than seven (7) days nor more than 21 days after the date shown on the declaration described in Section 5.275(3). The Municipal Court may alter the date and time for the hearing on its own motion or at the request of the Person-in-Charge, Owner or City for good cause.
- (5) At the hearing, the City will have the burden to show:
  - (a) The real property where the nuisance exists is within the City;
  - (b) The nature of the nuisance and its extent;
  - (c) That if the City is seeking an order to abate, that the nuisance is likely to be present at the time of the requested abatement; and
  - (d) If the City is seeking a civil penalty, the amount thereof is reasonable and justified by the circumstances.
- (6) Upon its determination that the City has carried its burden, the Municipal Court is authorized to issue a written order:
  - (a) Authorizing the City to enter the property where the nuisance is located and abate said nuisance;
  - (b) Imposing a civil penalty on the Person-in-Charge or Owner for the nuisance; and
  - (c) Such other relief, which the Court reasonably believes, is appropriate given the nature of the nuisance and its effects on the adjoining properties and the City.
- (7) A copy of the order shall be mailed to the Person-in-Charge and/or Owner, if different, by the Municipal Court to the address where the citation or complaint was served.
- (8) Once the City obtains a Municipal Court order to abate the nuisance and/or take other actions to address the nuisance and proceeds to act thereon, the Enforcement Officer shall cause an accounting to be kept of all costs, charges, fees and penalties associated therewith.
- (9) The Enforcement Officer shall send a notice and a copy of the accounting statement by Certified Mail to the Person-in-Charge and/or Owner, if different, within 30 days of the calculation described in subsection (8). In addition, the Officer shall prepare a

declaration for the file as to the date and time of the mailing of the notice and accounting statement by Certified Mail.

- (10) The notice shall contain:
- (a) The street address or legal description to identify the Property or otherwise where the nuisance was abated;
  - (b) A statement that if the costs, charges, fees and penalties associated therewith are not paid in full to the City within thirty (30) days of the mailing date of the notice, any unpaid costs, charges, fees and penalties will be made an assessment lien against the Property; and
  - (c) A statement that the Person-in-Charge and/or Owner may challenge the reasonableness or justification of any cost, charge or fee by filing a written petition with the Municipal Court with ten (10) days of the mailing date of the notice, succinctly setting out the basis for the belief that the cost, charge or fee is either unreasonable or otherwise unjustified.
- (11) In the event the Person-in-Charge and/or Owner fails to timely challenge the notice and thirty (30) days has lapsed, any unpaid costs, charges, fees and penalties shall be filed in the City's lien docket as an assessment lien and thereafter enforced and collected, bearing interest at the legal rate from the day of entry on the docket until fully paid.
- (12) The Person-in-Charge and/or Owner may challenge the reasonableness or justification of any cost, charge or fee imposed as a result of the abatement by filing a written petition with the Municipal Court within ten (10) days of the mailing date of the notice described in subsection (10) and request a hearing to show cause why the cost, charge or fee is either unreasonable or otherwise unjustified.

**5.275 ~~Abatement by the Person Responsible.~~**

- (1) ~~Within 10 days after the posting and mailing of notice as provided in Section 5.270, the person responsible shall remove the nuisance or file a protest, as described in subsection (2).~~
- (2) ~~A person responsible, protesting that no nuisance exists, shall file a written statement that specifies the basis for the protest with the City Recorder.~~
- (3) ~~The statement shall be referred to the Council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council. The Council shall determine whether a nuisance in fact exists, and the determination shall be entered in the official minutes of the Council. Council determination shall be required only in cases where a written statement has been filed as provided.~~

- (4) ~~If the Council determines that a nuisance in fact exists, the person responsible shall abate the nuisance within 10 days after the Council determination.~~

**5.280 ~~Joint Responsibility.~~**

~~If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.~~

**5.290 ~~Assessment of Costs.~~**

- (1) ~~The enforcement officer shall forward to the owner and the person responsible, by registered or certified mail, a notice stating:~~
- ~~(a) The total cost of abatement, including the administrative costs.~~
  - ~~(b) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.~~
- (2) ~~If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs shall constitute a lien on the property from which the nuisance was removed or abated and shall be entered in the city's lien docket.~~
- (3) ~~The lien shall be enforced any manner authorized by law and shall bear interest at the current statutory interest rate. The interest shall begin to run from the date of entry of the lien in the lien docket.~~
- (4) ~~An error in the name of the owner or the person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.~~

**5.280 Hearing to Challenge Nuisance Declaration or Abatement Costs.**

- (1) In the event the Person-in-Charge and/or Owner files a properly and timely written petition with the Municipal Court within the time specified in Sections 5.270(6), 5.275(12) or 5.295(3), the Court shall set a date and time for the hearing not less than seven (7) days nor more than 21 days after the date shown on the declarations described in Sections 5.270(3), 5.275(9) and 5.295(2). The Municipal Court may alter the date and time for the hearing on its own motion or at the request of the Person-in-Charge, Owner or City for good cause.
- (2) At the hearing, the Municipal Court shall either affirm or deny and issue a written order thereon and if requested, by the Person-in-Charge, Owner and/or City, provide a written explanation for said determination. A copy of the order and written explanation (if any) shall be provided to both petitioner(s) and the City.

## GENERAL

### 5.295

#### Summary Abatement.

- (1) If a nuisance exists on private real property which poses an imminent threat to the public health, safety or welfare and the circumstances, taken as a whole, do not allow the City to seek authorization to enter the property from the Municipal Court or other court to abate the nuisance, the Enforcement Officer or other appropriate city official is authorized to immediately enter said property and cause the summary abatement thereof.
- (2) In the event the Enforcement Officer or other city official acts pursuant to the authority under subsection (1) above, said person shall provide written notice, sent by Certified Mail, to the Person-in-Charge and/or Owner, if different, at the address shown on the county tax records or such other address as is reasonably calculated to apprise the Person-in-Charge and/or Owner as to the summary abatement, in expeditious manner, but in no event more than five (5) business days after the summary abatement. In addition, the Officer shall prepare a declaration for the file setting out the date and time of the mailing of the notice by Certified Mail.
- (3) The notice shall contain:
  - a) The street address or legal description sufficient to identify the Property or otherwise where the nuisance was summary abated;
  - b) A brief description of the nuisance and specific code provision(s) declaring summary abatement thereof;
  - c) The action(s) taken by the City to abate the nuisance;
  - d) What further action(s) the Person-in-Charge and/or Owner may be required to take to address the nuisance, its impacts and/or residual effects of the abatement;
  - e) To the extent known, the costs incurred by the City as a result of the summary abatement and whether the City will look to the Person-in-Charge and/or Owner for payment of all or part thereof;
  - f) The Person-in-Charge and/or Owner may challenge the summary abatement and costs thereof by filing a written petition with the Municipal Court within ten (10) days of the date of the notice briefly setting out the basis for the challenge.
- (4) In the event the Person-in-Charge and/or Owner files a properly and timely written petition with the Municipal Court within the time specified in subsection (3) above, the Court shall conduct a hearing pursuant to Section 5.280.

5.300

**Non-Exclusive Nature of Abatement Process.**

The procedures and remedies provided by this subchapter are not exclusive but in addition to others available under State law as well as this Code.

**5.295 Summary Abatement.**

~~The procedure provided by Code Sections 5.270 to 5.290 is not exclusive, but is in addition to procedure provided by other code sections or ordinances. The Manager, Chief of Police or Chief of the Fire Department may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.~~

**5.300 Separate Remedies**

~~The abatement of a nuisance is not a penalty for violation of the nuisance provisions of this code, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance. However, abatement of a nuisance within 10 days of Council determination that a nuisance exists, will relieve the person responsible from the imposition of a penalty.~~

5.305

**Penalty Imposed Violations and Penalties.**

- (1) In addition to any abatement ordered, the Municipal Court may impose civil penalties on the Person-in-Charge and/or Owner consistent with the following schedule:
  - a) For first time violation of Code provisions, in amounts of not less than \$100 and not more than \$250 per day for each violation;
  - b) For second violation of the same Code provision, not less than \$500 per day; and
  - c) \$1,000 maximum for a third and subsequent violation of the same Code provision within any two-year period from the date of issuance of the first violation.
- (2) The Person-in-Charge and/or Owner are jointly and severally liable for any costs, charges, fees and penalties incurred or imposed by the City under the terms of this subchapter, and the City may seek to receive said costs, charges, fees and penalties by an action at law in a court of competent jurisdiction.

~~A person responsible for committing, allowing, suffering or maintaining a nuisance (as defined and prohibited by the terms of Forest Grove Code sections 5.205 to 5.245 and 5.260 to 5.265) on their real property or real property under their control shall be subject to the imposition of a civil penalty in an amount of not less than \$100.00 per offense for the first violation, \$500 for the second~~

~~occurrence of the same type of violation and \$1,000 for any subsequent violation of the same type occurring in a two-year period starting from the issuance of the first notice of violation. The enforcement officer may cite the violator into Municipal Court for said violations.~~

## **DOG CONTROL ANIMAL SERVICES CODE**

(Ord. 1975-1059, 03/24/1975, 03/24/195)

### **5.505**

#### **Adoption of Dog Control Ordinance. Animal Services Code.**

- (1) The dog control ordinance of Washington County, Ordinance No. 306, enacted June 11, 1985, effective July 1, 1985, is by this reference incorporated into this code and made a part hereof as the dog control ordinance of the city, except as hereinafter specifically amended, modified or deleted, and shall be known and pled as the "City Dog Control Ordinance." The City hereby incorporates the Washington County Code (WCC) Chapter 6.04, Animal Services Code, (Ord No 794, 01-20-2015) to regulate the keeping, licensing and control of dogs and other animals within the City. Violation of Ordinance No. 306 WCC Chapter 6.04 is an offense against the City.
- (2) One copy of Ordinance No. 306 WCC Chapter 6.04, and any amendments thereof, shall be kept on file in the Office of the City Recorder. Ord. 1975-1059, 03/24/75

### **5.510**

#### **Amendments to Dog Control Ordinance.**

Washington County Ordinance No. 306 is amended and changed in the following particulars:

(1) — References to "Washington County," "Board of County Commissioners," "County Counsel," "District Court," "District Judge," and other similar references are amended to read "City of Forest Grove," "City Council," "City Attorney," "Municipal Court of Forest Grove," "Municipal Judge of Forest Grove," and other City positions as appropriate.

(2) — Section 3, relating to definitions, is amended to add an additional definition as follows:

"4) 'Dog Control Officer' means any peace officer and includes any dog control officer of the City of Forest Grove or of Washington County."

(3) — Section 11, relating to claims for livestock killed by dogs, is amended to read:

"Section 11. Livestock killed or Injured by Dogs. The owner of any livestock killed by any dog may submit claims to Washington County pursuant to the provisions of the Washington County dog control ordinance."

(4) — Section 12, the repealing clause, is deleted.

(5) — Section 17, relating to the effective date, is deleted.

Note: A copy of the Washington County Dog Control Ordinance (Chapter 6.04 — WC CO. Code) is located in the City Recorder's Office.

## **EXCLUSION FROM CITY FACILITY OR PROPERTY**

### **5.375 Exclusion Authority.**

- (1) In addition to any other remedy or penalty provided by this Code or State law, an Enforcement Officer, or any person specifically authorized by the City Manager, may exclude any individual from City parks, recreational areas, city-owned or leased properties or city-sponsored events for a period of up to ninety (90)-days based upon a substantial objective belief by the Officer (or person authorized) that the individual has engaged in:
  - (a) Conduct made criminal as either a misdemeanor or felony under State law;
  - (b) Conduct in violation of City Code;
  - (c) Conduct in violation of a City Council adopted "rule of conduct".
- (2) An exclusion issued under the provisions of subsection (1) above shall take effect upon issuance of the Notice of Exclusion and remains for the period set out therein subject only to an appeal consistent with that described in Section 5.385.

### **5.380 Exclusion Notice.**

- (1) The Notice of Exclusion shall include:
  - (a) The provision of State law, City Code or rule of conduct violated;
  - (b) The place(s) of exclusion;
  - (c) The start date and end date of the exclusion period;
  - (d) Prominently display a warning of the consequences for failure to comply with the exclusion as described in Section 5.390; and
  - (e) A statement that the excluded person has the right to file a written appeal with Municipal Court within five (5) business days of the issuance date of the Exclusion Notice and request an appeal hearing to have the exclusion rescinded or the exclusion period shortened.

### **5.385 Appeal of Exclusion.**

- (1) A person receiving a Notice of Exclusion under Section 5.380 may file a written appeal with the Municipal Court within five (5) business days of the issuance of the notice to have the exclusion rescinded or the exclusion period shortened.
- (2) The written appeal shall contain:
  - (a) Appellant's name;
  - (b) Appellant's mailing address and contact information;
  - (c) A concise statement of the basis on which the decision to exclude is invalid, unauthorized or otherwise improper; and
  - (d) A copy of the Notice of Exclusion.

- (3) The Municipal Court shall set a date and time for the appeal hearing not less than seven (7) days nor more than 21 days after the receipt of a properly and timely filed appeal. The Municipal Court may alter the date and time for the hearing on its own motion or at the request of the Appellant or City for good cause.
- (4) If an appeal of the exclusion is timely filed under subsection (1) above, the notice automatically stays the exclusion period until the Municipal Court issues a decision on the appeal.
- (5) The City has the burden to show by a preponderance of evidence that the exclusion is warranted given the totality of the circumstances.
- (6) The Municipal Court shall issue the Court's determination in writing and provide a copy to the City and Appellant.

**5.390**      **Violation – Criminal Trespass.**

No person shall enter or remain in any public place at any time during which there is in effect a Notice of Exclusion issued under Section 5.380. A person who knowingly violates a Notice of Exclusion commits the crime of criminal trespass.

**PARK REGULATIONS**

**5.415**      **Conduct; Exclusion.**

- (1) ~~Park users shall not conduct themselves in a disruptive, disturbing, abusive, or destructive manner so as to create a problem to other park users or neighbors.~~ No person shall engage in disruptive, disturbing, abusive, or destructive conduct that disrupts other park users or adjacent residents.
- (2) Any person engaging in criminal conduct under State law or conduct that violates City Code or rules of conduct while in or upon City property is subject to the provisions of Section 5.375 (90-Day Exclusion Authority).

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CITY RECORDER USE ONLY:	
AGENDA ITEM #:	7
MEETING DATE:	
FINAL ACTION:	

**CITY COUNCIL STAFF REPORT**

**Second Reading:**

**TO:** City Council

**FROM:** Jesse VanderZanden, City Manager

**MEETING DATE:** July 11, 2016

**PROJECT TEAM:** Daniel Riordan, Senior Planner, Brandi Walstead, Program Coordination, Paul Downey, Administrative Services Director, Jon Holan, Community Development Director

**SUBJECT TITLE:** Second Reading of Proposed Ordinance 2016-14 Amending Forest Grove Development Code Articles 3, 8, and 12 – Adopting Time, Place, and Manner Restrictions for Marijuana Facilities

**ACTION REQUESTED:**

<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Motion	<input type="checkbox"/>	Informational
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X all that apply

**ISSUE STATEMENT:** The Council agenda for July 11, 2016, includes continuation of the public hearing and second reading of Ordinance 2016-14 pertaining to time, place and manner restrictions for marijuana facilities. A PowerPoint presentation is attached describing the Planning Commission’s recommendations and answering questions posed by the Council at first reading.

**BACKGROUND:** On June 27, 2016, City Council held a Public Hearing and first reading of Ordinance 2016-14. Several discussion items remain, including:

- Marijuana facility review process;
- Prohibition of marijuana facilities in the Light Industrial zone;
- Effective date of Ordinance 2016-14; and
- NEW: advising the Council that the Planning Commission’s recommendation to limit recreational marijuana production to indoors also applies to medical marijuana production.

Marijuana Facility Review Process

The Planning Commission recommended that City Council amend the Development Code to identify permissible marijuana facilities as conditional uses. Currently, marijuana facilities are outright permitted uses requiring site plan review and approval. The PowerPoint presentation describes the differences between the reviews.

Prohibition of Marijuana Facilities in the Light Industrial Zone

The Planning Commission recommended that City Council prohibit marijuana facilities in the City’s Light Industrial zone. The PowerPoint presentation includes an aerial photo of the City’s Light Industrial Zone to show the location of vacant land and buildings.

The City Council has two options with respect to limiting marijuana facilities in the Light Industrial zone. Option 1 is to accept the Planning Commission's recommendation to prohibit all marijuana production, processing and wholesaling as reflected in Development Section 10.3.520 (Use Regulations – Industrial Zone Use Table), Table 3-14, Exhibit A to Ordinance 2016-14.

Option 2 is to allow marijuana production, processing, and wholesaling, or a combination thereof, in the Light Industrial Zone by amending Exhibit A to Ordinance 2016-14, Development Code Section 10.3.520 (Use Regulations – Industrial Zone Use Table), Table 3-14, to classify marijuana production, processing and wholesaling as a conditional use as recommended for the General Industrial zone.

#### Effective Date of Ordinance 2016-14

The temporary ban on recreational marijuana production adopted by Council on April 28, 2016, sunsets on August 5, 2016. August 5<sup>th</sup> is two business days before Ordinance 2016-14 becomes effective if approved on July 11<sup>th</sup> with the standard effective date of 30 days after adoption. Applications for marijuana production (indoor and outdoor), processing, and wholesaling filed during this two day period would be reviewed by staff based on the code requirements adopted March 28, 2016, which do not prohibit these activities.

The City Council has two options regarding the effective date of Ordinance 2016-14. Option 1 is to take no action regarding the effective date which would allow two business days in which applications would be reviewed based on the code requirements adopted on March 28, 2016.

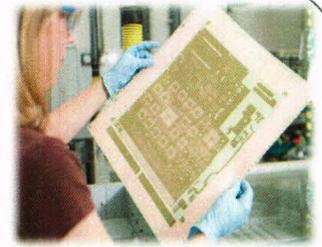
Option 2 is to make Ordinance 2016-14 effectively immediately upon adoption by declaring it necessary for the preservation of public, health, safety and welfare and declaring an emergency. Because this is the second reading and more than seven days of public comment have been afforded, enactment can occur by a simple majority vote of the Council.

#### NEW: Manner Restrictions Limiting Marijuana Production to Indoors

Staff is bringing to the Council's attention that the Planning Commission's recommendation to limit recreational marijuana production to indoors also applies to medical marijuana production. This is allowed by state law. Marijuana production (except private personal production up to 4 plants) is already prohibited in residential zones by City code. Adopting the Planning Commission recommendations means medical and recreational marijuana production would be limited to indoors only. For recreational marijuana production a licensee would be allowed up to 10,000 square feet of plant canopy indoors. A medical marijuana producer would be allowed up to 48 plants if grown indoors within non-residential zones consistent with state law.

#### ATTACHMENT:

Attachment A.      PowerPoint Presentation for July 11, 2016 City Council Meeting



# Marijuana Related Facilities Time, Place and Manner Recommendations

City Council Public Hearing  
July 11, 2016

Project Team:

Daniel Riordan, Senior Planner

Brandi Walstead, Program Coordinator

Paul Downey, Administrative Services Director

Jon Holan, Community Development Director

Jesse VanderZanden, City Manager

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# Recap – Planning Commission Recommendations

- Prohibit outdoor marijuana production, except personal use, within the city limits.
- Prohibit marijuana activities in mixed-use and residential zones.
- Any marijuana activities shall be conditional uses in the affected zone.
- Prohibit marijuana producers, processors, and wholesalers in the Light Industrial zone.
- Amend Development Code Article 3 (Zoning Districts) to implement the Planning Commission recommendations.
  - Identify zones where marijuana facilities are permissible
  - Classify permissible marijuana facilities as conditional uses
- Amend Development Code Article 8 (General Development Standards) to:
  - Establish and clarify time, place and manner restrictions for marijuana facilities:
- Amend Development Code Article 12 (Definitions) to:
  - Clarify indoor marijuana production is an agricultural/horticultural use
  - Add definitions for marijuana facilities consistent with state administrative rule
  - Add definitions for school consistent with state law

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# Discussion Items

- Marijuana facility review process.
- Prohibition of marijuana facilities in Light Industrial zone.
- Effective date of ordinance.
- Limiting medical marijuana production to indoor grow only.

# Marijuana Facility Review Process

- Site Plan Review (DC 10.2.400 et. seq.)
  - Administrative (staff) Review appealable to Planning Commission
  - Criteria focuses on physical aspects of a development
    - Compliance with development standards
    - Building mass and scale
    - Impact to natural resources
    - Impact to historic resources
    - Site access
- Conditional Use Permit (DC 10.2.200 et. seq.)
  - Quasi-judicial (Planning Commission) review appealable to City Council
    - Physical compatibility
    - Public services
    - Livability
      - Proposed use will not have significant adverse impact on nearby lands

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# Light Industrial Zone

- Approx. 63 vacant acres of land & approx. 110,000 sf of vacant building space.



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# Effective Date of Ordinance

- Two options (standard or immediate effective date):
  - Option 1. Standard effective date: 30-days after approval at second reading
    - If the ordinance is adopted on July 11<sup>th</sup> the 30-day effective date would be Wednesday, August 10<sup>th</sup>.
    - The temporary ban on recreational marijuana production sunsets on Friday, August 5<sup>th</sup>.
    - There are two business days after the temporary ban sunsets and the ordinance becomes effective. Monday, August 8<sup>th</sup> and Tuesday, August 9<sup>th</sup>
    - Applications filed on August 8<sup>th</sup> or August 9<sup>th</sup> would be reviewed based on existing marijuana facility time, place and manner restrictions.
  - Option 2. Immediate effective date upon approval at second reading
    - City Charter allows for adopting an ordinance with an immediate effective date upon approval at second reading by majority vote of Council.
    - Adopting the proposed ordinance with an immediate effective date addresses the timing issue above.
    - All Applications for marijuana facilities filed after the temporary ban sunsets would be reviewed based on the time, place and manner restrictions adopted on July 11<sup>th</sup>.

# Outdoor Marijuana Production

- The Planning Commission recommends prohibiting outdoor recreational and medical marijuana production within the City limits as shown in Exhibit A to Ordinance 2016-14.

Questions?



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**ORDINANCE NO. 2016-14****ORDINANCE AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLE 3, ARTICLE 8 AND ARTICLE 12 FOR PURPOSES OF ADOPTING TIME, PLACE AND MANNER RESTRICTIONS FOR MARIJUANA FACILITIES, CLASSIFYING MARIJUANA FACILITIES, AND ADOPTING DEFINITIONS; FILE NO. 311-16-00034**

**WHEREAS**, the Oregon Legislature enacted House Bill 3400 (2015) now codified as Oregon Revised States (ORS) Chapter 457B; and

**WHEREAS**, ORS 457B.340 authorizes local jurisdictions to adopt time, place and manner regulations for the operation of marijuana facilities; and

**WHEREAS**, on April 27, 2016, the Public Safety Advisory Commission (PSAC) adopted recommendations pertaining to additional time, place and manner restrictions for marijuana facilities for consideration by the Planning Commission; and

**WHEREAS**, on May 5, 2016, the Economic Development Commission (EDC) endorsed the PSAC recommendations; and

**WHEREAS**, the Parks and Recreation Board adopted a motion on June 15, 2016, to endorse the PSAC recommendation to prohibit marijuana facilities near parks; and

**WHEREAS**, the Forest Grove School Board adopted a resolution on May 23, 2016, expressing support for the PSAC recommendation to prohibit marijuana facilities near schools; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on June 6, 2016, to consider the PSAC recommendations; and

**WHEREAS**, the Planning Commission considered the PSAC recommendations, staff report and public testimony and adopted a motion modifying the PSAC recommendations; and

**WHEREAS**, City Council held a duly-noticed public hearing on June 27, 2016, and continued the hearing on July 11, 2016, to consider the Planning Commission's recommendations.

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

**Section 1.** The City Council adopts the Planning Commission Findings 16-07 dated June 9, 2016.

**Section 2.** Based on the findings set forth on Section 1, the City Council adopts the Planning Commission recommendation and approves the Development Code text amendment as shown on Exhibit A.

**Section 3.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

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

**PRESENTED AND PASSED** the first reading this 27<sup>th</sup> day of June, 2016.

**PASSED** the second reading this 11<sup>th</sup> day of July, 2016.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 11<sup>th</sup> day of July, 2016.

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Peter B. Truax, Mayor

## EXHIBIT A

Highlighted text indicates text to add.

### Revise Development Code Section 10.3.520 (Use Regulations) as follows:

TABLE 3-14: Industrial Zones Use Table

USE CATEGORY	LI	GI	BIP
- General Industrial	N	P	L[8]
<u>- Medical and Recreational Marijuana Processors</u>	<u>N</u>	<u>C</u>	<u>N</u>
<u>Wholesale Sales</u>	<u>P[8]/N[X]</u>	<u>P[8]/C[Y]</u>	C
OTHER			
Agriculture / Horticulture	P[8]	P[8]	P
<u>- Medical and Recreational Marijuana Producers (Outdoor)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>- Medical and Recreational Marijuana Producers (Indoor)</u>	<u>N</u>	<u>C</u>	<u>N</u>

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

[X] Wholesale activities for marijuana are prohibited in the LI zone.

[Y] Wholesale activities for marijuana requires a conditional use permit in the GI zone.

### Revise Development Code Section 10.3.320 (Use Regulations) as follows:

TABLE 3-10  
Commercial and Mixed Use Zones Use Table

USE CATEGORY	NC	CC	NMU
<u>Office</u>	<u>P L[18]</u>	<u>P L[18]</u>	<u>L<sup>[16]</sup>[18]</u>

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

[7] Marijuana retailers are prohibited in the Neighborhood Commercial zone district and conditionally permitted within the Community Commercial zone district, consistent with the locational requirements of State law and compliance with the requirements of Section 10.8.1100 of this code.

[12] Medical marijuana dispensaries must be located consistent with the requirements of State law and comply with the provisions of Section 10.8.1100 of this code. Medical marijuana dispensaries are classified as a conditional use.

[18] Marijuana testing laboratories are prohibited in the NC and NMU and conditional uses in the CC zone.

## MARIJUANA DEVELOPMENT STANDARDS

### 10.8.1100 GENERAL STANDARDS FOR ALL MARIJUANA FACILITIES

- A. The application shall demonstrate compliance with the locational requirements of ORS 475B and must maintain State certification at all times.
- B. Marijuana-related activities are prohibited on publicly-owned lands.
- 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.
- D. The facility must provide for secure disposal or render impotent marijuana remnants or by-products, or items with marijuana residue of any kind.
- 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.
- F. 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 to Section 10.2.200 et. seq.
- G. The City shall not issue any other permit for development until final Conditional Use approval has been granted.
- H. 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.

### 10.8.1120 MEDICAL MARIJUANA DISPENSARIES AND MARIJUANA RETAILERS

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

- A. May not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.

- B. 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.
- C. Any modification to the site or the exterior of the building housing the facility must be consistent with the Design Standards of Section 10.8.700 et. seq. Security bars or grates on windows and doors are prohibited unless integrated into the design.
- D. The dispensary or retail operation may not have facilities for drive-up use.
- E. The dispensary must provide for secure disposal or render impotent marijuana remnants or by-products, or items with marijuana residue of any kind.
- F. A medical marijuana dispensary may not locate within 1,000 feet from a school (public or private). A medical marijuana dispensary may not locate within 1,000 feet of another medical marijuana dispensary. Distance shall be measured property line to property line.
- G. A recreational marijuana retailer may not locate within 1,000 feet of a school (public or private). Distances shall be measure property line to property line.

#### 10.8.1130 OTHER MARIJUANA FACILITIES

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

- A. With the exception of outdoor grow operations including the use of removable greenhouses, 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.
- 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.
- 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.

#### 10.12.150 OTHER USE CATEGORY

(A): Agriculture/Horticulture: ~~Open areas~~ 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 buildings. Excludes nurseries, which are classified under Outdoor Sales (see 10.12.130(D)(5)).

#### 10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

M6. A facility registered with the Oregon Health Authority or for which an application has been submitted to the Oregon Health Authority that transfers usable marijuana, immature marijuana plants, seeds, and cannabinoid products, concentrates and extracts to registrants and primary caregivers. Dispensaries also receive transfers of cannabinoid products, concentrates and extracts from marijuana processing facilities. Dispensaries receive transfers of usable marijuana, immature marijuana plants and seeds from registrants and primary caregivers. Medical marijuana dispensaries are classified as Commercial: Medical Centers.

M7. Marijuana Facilities. Facilities including recreational marijuana producers, recreational marijuana processors, recreational marijuana retailers, recreational marijuana wholesalers and medical marijuana dispensaries, medical marijuana producers, and medical marijuana processors.

M8. Marijuana Processor. A facility licensed by the Oregon Liquor Control Commission or registered by the Oregon Health Authority to process, compound or convert marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extract. Marijuana processors are classified as Industrial: Manufacturing and Production.

M9. Medical Producer – Medical. A specific location registered by the Oregon Health Authority (OHA) used by a medical marijuana grower to manufacture, plant, cultivate, grow, or harvest marijuana or dry marijuana leaves or flowers for medical use by a specific patient. Medical marijuana producers are classified as Other: Agriculture/Horticulture.

M10. Marijuana Producer – Recreational. A facility that is licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana. Recreational Marijuana Producers are classified as Other: Agriculture/Horticulture

M11. Marijuana Production - Indoor. According to OAR 845-025-2000(2) means producing marijuana in any manner (a) utilizing artificial light on mature marijuana plants or (b) other than outdoor production.

M12. Marijuana Production – Outdoor. According to OAR 845-025-2000(3) means producing marijuana (a) in an expanse of open or cleared ground or (b) in a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial light on mature marijuana plants, including but not limited to electrical lighting sources.

M13. Marijuana Retailer. A facility licensed by the Oregon Liquor Control Commission to sell marijuana to a consumer. Marijuana retailers are classified as General Retail: Sales-Oriented.

M14. Marijuana Testing Laboratories. A state licensed laboratory for testing of marijuana items licensed by the Oregon Liquor Control Commission. Marijuana testing laboratories are classified as Commercial: Office.

M15. Marijuana Wholesaler. A facility licensed by the Oregon Liquor Control Commission to purchase marijuana items in Oregon for resale to a person other than a consumer. Recreational marijuana wholesalers are classified as Industrial: Wholesale Sales.

S1. School A public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a).

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**ORDINANCE NO. 2016-15****ORDINANCE OF THE CITY OF CITY OF FOREST GROVE IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE TO ELECTORS OF FOREST GROVE AT THE NEXT GENERAL ELECTION ON NOVEMBER 8, 2016**

**WHEREAS**, on September 22, 2014, the Forest Grove City Council adopted Ordinance 2014-09 imposing a ten percent tax on the sale or transfer of marijuana and marijuana-infused products within the City; and

**WHEREAS**, the Oregon state legislature subsequently passed ORS 475B.345, which purportedly preempts the City from imposing any tax or fee on the sale of marijuana items other than imposing up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city if such a tax is approved by the voters of the City; and

**WHEREAS**, the Ordinance Number 2016-11 repealed the previously adopted ten percent tax, which is now purportedly preempted by state law; and

**WHEREAS**, consistent with ORS 475B.345, the Forest Grove City Council wishes to impose a three percent tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

**WHEREAS**, City Council held a duly-noticed Public Hearing on June 27, 2016, and continued to hearing on July 11, 2016, on the purposed ordinance.

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

**Section 1: Definitions.**

“Marijuana item” has the meaning given that term in ORS 475B.015(16).

“Marijuana retailer” means a person who holds a license under ORS 475B.110 and sells marijuana items to a consumer in this state.

“Retail sale price” means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

**Section 2: Tax Imposed.** As authorized by ORS 475B.345, the City of Forest Grove hereby imposes a tax of three percent on the retail sale price of all marijuana items sold by a marijuana retailer in the city.

**Section 3: Collection.** The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items. If approved by voters, the Council shall take actions necessary to implement the tax.

**Section 4: Referral.** This ordinance shall be referred to the electors of Forest Grove at the next statewide general election on Tuesday, November 8, 2016.

**Section 5: Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs or clauses.

**Section 6: Savings.** Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, remain valid and in full force and effect for purposes of all cases filed or commenced during the times this ordinance or portions thereof were operative.

**Section 7. Effective date.** This ordinance shall be effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading the 27<sup>th</sup> day of June, 2016.

**PASSED** the second reading this 11<sup>th</sup> day of July, 2016.

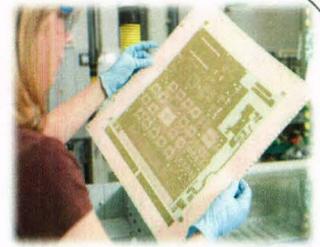
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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 11<sup>th</sup> day of July, 2016.

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Peter B. Truax, Mayor



# Marijuana Tax on Sales Ordinance

City Council Meeting  
July 11, 2016

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## Proposed Ordinance - Review

- Ordinance authorizes City to impose a 3 percent tax on sales of recreational marijuana items sold by a recreational retailer
- Estimated annual revenue to City between \$36,486.72 to \$40,425.18
- Can only be considered if all seven marijuana regulated activities are allowed in the community (i.e. no ban on any activity)
- Marijuana items defined as: marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

## Proposed Ordinance (continued) and Next Steps

- If approved by the Council, must be referred to the voters at the next general election in November
- Resolution 2016-49 is the next item on the agenda. It addresses the four required elements needed to complete the three required forms to place the tax on sales of recreational marijuana items sold by a recreational retailer on the November ballot:
  - Ballot Title (SEL805)
  - Ballot Question (SEL802)
  - Notice of Measure Election (SEL802)
  - Measure Explanatory Statement (JVCP-05)

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CITY RECORDER USE ONLY:	
AGENDA ITEM #:	9.
MEETING DATE:	
FINAL ACTION:	

**CITY COUNCIL STAFF REPORT**

**TO:** City Council

**FROM:** Jesse VanderZanden, City Manager

**MEETING DATE:** July 11, 2016

**PROJECT TEAM:** Jon Holan, Community Development, Jesse VanderZanden

**SUBJECT TITLE:** Resolution to Place on the Ballot the Three Percent Tax on Sales of Recreational Retail Marijuana Items

**ACTION REQUESTED:**  Ordinance  Order  Resolution  Motion  Informational

X all that apply

**ISSUE STATEMENT:** ORS 475B.345 authorizes local jurisdictions to impose up to a three percent tax or fee on the recreational sale of marijuana items. If the Council adopts the tax, the proposed tax must be approved by the voters of Forest Grove at the next general election in November 2016. Adoption of the proposed resolution would provide the necessary direction and required forms to place the matter on the ballot for the November 8<sup>th</sup> General Election.

**BACKGROUND:** The Council is considering the adoption of Ordinance 2016-15 which would establish a three percent tax on the sale of recreational marijuana items. According to State law, once a jurisdiction adopts such a tax, it must be approved by the electors of that jurisdiction at the next general election. The attached resolution includes the necessary wording to complete the necessary forms for submission to Washington County. Also attached are the three required forms to place the matter on the ballot. These three forms include:

- Exhibit 1 – Request for Ballot Title (SEL805)
- Exhibit 2 – Notice of Measure Election (SEL802)
- Exhibit 3 – Measure Explanatory Statement for the County Voters’ Pamphlet (JVCP-05)

The wording in the forms must be neutral and, where appropriate, explanatory of the proposed action. The resolution and applicable wording in the three forms were prepared by the City Attorney.

**FISCAL IMPACT:** The establishment of the tax would generate additional revenue to the City. Using a methodology developed by the City of Happy Valley, it is estimated that the tax revenue may range from \$36,846 to \$40,425 per year for Forest Grove. The range varies on the price of marijuana and the amount of sales from residents and others residing outside the city limits.

**STAFF RECOMMENDATION:** Provided that City Council has not prohibited any of the seven regulated marijuana activities, staff recommends the City Council adopt the attached resolution.

**ATTACHMENT(s):**

- Proposed Resolution
- Exhibit 1 – Request for Ballot Title (SEL805)
- Exhibit 2 – Notice of Measure Election (SEL802)
- Exhibit 3 – Measure Explanatory Statement for the County Voters' Pamphlet (JVCP-05)

**RESOLUTION NO. 2016-49**

**RESOLUTION OF THE CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON, APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF FOREST GROVE THE QUESTION OF IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER WITHIN THE CITY OF FOREST GROVE AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016**

**WHEREAS**, ORS 475B.345 provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

**WHEREAS**, the City of Forest Grove City Council adopted Ordinance Number 2016-15, which imposes a tax of three percent on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:**

**Section 1.** An election is hereby called in and for the City of Forest Grove, Washington County, Oregon, to submit to the legal voters of the City the following question (Exhibit 2, Form SEL802):

**Shall the City impose a 3% tax on recreational marijuana items sold by marijuana retailers in Forest Grove?**

**Section 2.** Tuesday, November 8, 2016 is hereby designated as the date for holding the election for voting on the measure.

**Section 3.** The election shall be conducted by the Washington County Elections Department.

**Section 4.** The precincts for said election shall be and do constitute all of the territory included within the corporate limits of the City of Forest Grove.

**Section 5.** The ballot title to appear on the ballots shall read as follows (Exhibit A, Form SEL805):

**CAPTION: Authorizing tax on recreational retail sales of marijuana items**

**QUESTION: Shall the City impose a 3% tax on recreational marijuana items sold by marijuana retailers in Forest Grove?**

**SUMMARY:**

Under a state law, cities in Oregon may adopt ordinances imposing up to a three percent tax or fee on the sale of recreational marijuana items in the city by state-licensed marijuana retailers as long as the ordinance is referred to the voters for approval at the next statewide general election.

Approval of this measure would impose a three percent tax on the sale of recreational marijuana items in the City of Forest Grove by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer.

**Section 6.** The City Manager is hereby authorized to submit no later than 5:00 p.m., September 12, 2016, an impartial Explanatory Statement for the Washington County Voters' Pamphlet on behalf of the City to read (Exhibit 3, Form JVCP-05):

**EXPLANATORY STATEMENT:**

Approval of this measure would impose a three percent tax on the sale of recreational marijuana items by a marijuana retailer within the city. If approved, the annual revenue from this tax is estimated to be \$36,750. There are no restrictions on how the city may use the revenues generated by this tax.

Under Measure 91, adopted by Oregon voters in November 2014 and amended by the Legislature in 2015, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. ORS 475B.345 provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of recreational marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The City of Forest Grove City Council has adopted an ordinance imposing a three percent tax on the sale of recreational marijuana items by a retail licensee in the city, and, as a result, has referred this measure to the voters.

**Section 7.** The City Recorder shall take any and all steps necessary to place this measure on the ballot at the November 8, 2016, statewide general election including, but not limited to publishing a copy of the ballot title in the next available edition of a newspaper of general distribution in the City as well as notice of the seven day challenge ballot title challenge period as required in ORS 250.296.

**Section 8.** This resolution is effective immediately upon its enactment by the City Council.

**PRESENTED AND PASSED** this 11<sup>th</sup> day July, 2016.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 11<sup>th</sup> day of July, 2016.

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Peter B. Truax, Mayor

# EXHIBIT 1

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SEL 805

## REQUEST FOR BALLOT TITLE

Preparation or Publication of Notice

# Request for Ballot Title

## Preparation or Publication of Notice

**SEL 805**

rev 01/16  
OAR 165-014-0005

No later than the **80<sup>th</sup> day before an election**, a governing body that has referred a measure must prepare and file with the local elections official the text of the referral for ballot title preparation or the ballot title for publication of notice of receipt of ballot title. This form may be used to file the text of the referral and request the elections official begin the ballot title drafting process or file a ballot title and request the elections official publish notice of receipt of ballot title.

### Filing Information

<b>Election Date</b> November 8, 2016	<b>Authorized Official</b> Jesse VanderZanden, City of Forest Grove City Manager
<b>Contact Phone</b> 503-992-3234	<b>Email Address</b> jvanderzanden@forestgrove-or.gov

### Referral Information

<b>Title, Number or other Identifier</b> Authorizing tax on recreational retail sales of marijuana items
---

<b>This Filing is For</b>
<input type="checkbox"/> Drafting of Ballot Title Attach referral text. <input checked="" type="checkbox"/> Publication of Notice Ballot title below.

### Ballot Title Additional requirements may apply

<b>Caption</b> 10 words which reasonably identifies the subject of the measure. Authorizing tax on recreational retail sales of marijuana items
--

<b>Question</b> 20 words which plainly phrases the chief purpose of the measure. Shall the City impose a 3% tax on recreational marijuana items sold by marijuana retailers in Forest Grove?
---

<b>Summary</b> 175 words which concisely and impartially summarizes the measure and its major effect. Under a state law, cities in Oregon may adopt ordinances imposing up to a three percent tax or fee on the sale of recreational marijuana items in the city by state-licensed marijuana retailers as long as the ordinance is referred to the voters for approval at the next statewide general election.  Approval of this measure would impose a three percent tax on the sale of marijuana items in the City of Forest Grove by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer.
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<i>By signing this document:</i> → I hereby state that I am authorized by the county or city governing body to submit this Request for Ballot Title – Preparation or Publication of Notice.
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<b>Signature</b>	<b>Date Signed</b>
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# EXHIBIT 2

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SEL 802

NOTICE OF MEASURE ELECTION

# Notice of Measure Election City

**SEL 802**rev 01/16 ORS 250.035, 250.041,  
250.275, 250.285, 254.095, 254.465**Notice**

Date of Notice

Name of City or Cities  
Forest Grove

Date of Election

November 8, 2016

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

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

Authorizing tax on recreational retail sales of marijuana items

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

Shall the City impose a 3% tax on recreational marijuana items sold by marijuana retailers in Forest Grove?

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

Under a state law, cities in Oregon may adopt ordinances imposing up to a three percent tax or fee on the sale of recreational marijuana items in the city by state-licensed marijuana retailers as long as the ordinance is referred to the voters for approval at the next statewide general election.

Approval of this measure would impose a three percent tax on the sale of recreational marijuana items in the City by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer.

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

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

→ any measure referred by the city governing body; or

→ any initiative or referendum, if required by local ordinance.

**Explanatory Statement Attached?** Yes No

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

**Name**

Jesse VanderZanden

**Title**

City Manager

**Mailing Address**

P. O. Box 326, Forest Grove, OR 97116

**Contact Phone**

503-992-3234

*By signing this document:*

→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; and

→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature

Date Signed

PDF PAGE 90

# EXPLANATORY STATEMENT

(500 word/number MAX)

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Approval of this measure would impose a three percent tax on the sale of recreational marijuana items by a marijuana retailer within the city. If approved, the annual revenue from this tax is estimated to be \$36,750. There are no restrictions on how the city may use the revenues generated by this tax.

Under Measure 91, adopted by Oregon voters in November 2014 and amended by the Legislature in 2015, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. ORS 475B.345 provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of recreational marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The City of Forest Grove City Council has adopted an ordinance imposing a three percent tax on the sale of recreational marijuana items by a retail licensee in the city, and, as a result, has referred this measure to the voters.

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# EXHIBIT 3

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JVCP-05

MEASURE EXPLANATORY STATEMENT

COUNTY VOTERS' PAMPHLET

# Measure Explanatory Statement for County Voters' Pamphlet Instructions

## Filing Explanatory Statement – per OAR 165-022-0040

1. The governing body for any local government which has referred a measure to the voters shall submit an impartial, simple and understandable statement explaining the measure and its effect.
2. For an initiative or referendum by petition, an impartial, simple and understandable statement explaining the measure and its effect shall be submitted by the governing body of the local government only if the local government has an ordinance requiring the submission of such a statement.
3. 'Measure Explanatory Statement' shall be limited to 500 words/numbers maximum.
4. The County Clerk shall reject any 'Referred Measure' submitted without an 'Explanatory Statement'.

## General Instructions

1. An original, faxed, e-mail attachment or copy of a typewritten and signed 'Measure Explanatory Statement for County Voters' Pamphlet' must be filed with the County Elections office no later than 5 pm on the 'Notice of Measure' filing deadline. Postmarks do not count. **Any filings received or are unsigned after 5 pm on the deadline will be rejected.**
2. Submit the 'Measure Explanatory Statement' complete on a standard 8 ½" x 11" white paper containing the 'Measure Explanatory Statement' and attach to the signed form. 'Measure Explanatory Statement' is to be submitted typewritten.
3. **The word count must not exceed 500 words/numbers. If the explanation exceeds 500 words/numbers it will be edited by the County Elections office.**
4. The 'Measure Explanatory Statement' shall include the name and signature of the person responsible for the content of the statement and the name of the governing body that person is authorized to represent.
5. Pursuant to ORS 251.415 the County Clerk shall reject any statement which:
  - a. Contains any obscene, profane or defamatory language;
  - b. Incites or advocates hatred, abuse or violence toward any person or group; or
  - c. Contains any language which may not legally be circulated through the mail.
6. The County Clerk will not correct spelling, grammar or punctuation errors. 'Measure Explanatory Statement' will not be returned for proofreading after it has been filed.
7. **In addition to filing the 'Measure Explanatory Statement for County Voters' Pamphlet', it is recommended that the responsible party for the 'Measure Explanatory Statement' e-mail the electronic text (Word) to the County Elections office. The electronic text must mirror the submitted print version exactly.**

## Contact Information

- **Clackamas County Elections**, 1710 Red Soils Ct, Ste 100, Oregon City OR 97045-4300  
phone 503-655-8510                      fax 503-655-8461                      e-mail [elections@co.clackamas.or.us](mailto:elections@co.clackamas.or.us)
- **Multnomah County Elections**, 1040 SE Morrison St, Portland OR 97214-2417  
phone 503-988-3720                      fax 503-988-3719                      e-mail [elections@multco.us](mailto:elections@multco.us)
- **Washington County Elections**, 3700 SW Murray Blvd, Ste 101, Beaverton OR 97005-2365  
phone 503-846-5800                      fax 503-846-5810                      e-mail [elections@co.washington.or.us](mailto:elections@co.washington.or.us)
- **Yamhill County Elections**, 414 NE Evans St, McMinnville, OR 97218-4607  
phone 503-434-7518                      fax 503-434-7520                      e-mail [elections@co.yamhill.or.us](mailto:elections@co.yamhill.or.us)

## Measure Explanatory Statement for County Voters' Pamphlet

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

### Filing Information

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

### Ballot Title Caption

Authorizing tax on recreational retail sales of marijuana items

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

Jesse VanderZanden

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

City Manager, City of Forest Grove

### CONTACT INFORMATION

Phone: Cell: (907) 978-1168 Work: (503) 992-3234 Home: (907) 978-1168

E-Mail: [jvanderzanden@forestgrove-or.gov](mailto:jvanderzanden@forestgrove-or.gov)

### SIGNATURE

\_\_\_\_\_  
Signature of person responsible for content of 'Explanatory Statement'

\_\_\_\_\_  
Date

### MEASURE EXPLANATORY STATEMENT

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

#### For Office Use only:

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

Word Count (500 max):

Signed?  Yes  No

Digital copy?  Yes  No

'Measure Explanatory Statement' attached?

Review Staff Initials:

Yes  No

Intake Staff Initials:

# EXPLANATORY STATEMENT

(500 word/number MAX)

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Approval of this measure would impose a three percent tax on the sale of recreational marijuana items by a marijuana retailer within the city. If approved, the annual revenue from this tax is estimated to be \$36,750. There are no restrictions on how the city may use the revenues generated by this tax.

Under Measure 91, adopted by Oregon voters in November 2014 and amended by the Legislature in 2015, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. ORS 475B.345 provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of recreational marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The City of Forest Grove City Council has adopted an ordinance imposing a three percent tax on the sale of recreational marijuana items by a retail licensee in the city, and, as a result, has referred this measure to the voters.



*A place where families and businesses thrive*

## CITY MANAGER'S REPORT TO COUNCIL

July 7, 2016

### Dates to Remember:

- July 11:** First Day to File Candidacy Petition for Election, City Recorder's Office
- July 12-15:** OCCMA Conference, Bend
- July 14-18:** Nyuzen Adult Delegation Visit
- July 21-23:** OMA Conference, Lincoln City
- Aug 2:** National Night Out, 4 to 8 pm, Pacific University West Lawn
- Aug 20:** FG UnCorked!, 4 to 9 pm, Main Street
- Sept 13:** Library Friends & Family Night at McMenamins

### CITY MANAGER:

- A hearty congratulation to Malynda Wenzl and Tom Siciliano for receiving the Forest Grove News-Times Reader's Choice Award for "Best Teacher" and "Best Police Officer"! Congratulations also to Dave Nemeyer and Rick Ilg for receiving runner-up for "Best Fire Fighter" and Matt Smith for receiving runner-up for "Best Police Officer."
- I will be at the OCCMA Annual Conference July 12-15 in Bend, Oregon. Topics include transportation funding, police body cams, media relations, citizen engagement, performance management, and more.

### ADMINISTRATIVE SERVICES:

- Solid Waste: Downey appointed as a small city local government representative to Metro's Solid Waste Alternatives Advisory Committee. His first meeting on the committee will be on July 13, 2016.
- Food Waste Recycling: The program started on July 1st. The planned outreach activities are:
  - City of Forest Grove created [www.forestgrove-or.gov/Composts](http://www.forestgrove-or.gov/Composts) website
  - Waste Management sent customers rate increase letter
  - City of Forest Grove sent media release
  - Information posted in the New Times
  - Washington County attended July First Wednesday at Forest Grove Farmers Market
  - Washington County sends initial postcard notification to all single-family customers
  - Forest Grove deliver pails, brochures and new decals to all single-family customers week of July 18
  - Washington County deliver Spanish brochures to Spanish-serving businesses
  - Forest Grove places ad in the News Times on July 20.
  - Washington County sends follow-up postcard with coupon for compost to all single-family customers
  - Washington County attend August First Wednesday at Forest Grove Farmers Market
  - City of Forest Grove attend subsequent First Wednesday
- GIS: Project has been moving along. Staff is finalizing the review of the data input into the system. The consultant is onsite the week of July 11-15 for training with staff who will be maintaining, updating, and accessing the system as part of their regular work duties.
- Library: Replacement of two HVAC units at the Library will be starting the week of July 11th. Another HVAC unit is failing and will need replacement as repairs will near the price of new unit. The large single compressor that cools the entire old side of the library is causing problems and has lot of worn parts and leaks. This is a large ticket item and was last replaced in 1998 with a refurbished unit. Replacement of these large HVAC components was a major reason the City started the Facility Major Maintenance Fund.
- Current recruitments underway include: Senior Management Analyst, Public Services Librarian (Youth), Administrative Assistant (Fire Department), Volunteer Firefighters.

**LIBRARY:**

- Beth Gilbert and Bob Kingston have joined the library staff as On-Call Adult Service Librarians. Beth also works at the Hillsboro Public Library. Bob is a faculty member at PCC.
- Summer Reading signups as July 6: 671 Children and 180 Teens. Children may begin turning in their reading records on August 1st at the Super Summer Celebration.
- Free gardening classes are back for the 2016 Grow It! series. Classes will happen on the last Monday of the month and begin at 6:30 pm in the Rogers Room. Grow It! is presented by OSU Extension Service Master Gardeners in partnership with the Dairy Creek Community Food Web. The first class is Monday, July 25 – Natural Disease and Pest Solutions.
- Approximately 30 persons attended the dedication of the Public Arts Commission newest installation at Lincoln Park on July 6.

**PARKS AND RECREATION:**

- The Recreation Commission and the Citizen's Advisory Committee will meet August 17 at 7 p.m. in the Community Auditorium to review the final drafts for the Parks and Recreation Master Plan, which also includes the Community Center Study results.
- The Lincoln Park Stadium was closed during the past week for cleaning and repainting the track. Additional plans for field improvements include a new playing surface to be installed next summer 2017. The University continues to fund all improvements to the Lincoln Park Athletic complex since the renovation in 2007 in accordance with the contract between the university and the City.
- The City is ready to begin the Old Town Loop Trail project in the next two weeks. Construction bids were opened June 30 and Lyda Excavating from Banks was the low bidder.
- The Parks Department held the first Skyhawks Sports Camp of the summer last week with 20 children participating at the Lincoln Park Stadium.
- Session 3 of summer daytime swimming lessons begins July 11.
- Session 2 of summer evening swimming lessons begins July 18.

**POLICE:**

- Coffee with A Cop was held at Coffee in the Grove on Wednesday, July 6.
- Final planning and preparation for National Night Out which will be on Tuesday, August 2, from 4-8 PM on the grounds of Pacific University.
- Officers with FGPD will participate in the 2016 Special Olympics Torch Run on Friday, July 8.
- FGPD will set up a booth at the 2016 Relay of Life and will participate as much as they can in walking laps with the various participants.

**LIGHT & POWER:**

- Virginia Transformer representatives traveled to Light and Power to introduce themselves and discuss our experiences with their product. Technicians were dispatched and took an additional oil sample for testing on our third unit.
- Current work orders being designed or routed are: New three-phase service for Tabitha Hall, Pacific and A site preliminary, Thatcher Substation LTD and pole replacement, two three-plexes on A Street, service to a new house on Hillside Road and a pump service re-route on Porter Road.

**ECONOMIC DEVELOPMENT:**

- Received a new lead for a new food processing manufacturer considering existing facility on 24th Avenue.
- Set up a tour of RDF&P fabrication welcoming them to Forest Grove. RDF&P employees approximately 40 people and moved to Forest Grove from Cornelius.
- Received \$10,000 grant from Metro on behalf of Economic Development Commission to improve downtown store design attractiveness. Will match with CEP funds. Will begin process in July.
- Completing additional pre-contract administrative requirement for \$325,000 Washington County CDBG grant application for Senior Center Kitchen Improvements. Held kick off meeting with Senior Center.
- Portions of the four downtown tourist signs are failing. Jeff is working with WCVB on a grant to repair and update them with current businesses. Two signs – on Main and 19<sup>th</sup> – have already been repaired.

**ENGINEERING:**

- OR8/Quince Intersection Improvements: Preliminary work starting at northwest corner. This work includes tree removal and temporary signal work.
- David Hill Road Extension: The County portion of this project is currently under construction.
- GroveLink Bus Shelters: Contractor to begin work this week.
- Firwood Lane Sewer Project: No bids were received on this project. Staff plans to re-bid in mid-July.
- 2016 Street Overlay Project: Bids were received and opened on July 6 with the bid going to Baker Rock of Beaverton. Bids came in lower than expected. Staff is analyzing additional work that can be done.
- 2016 Timber Harvest: The new timber harvest has started. Once all the checks are received for the 2015 harvest, staff will provide a reconciliation of the harvest activity.
- Deep Creek Road: This project is underway. The contractor worked over the holiday weekend anticipating fire restrictions in the shed. He plans to complete the in-stream portion of the work over the next two weeks.

**COMMUNITY DEVELOPMENT:**

- Westside Planning Project – The final infrastructure analysis from the consultants is complete and is posted on the City's website. The consultant is now preparing the financing plan to pay for the improvements. Initially, staff was going to conduct a work session on the infrastructure study. However, the financing plan provides an approach as to how these improvements are proposed to be paid for. As such, both documents provide the entire context for the public and property owners on the approach for infrastructure development. Thus, staff has decided to postpone a work session with the Planning Commission until the financing plan is available. In the meantime, the public can view the infrastructure report online. Staff is now targeting a work session with the Planning Commission in either August or September to allow time for the financing plan to be developed.
- Washington County Marijuana Amendments – Washington County is processing various amendments to the County development code related to marijuana facilities. The County Planning Commission is recommending to the County Commissioners to prohibit marijuana-related activities in the FD zoned lands and allow grow operations in areas within Urban Reserves (which are outside the UGB and not within the FD zone district) on a limited time basis (staff believes 5 years) with potential for time extensions. FD zoned lands are applied to areas within the UGB and serve as “holding zones” to allow minimal development and no urban development until the lands are annexed to a city. In Forest Grove, FD zoned lands apply to property planned (or will be planned) by the City for residential, general industrial and campus employment.
- Plastic Bag Ban - Based on the passage of Ordinance 2016-12, staff will be sending out a letter to all businesses (based on the utility billing information) informing them of the adoption of the bill, who it applies to and key provisions of the bill. In addition, the letter will notice two meetings in English and

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one meeting in Spanish to explain the requirements. The first English-speaking meeting is scheduled for August 23 from 1:00 to 2:00 pm in the Community Auditorium. The second English-speaking meeting will be on November 3 from 1:00 to 2:00 pm at the same location. The Spanish-speaking meeting will be on August 16 at the Adelante Mujeres Empresas workshop. In addition to these meetings, staff will hold meetings at those businesses with 10 or more employees. They should contact Brandi Walstead at (503) 992-3298 to arrange a time. Staff will also continue to prepare educational materials for both retailers and residents. Durable bags will be delivered to residents in two sweeps, residents falling under the food composting project will have bags delivered with the kitchen pails, and the remainder will be delivered by the Sustainability Commission. Staff will work with retailers to schedule training sessions prior to the ban being phased in beginning January 2017. Staff has already been contacted by Safeway staff about implementation. Safeway has developed their own training material as a result of bans adopted by Portland and Corvallis.

- Planning Commission – The Commission's next meeting will be July 18. Staff will conduct a work session with the Commission on SB 1533 and HB 3223 at that meeting. Both pieces of legislation were reported to the Council at the last update. On the schedule for future Planning Commission meetings will be a work session on infrastructure and financing for the Westside Planning area and the adoption of new floodplain regulations. The City's current regulations are out-of-date and do not comply. The floodplain regulations must be in effect by November 4. Failure to comply with adequate floodplain regulations would jeopardize federal assistance. Further, property owners would not be able to obtain flood insurance and would likely impact their ability to obtain or maintain their home mortgages.



*A place where families and businesses thrive.*

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	12.
MEETING DATE:	
FINAL ACTION:	

**CITY COUNCIL STAFF REPORT**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *July 11, 2016*

**PROJECT TEAM:** *Anna Ruggles, CMC, City Recorder*

**SUBJECT TITLE:** *LOC 2017 Legislative Agenda*

<b>ACTION REQUESTED:</b>	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Order	<input type="checkbox"/> Resolution	<input checked="" type="checkbox"/> Motion	<input checked="" type="checkbox"/> Informational
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*X all that apply*

**ISSUE STATEMENT:**

Each city has been asked to review the 29 legislative objectives set forth by the League of Oregon Cities (LOC) policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League’s 2017 Legislative Agenda. Each city must select its top four (4) legislative objectives that they recommend as priorities for the League’s 2017 Legislative Agenda.

The Council was asked to select its top five (5) legislative objectives. Attachment A shows the tallied results as submitted and as outlined below:

- (1) A. Needed Housing Assistance Program – 4
- (2) P. Mental Health Investments – 4
- (3) Z. Transportation Funding and Policy Package - 4
- (4) I. Property Tax Reform, Fairness and Equity – 3
- (5) V. Rights of Way - 3

**STAFF RECOMMENDATION:** Staff recommends the Council select its top four (4) legislative objectives to be submitted on behalf of the City to the LOC for consideration in the 2017 Legislative Agenda. The deadline for response is July 22, 2016.

**ATTACHMENT(s):**

Attachment A

Legislation	TJ	RT	MW	RK	EU	VL	PT	TOTALS
<b>Community Development</b>								
A. Needed Housing Assistance Program			1	1	1		1	4
B. Natural Hazard Land Use Reform								
C. DOGAMI Disaster Mapping								
D. Floodplain Technical Assistance								
<b>Energy</b>								
E. Green Energy Technology Requirement				1				1
F. Funding Public Energy Projects						1		
G. Updates to Oregon Energy Code								
<b>Finance and Taxation</b>								
H. Property Tax Reform - Market Value / Local Control			1				1	2
I. Property Tax Reform - Fairness and Equity	1				1		1	3
J. Local Lodging Tax								
K. Nonprofit Property Tax Exemption	1							1
L. Marijuana and Vaping Taxes			1		1			2
<b>General Government</b>								
M. Restore Recreational Immunity		1		1				2
N. Increase Local Liquor Fees								
O. Marijuana Legalization Implementation								
P. Mental Health Investments	1	1	1		1			4
Q. Qualification Based Selection						1		
<b>Human Resources</b>								
R. Subsidy for Retiree Health Insurance Repeal								
S. PERS Reform								
T. Arbitration Reform								
U. Veterans Preference Clarifications		1						1
<b>Telecommunications</b>								
V. Rights of Way	1	1		1				3
W. Franchise Fees								
X. 9-1-1 Emergency Communications	1							1
Y. Technology Funding							1	1
<b>Transportation</b>								
Z. Transportation Funding and Policy Package		1	1	1			1	4
<b>Water/Wastewater</b>								
AA. Funding Water System Resilience						1		
BB. Enhanced Prescription Drug Take-Back						1		
CC. Water Supply Development Fund					1	1		2

City of: FOREST GROVE

Please mark 4 boxes with an X that reflect the top 4 issues that your city recommends be the priorities for the League's 2017 legislative agenda.

### Legislation

#### Community Development

- A. Needed Housing Assistance Program
- B. Natural Hazard Land Use Reform
- C. DOGAMI Disaster Mapping
- D. Floodplain Technical Assistance

#### Energy

- E. Green Energy Technology Requirement
- F. Funding Public Energy Projects
- G. Updates to Oregon Energy Code

#### Finance and Taxation

- H. Property Tax Reform - Market Value / Local Control
- I. Property Tax Reform - Fairness and Equity
- J. Local Lodging Tax
- K. Nonprofit Property Tax Exemption
- L. Marijuana and Vaping Taxes

#### General Government

- M. Restore Recreational Immunity
- N. Increase Local Liquor Fees
- O. Marijuana Legalization Implementation
- P. Mental Health Investments
- Q. Qualification Based Selection

#### Human Resources

- R. Subsidy for Retiree Health Insurance Repeal
- S. PERS Reform
- T. Arbitration Reform
- U. Veterans Preference Clarifications

#### Telecommunications

- V. Rights of Way
- W. Franchise Fees
- X. 9-1-1 Emergency Communications
- Y. Technology Funding

#### Transportation

- Z. Transportation Funding and Policy Package

#### Water/Wastewater

- AA. Funding Water System Resilience
- BB. Enhanced Prescription Drug Take-Back
- CC. Water Supply Development Fund