FOREST GROVE OREGON

Conditional Use Permit
Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE:	September 12, 2022
HEARING DATE:	September 19, 2022
LAND USE REQUEST:	Conditional use permit for a commercial cannabis retailer
FILE NUMBER(S):	311-22-00029-PLNG
PROPERTY LOCATION:	3130 Pacific Avenue
LEGAL DESCRIPTION:	Washington County Tax Lots 1S305BB02601 & 1S305BB02600
OWNER/APPLICANT(S):	Applicant: Brock Binder H&W Forest Grove LLC 1435 NW 9th St., Unit 201 Corvallis, OR 97330 Property Owner: Sheida Rezai Khorrami 13286 SW Maplecrest Ct. Portland, OR 97223
COMPREHENSIVE PLAN MAP DESIGNATION	Community Commercial
ZONING MAP DESIGNATION	Community Commercial
APPLICABLE STANDARDS AND CRITERIA:	Forest Grove Development Code: §17.2.220 Conditional Use Review Criteria §17.2.400 et. seq. Site Development Review §17.3.300 et. seq. Community Commercial Zone §17.8.500 et. seq. Off-Street Parking and Loading §17.8.710(B) Building Design Standards §17.8.1100 General Cannabis Development Standards §17.8.1110 Cannabis Retailer Standards
REVIEWING STAFF:	Amy Kreimeier (AICP), Senior Planner
RECOMMENDATION:	Staff recommends approval with conditions

I. REVIEW PROCEDURE

This application is for a conditional use permit to allow for a cannabis retailer. Development Code (DC) §17.3.320 Table 3-10 *Commercial and Mixed-Use Zones – Use Table* lists cannabis retailer as a conditional use in the Community Commercial zoning district, per Footnote #7. DC §17.2.210 *Procedure* authorizes the Planning Commission to act on a request for a conditional use permit after holding a public hearing pursuant to Type III review procedures. Conditional uses are required to meet applicable site plan and design review requirements of the code.

Public notice for this application was mailed to property owners and residents within 300 feet of the site on August 29, 2022, as required by DC §17.1.160. Notice of this request was also provided to the Plans Review Board, and published in the *Forest Grove News-Times.*

No issues or concerns were registered by the Building, Engineering, Fire, Light and Power, Police or Public Works departments. As of the writing of this report, no comments have been received from the public.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Description of Proposal: This application is for a commercial cannabis retailer in an existing retail building located at 3130 Pacific Avenue. No changes to the building's exterior are proposed. No changes to the car park or landscaping are proposed. The interior would be remodeled at a later date and is not a part of this application.

B. Site Examination: The site is comprised of two parcels totaling approximately 0.38 acres in area. The site contains one 2,396 SF building constructed in 1985. The building has been used for various retail uses over the years. The site has been improved with landscaping which and a parking area with 21 spaces.

The site has not been routinely maintained. Parking area striping has eroded away. Landscaping has not been maintained or has been removed. A large tree has fallen on site, creating a safety hazard. Signage, including the site's address, has been removed. There is no enclosure provided for the trash dumpsters historically used on site.

To correct the above deficiencies, the property owner will be required to repair or restore all the above features, in compliance with these Development Code sections:

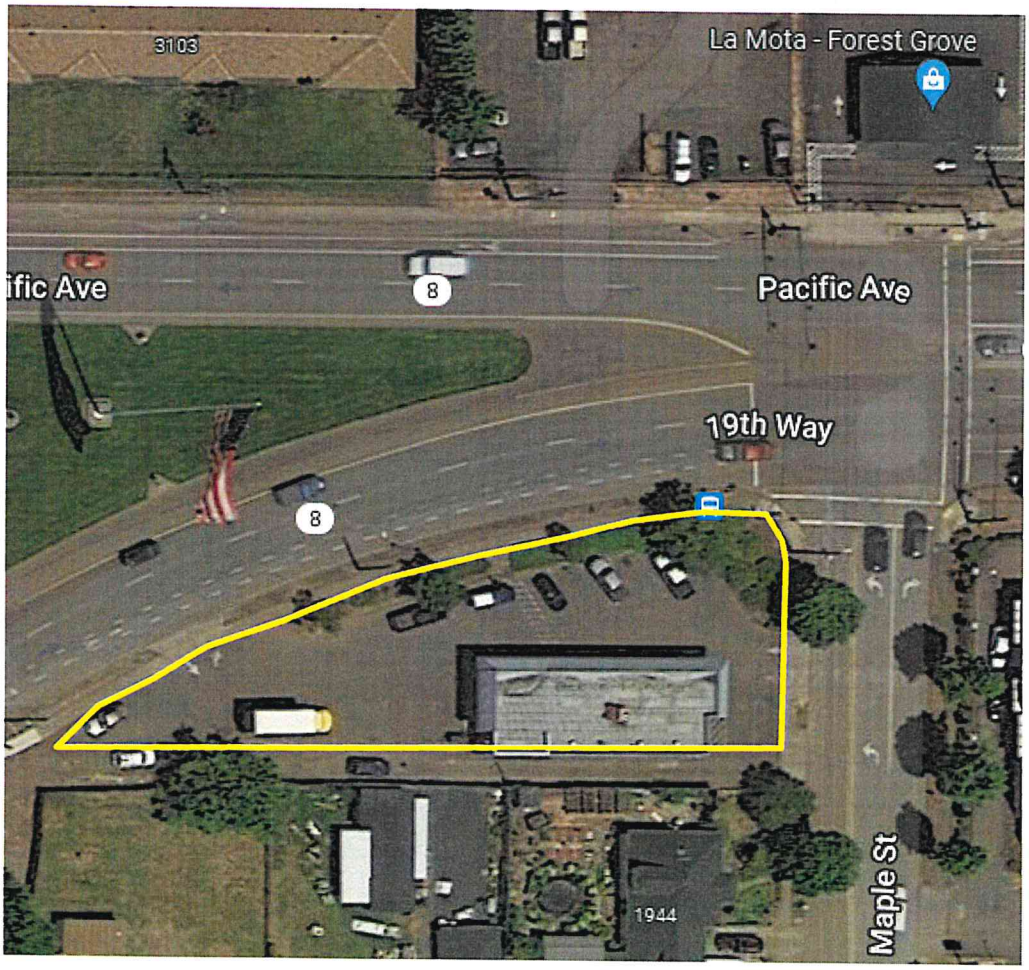
- §17.8.110(A) Continuing Obligation of Property Owner; and
- §17.8.410(A) Landscaping – Obligation to Maintain; and
- §17.8.525(J) Design & Maintenance Standards for Off-street Parking and Loading
- §17.7.205 et. seq. Size, Location, Design and Access Standards for Storage Areas; and
- Forest Grove Code §150.098 House Numbers.

These stipulations are included in the conditions and the attached exhibits.

C. Comprehensive Plan Designation and Zoning of Site and Area

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	Community Commercial	Community Commercial	Retail
North	Community Commercial	Community Commercial	Retail
South	Community Commercial	Community Commercial	Residential
East	Community Commercial	Community Commercial	Food Service
West	Community Commercial	Community Commercial	Retail

The image below shows the subject property in relation to the surrounding area. As the image shows, the subject property fronts Pacific Avenue at the Maple Street intersection, and is located across from La Mota cannabis dispensary.



D. Architecture: The proposed site for the conditional use is an existing building. It is faced with lap siding and masonry. Windows and entrances face Pacific Avenue. No changes to the facade are proposed.

E. Traffic and Circulation: The site fronts Pacific Avenue (19th Way), which is a designated arterial street on the Forest Grove Transportation System Plan, and abuts a public alley to the south. It takes access from both Pacific Avenue and Maple Street. The site's street frontage has been fully improved with curb, gutter and sidewalk. Installation of street trees along the Pacific Avenue frontage will be required pursuant to Development Code §17.5.120.A – Street Trees.

F. Parking: DC §17.8.515 *Off-Street Parking Requirements* stipulate a minimum of 3.7 and a maximum of 5.1 off-street parking spaces per 1,000 square feet of gross floor area for General Retail – Sales Oriented uses. As the building has 2,396 square feet of floor area, 9 spaces would be required and a maximum of 12 spaces allowed, if this were new construction. With 21 existing spaces, the site far exceeds parking requirements.

Parking area striping has eroded away. It does not appear that the existing parking area meets the minimum required dimensions for parking stalls and access aisles. New striping will be required to bring the parking area into compliance with Development Code standards and specifications.

G. Environmental Quality: There is no City record of any prominent environmental conditions on this property.

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

III. APPROVAL CRITERIA, FINDINGS AND ANALYSIS

§17.2.220 CONDITIONAL USE REVIEW CRITERIA

A. Physical Compatibility

1. **The proposed use will be compatible with adjacent developments based on characteristics such as site size, building scale and style, setbacks, and landscaping; or**
2. **The proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping, and other design features.**

Applicant's Response: *This application seeks to reuse an existing commercial retail building as a retail cannabis facility. No exterior changes to the building, and no changes to the site, setbacks or landscaping are proposed. Therefore, the proposed use is physically compatible with surrounding developments based on size, appearance, setbacks, and landscaping.*

Finding: The applicant would occupy an existing building. No changes to the site size, building scale, or setbacks are proposed.

Finding: Existing landscaping and improvements are showing signs of deferred maintenance. To comply with current Development Code standards and specifications, the site's parking area, landscaping, and addressing will all be required to be updated. A trash enclosure will be required. Compliance with current Development Code standards and specifications will result in this project's compatibility with adjacent developments.

B. Public Services

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

parking impacts, access requirements, neighborhood impacts, and pedestrian safety.

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

Applicant's Response: *The site is located at the corner of Maple Street and where Pacific Avenue (an arterial) connects with 19th Way. The site abuts and takes vehicular access from 19th Way, as well as from Maple Street. No changes to vehicular access or movement are proposed. Public services are currently supporting the building. It is connected to public water and sewer, and transportation is already in place and will not be strained. Reuse of the existing retail building is not expected to have any effect on public services for water supply, sanitary sewer, or storm water disposal.*

Finding: The site takes vehicular access from Pacific Avenue, a designated arterial street on the Forest Grove Transportation System Plan, and Maple Street. No changes to vehicular access are proposed.

Finding: The Fire, Police and Public Works departments did not register any concern with this application. All departments are capable of serving the proposed use. Public services for water supply, sanitary sewer, storm water disposal, police and fire protection are capable of serving the proposed use.

C. Livability

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

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

Applicant's Response: *Some residences are located to the south of the site…Proposed hours of operation would be between 9:00 am and 9:45 pm, Monday through Saturday, and between 9:00 am and 7:00 pm on Sundays, so no adverse impacts related to late night operations are anticipated. The entrance and parking area are located along 19th Way on the side of the building furthest from, and facing away from, the residences. The site is already lit with the existing street lights and on-building lighting; none would be expected to create glare. All business operations will occur within the building, minimizing potential odors and litter.*

Finding: Proposed hours of operation would be between 9:00 a.m. and 9:45 p.m., so no adverse impacts related to late-night operations are anticipated. The entrance and parking area would be lit with existing street lights and on-building lighting. None would be expected to create glare. All business operations will occur within the building and cannabis-related products will be disposed of on-site.

Finding: Trash and recycling will be located on the exterior of the existing building. There is no enclosure existing on site or proposed. A trash enclosure will be required to comply with current Development Code standards and specifications. Compliance with current Development Code standards and specifications will ensure that the proposed use will not have an adverse impact on the livability of nearby lands due to odor or litter.

§17.8.1100 GENERAL STANDARDS FOR ALL CANNABIS FACILITIES

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

Applicant's Response: *The applicant will comply with ORS Chapter 475B and maintain state certification via the OLCC recreational cannabis licensing program at all times.*

Finding: Under ORS 475B the licensee must maintain compliance with all applicable State of Oregon licensing requirements. This includes being subject to inspection of licensed premises by state or local government officials to determine compliance with state or local health and safety laws. This standard is met through State of Oregon licensing requirements. The licensee will be required to provide a copy of the OLCC license to the Building Division.

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

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

Finding: The subject property is privately owned. This standard is met.

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

Applicant's Response: *[T]his application seeks to reuse an existing retail building on an existing commercial site. No exterior changes to the building, and no changes to the site, setbacks or landscaping are proposed. The access points and parking area are well-lit and not visually obscured. The Applicant will maintain compliance with all lighting and landscaping requirements while in operation.*

Finding: The entrance and off-street parking area is visible from the street and would be well-illuminated and not visually obscured.

Finding: Landscaping has not been continuously maintained or has been removed. A large tree has fallen on site, creating a safety hazard. Site landscaping will be required to be updated to Development Code standards including the replacement of any dead or dying landscaping.

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

Applicant's Response: *The Applicant will dispose of, or render impotent, all cannabis-related products on-site.*

Finding: Trash and recycling will be located on the exterior of the existing building. There is no enclosure existing or proposed on site. A trash enclosure will be required to comply

with current Development Code standards and specifications and ensure secure disposal of products.

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

Applicant's Response: *The proposed use is a retail cannabis facility, and the Applicant will not store or process hazardous material.*

Finding: The application is for a retail recreational cannabis facility. Since there will be no storage or processing of hazardous materials, this criterion is met.

F. A pre-application conference and conditional use approval (§17.2.200 et. seq.) is required for any cannabis producer, processor, wholesaler, or testing laboratory. A neighborhood meeting may be required as part of the pre-application process pursuant to §17.2.200 et. seq.

Applicant's Response: *[T]he Applicant participated in a pre-application conference on June 15, 2022.*

Finding: This criterion is met.

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

Applicant's Response: *The Applicant is not seeking any other permits while this conditional use is pending.*

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

H. Any person or property in violation of §17.8.1100 et. seq. is subject to abatement and assessment by the City under the abatement procedures of Forest Grove Code §91.050 – §91.054.

Applicant's Response: *[T]he Applicant understands and acknowledges the consequences of any future violation.*

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

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§17.8.1110 MEDICAL CANNABIS DISPENSARIES AND CANNABIS RETAILERS

A medical cannabis dispensary and cannabis 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.

Applicant's Response: *The retail facility will be open from 9:00 am to 9:45 pm, Monday through Saturday, and between 9:00 am and 7:00 pm on Sundays.*

Finding: As the proposed cannabis retailer will be closed between 10 p.m. and 8 a.m., this criterion is met.

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.

Applicant's Response: *The proposed use will be located in a permanent building and there will be no outdoor storage.*

Finding: The proposed site is a permanent building. No outdoor storage of merchandise, raw materials or other material is proposed. Trash and recycling will be located on the exterior of the existing building. A trash enclosure will be required to comply with current Development Code standards and specifications.

C. Any modification to the site or the exterior of the building housing the facility must be consistent with the Design Standards of §17.8.700 et. seq. Security bars or grates on windows and doors are prohibited unless integrated into the design.

Applicant's Response: *The Applicant does not request any modification to the site or the exterior of the building. Any future modifications will comply with applicable design standards.*

Finding: The application does not propose any modification to the exterior of the building. Any future requests to modify the building will be required to comply with the standards of DC §17.8.710(B) *Building Design Standards for Commercial Development.* Any modifications to the site necessary to correct the deficiencies listed at the beginning of this report shall be subject to the requirements of their corresponding code sections; the Design Standards of §17.8.700 et. seq. are not applicable.

D. The dispensary or retail operation may not have facilities for drive-up use.

Applicant's Response: *The Applicant does not propose a drive-up option.*

Finding: No drive-up facility is proposed. This standard is met.

E. The dispensary must provide for secure disposal or render impotent cannabis remnants or by-products, or items with cannabis residue of any kind.

Applicant's Response: *The Applicant will securely dispose of, or render impotent, cannabis related products on-site.*

Finding: Trash and recycling will be located on the exterior of the existing building. There is no enclosure existing or proposed on site. A trash enclosure will be required to comply with current Development Code standards and specifications and ensure secure disposal of products.

F. A medical cannabis dispensary may not locate within 1,000 feet from a school (public or private). A medical cannabis dispensary may not locate within 1,000 feet of another medical cannabis dispensary. Distance shall be measured property line to property line.

Applicant's Response: *The Applicant does not propose a medical cannabis dispensary.*

Finding: This criterion is not applicable to a recreational cannabis retailer.

G. A recreational cannabis retailer may not locate within 1,000 feet of a school (public or private). Distances shall be measure property line to property line.

Applicant's Response: *The Applicant's proposed use is not within 1,000 feet of a school.*

Finding: Joseph Gale School at 3130 18th Avenue is the closest to the proposed retail outlet. It is located 1,014 feet away. This criterion is met.

IV. ALTERNATIVES

The Planning Commission may:

1. Approve the application as submitted by the applicant; or
2. Approve the application with conditions; or
3. Continue deliberations to a date certain; or
4. Deny this request.

V. RECOMMENDATION

Based on the information provided in the application and the findings above, staff recommends approval of the application for a conditional use permit for the proposed cannabis retailer at 3130 Pacific Avenue, with the following conditions:

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
2. The applicant shall continue to comply with all applicable City building and development standards, including all dimensional standards and public works specifications.
3. All defective parking area paving and striping shall be brought up to standard, in compliance with DC §17.8.110(A) *Access and Circulation - Continuing Obligation of Property Owner* and DC §17.8.525(J) *Design & Maintenance Standards for Off-street Parking and Loading.* The deadline for completion shall be March 31, 2023.
4. All defective landscaping shall be brought up to standard, in compliance with DC §17.8.410(A) *Landscaping – Obligation to Maintain* and 17.5.120(A) – *Street Trees.* A landscape plan shall be submitted to the Community Development Director by December 1, 2022 and the installation completed by March 31, 2023.
5. Solid waste storage areas shall be constructed in compliance with DC §17.7.205 et. seq. *Size, Location, Design and Access Standards for Storage Areas.* Construction shall be completed by March 31, 2023.
6. Submit a copy of OLCC license to the Building Division upon receipt.
7. Provide a minimum of one portable fire extinguisher rated 2A 10B C for the building.
8. The building shall be identified with address digits at least 6 inches tall that contrast with their background. Address digits shall be clearly visible from each direction of travel on Pacific Avenue (FGC §150.098 *House Numbers).*
9. If any changes are needed to the existing electrical service, contact Jason O'Dell at (503) 992-3294.
10. Failure to comply with any condition of approval shall be grounds for revocation of the permit pursuant to DC §17.1.320 and grounds for instituting code enforcement proceedings.

VI. EXHIBITS

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

Exhibit A	Conditional Use Permit narrative and application materials, prepared and submitted by the applicant
Exhibit B	PowerPoint Slides

H&W FOREST GROVE LLC

STATEMENT IN SUPPORT OF CONDITIONAL USE APPROVAL FOR A RETAIL MARIJUANA FACILITY

This application (the "Application") is submitted by H&W Forest Grove LLC ("Applicant") for conditional use approval of a retail marijuana facility (the "Proposed Use") for property addressed as 3130 Pacific Avenue in the City of Forest Grove (the "Property"). The Property is zoned Community Commercial (CC). Development Code (DC) §17.3.320 Table 3-10 Commercial and Mixed Use Zones - Use Table lists marijuana retailer as a conditional use in the Community Commercial zoning district, per Footnote #7. Provided below is a narrative supplement to address compliance with the criteria for conditional use approval for a retail marijuana facility.

As demonstrated below, the Applicant complies with all conditional use approval criteria, and Forest Grove should grant conditional use approval of this Proposed Use.

I. APPROVAL CRITERIA AND APPLICANT RESPONSES

§17.2.220 CONDITIONAL USE REVIEW CRITERIA

A. Physical Compatibility

1. ***The proposed use will be compatible with adjacent developments based on characteristics such as site size, building scale and style, setbacks, and landscaping; or***
2. ***The proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping, and other design features.***

Response: This application seeks to reuse an existing commercial retail building as a retail marijuana facility. No exterior changes to the building, and no changes to the site, setbacks or landscaping are proposed. Therefore, the Proposed Use is physically compatible with surrounding developments based on size, appearance, setbacks and landscaping, and this criterion is met.

B. Public Services

1. ***The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety.***
2. ***Public services for water supply, sanitary sewer, storm water disposal, police and fire protection are capable of serving the proposed use and previously approved uses.***

Response: The site is located at the corner of Maple Street and where Pacific Avenue (an Arterial) connects with 19th Way. The site abuts and takes vehicular access from 19th Way, as well as from Maple Street. No changes to vehicular access or movement are proposed. Public services are currently supporting the building. It is connected to public water and sewer, and transportation is already in place and will not be strained. Reuse of the existing retail building is not expected to have any effect on public services for water supply, sanitary sewer, or storm water disposal.

C. Livability

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

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

Response: The site is located in the Community Commercial zone in an area with multiple commercial uses and some residential uses. Immediately to the west of the site is a shopping center with a pet store, nail salon, and restaurants. To the north of the site is an automotive center, and to the east is a Jack in the Box and two hotels. Some residences are located to the south of the site.

Proposed hours of operation would be between 9:00 a.m. and 9:45 p.m., Monday through Saturday, and between 9:00 a.m. and 7:00 p.m. on Sundays, so no adverse impacts related to late-night operations are anticipated. The entrance and parking area are located along 19th Way on the side of the building furthest from, and facing away from, the residences. The site is already lit with existing street lights and on-building lighting; none would be expected to create glare. All business operations will occur within the building, minimizing potential odors and litter.

The proposed use will not have significant adverse impacts on the livability of nearby lands due to noise, glare from lights, late-night operations, odors and litter, and privacy and safety issues; this criterion is met.

§17.8.1100 GENERAL STANDARDS FOR ALL MARIJUANA FACILITIES

*A. **The application shall demonstrate compliance with the locational requirements of ORS 4758 and must maintain State certification at all times.***

Response: The Applicant will comply with ORS Chapter 475B and maintain state certification via the OLCC recreational marijuana licensing program at all times; therefore, this standard is met.

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

Response: The project site is privately owned, not publicly owned. This standard is met.

C. ***Entrances and off-street parking areas shall be well-lit and not visually obscured from public view / right-of-way. Landscaping shall be continuously maintained to provide***

clear lines of sight from public rights-of-way to all building entrances. Interior building lighting, exterior building lighting and parking area lighting shall be of sufficient foot-candles and color rendition so as to allow the ready identification of any individual at a distance of no less than forty (40) feet. Exterior lighting shall be provided in accordance with required security measures and shall be continuously maintained.

Response: As previously stated, this application seeks to reuse an existing retail building on an existing commercial site. No exterior changes to the building, and no changes to the site, setbacks or landscaping are proposed. The access points and parking area are well-lit and not visually obscured. The Applicant will maintain compliance with all lighting and landscaping requirements while in operation. This standard is met.

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

Response: The Applicant will dispose of, or render impotent, all marijuana-related products on-site. This standard is met.

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

Response: The Proposed Use is a retail marijuana facility, and the Applicant will not store or process hazardous material. This standard is inapplicable.

F. ***A pre-application conference and conditional use approval (§17.2.200 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 §17.2.200 et. seq.***

Response: The Proposed Use is a retail use, so this standard does not apply. Nevertheless, the Applicant participated in a pre-application conference on June 15, 2022.

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

Response: The Applicant is not seeking any other permits while this conditional use application is pending.

H. ***Any person or property in violation of §17.8.1100 et. seq. is subject to abatement and assessment by the City under the abatement procedures of Forest Grove Code §91.050 - §91.054.***

Response: This standard is inapplicable to the conditional use application; however, the Applicant understands and acknowledges the consequences for any future violation.

§17.8.1110 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.***

Response: The retail facility will be open from 9:00 a.m. to 9:45 p.m., Monday through Saturday, and between 9:00 a.m. and 7:00 p.m. on Sundays; this standard is met.

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.***

Response: The Proposed Use will be located in a permanent building and there will be no outdoor storage. This standard is met.

C. ***Any modification to the site or the exterior of the building housing the facility must be consistent with the Design Standards of §17.8.700 et. seq. Security bars or grates on windows and doors are prohibited unless integrated into the design.***

Response: The Applicant does not request any modification to the site or the exterior of the building. Any future modifications will comply with applicable design standards.

D. ***The dispensary or retail operation may not have facilities for drive-up use.***

Response: The Applicant does not propose a drive up option.

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

Response: The Applicant will securely dispose of, or render impotent, marijuana-related products on-site. This standard is met.

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.***

Response: The Applicant does not propose a medical marijuana dispensary; therefore, this standard is inapplicable.

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.***

Response: The Applicant's Proposed Use is not within 1,000 feet of a school; therefore, this standard is met.

II. CONCLUSION

The Applicant's application materials, including the responses to the above standards and criteria for conditional use approval of a retail marijuana facility, demonstrate that the Applicant's Proposed Use meets all applicable approval criteria. Therefore, the City of Forest Grove should approve this application in its entirety.

SITE INFORMATION: 2600

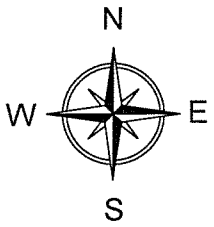
NAME: SHEIDA KHORRAMI
ADDRESS: 3130 PACIFIC AVE,
FOREST GROVE, OR 97116
ZONING: COM - COMMERCIAL LAND
STATE PROPERTY ID: W333867
STAT ID: 1S305BB02600
LOT SIZE: 0.25 acres

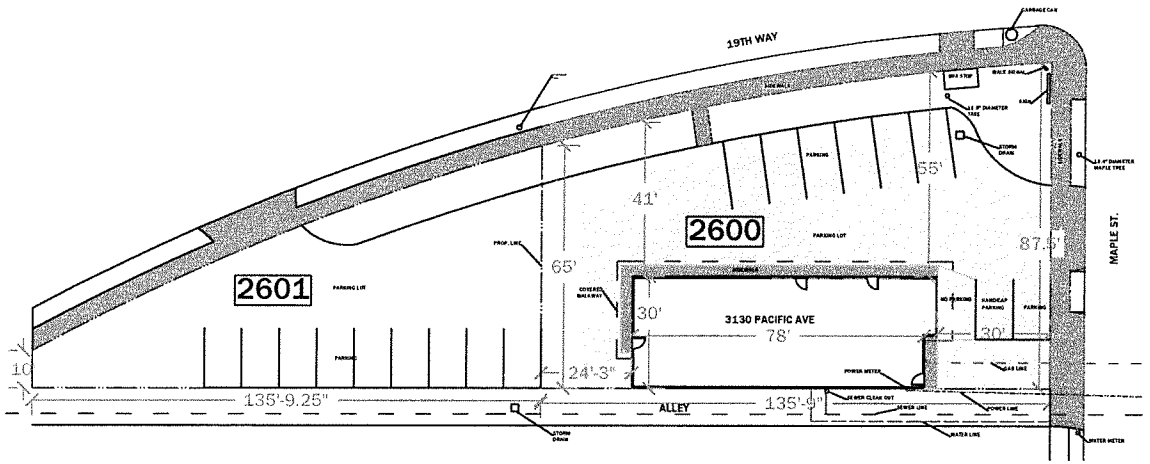
BUILDING COVERAGE: 2396 SQ. FT.

IMPERVIOUS AREA:

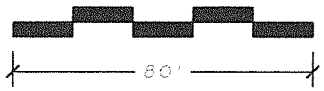
PARKING LOT : 6168 SQ. FT.
SIDEWALK: 408 SQ. FT.

TOTAL: 6,576 SQ. FT.





1 **SITE PLAN**
SCALE: 1/32" = 1'



TUSCAN DESIGN BUILD LLC ASSUMES NO RESPONSIBILITY FOR THE ACCURACY/ VALIDITY OF CONTRACTOR/ OWNER SUPPLIED INFORMATION. THE CONTRACTOR/ OWNER IS RESPONSIBLE TO CHECK THE PLANS, EXISTING SITE CONDITIONS, DIMENSIONS, AND CONFIRM THE DESIGN OF ANY ERRORS, OMISSIONS OR DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION. DISCREPANCIES MAY RESULT IN ADDITIONAL COST TO OWNER

DESIGNED BY:
TUSCAN DESIGN BUILD

ELY GURFINKIEL
6229 SE TOLMAN ST. UNIT A
PORTLAND, OR 97206
(503) 200-4224

DATE: 5/30/22

A0

SITE INFORMATION

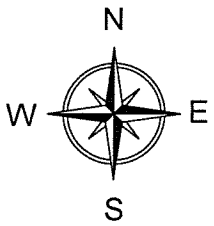
NAME: SHEIDA KHORRAMI
ADDRESS: 3130 PACIFIC AVE,
FOREST GROVE, OR 97116
ZONING: COM - COMMERCIAL LAND
STATE PROPERTY ID: W333867
STAT ID: 1S305BB02600
LOT SIZE: 0.25 acres

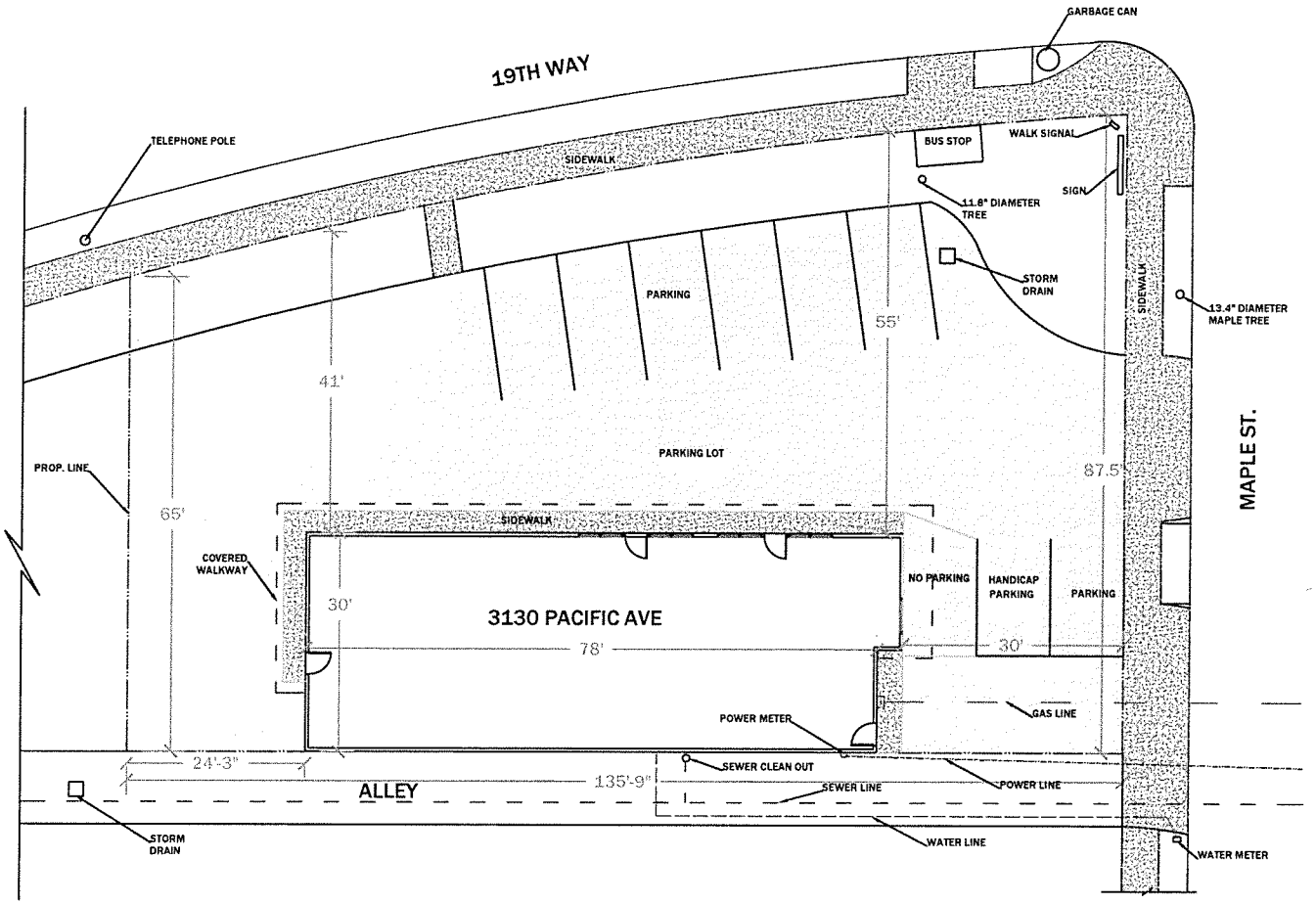
BUILDING COVERAGE: 2396 SQ. FT.

IMPERVIOUS AREA:

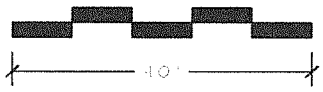
PARKING LOT : 6168 SQ. FT.
SIDEWALK: 408 SQ. FT.

TOTAL: 6,576 SQ. FT.





1 **SITE PLAN**
SCALE: 1/16" = 1'



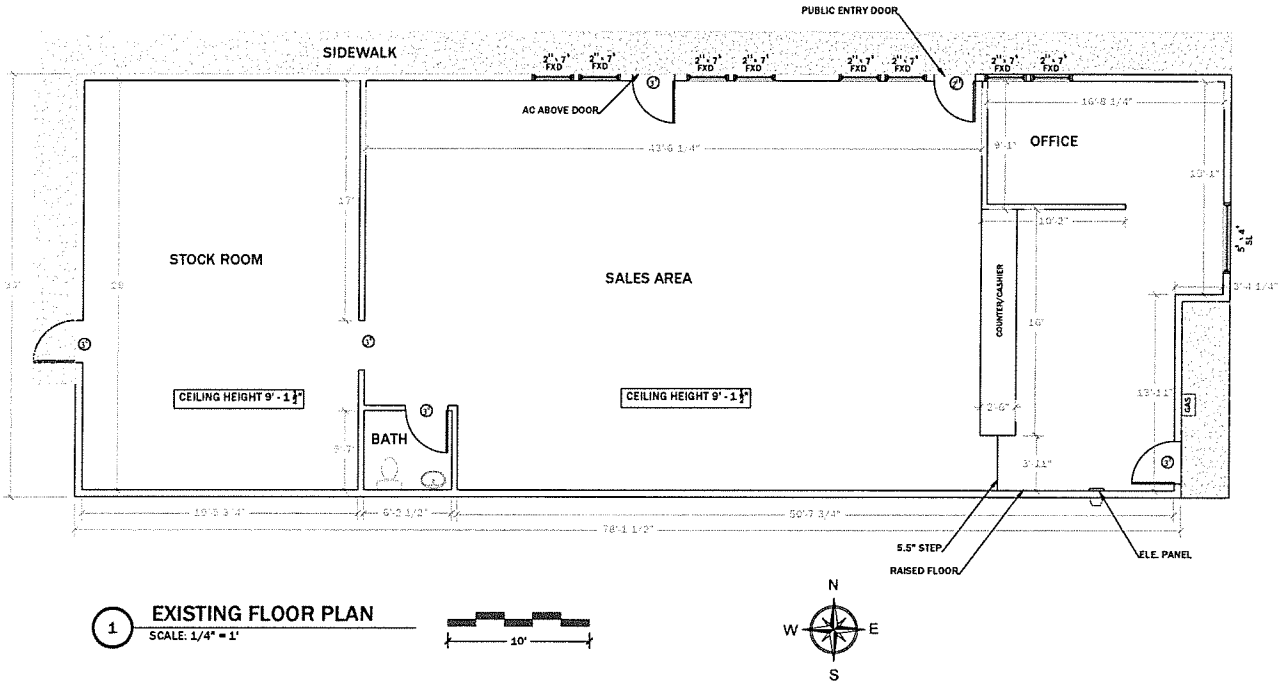
TUSCAN DESIGN BUILD ASSUMES NO RESPONSIBILITY FOR THE ACCURACY/ VALIDITY OF CONTRACTOR/ OWNER SUPPLIED INFORMATION. THE CONTRACTOR/ OWNER IS RESPONSIBLE TO CHECK THE PLAN, EXISTING SITE CONDITION, DIMENSIONS, AND TO NOTIFY THE DESIGN COMPANY OF ANY DISCREPANCIES OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION. DISCREPANCIES MAY RESULT IN ADDITIONAL COST TO OWNER.

DESIGNED BY:
TUSCAN DESIGN BUILD

ELY GURFINKIEL
6229 SE TOLMAN ST. UNIT A
PORTLAND, OR 97206
(503) 200-4224

DATE: 5/30/22

A1



1 **EXISTING FLOOR PLAN**
SCALE: 1/4" = 1'

10'

TUSCAN DESIGN BUILD LLC ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF CONTRACTOR, OWNER SUPPLIED INFORMATION. THE CONTRACTOR / OWNER IS RESPONSIBLE TO CHECK THE PLANS, EXISTING CONDITIONS, DIMENSIONS, AND TO NOTIFY THE DESIGNER OF ANY ERRORS, OMISSIONS OR DISCREPANCIES BEFORE ANY WORK IS PERFORMED. ANY WORK PERFORMED PRIOR TO NOTIFICATION IS AT THE CONTRACTOR'S RISK AND MAY RESULT IN ADDITIONAL COST TO OWNER.

DESIGNED BY:
TUSCAN DESIGN BUILD

ELY GURFINKIEL
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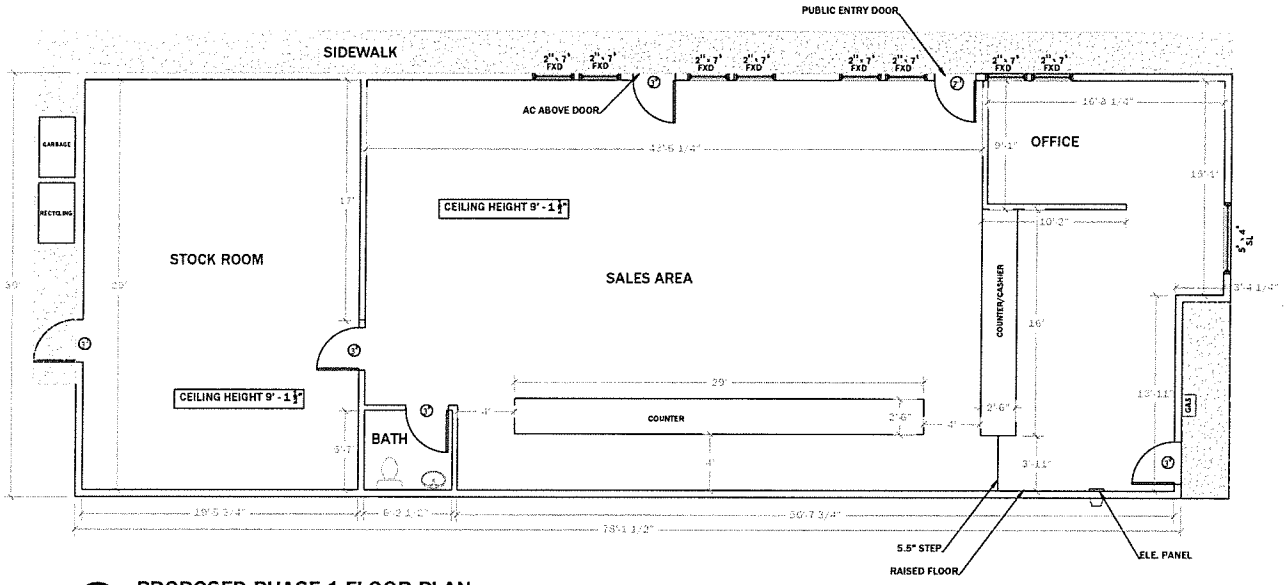
PORTLAND, OR 97206
(503) 200-4224

SHEIDA KHORRAMI
3130 PACIFIC AVE.
FOREST GROVE, OR 97116

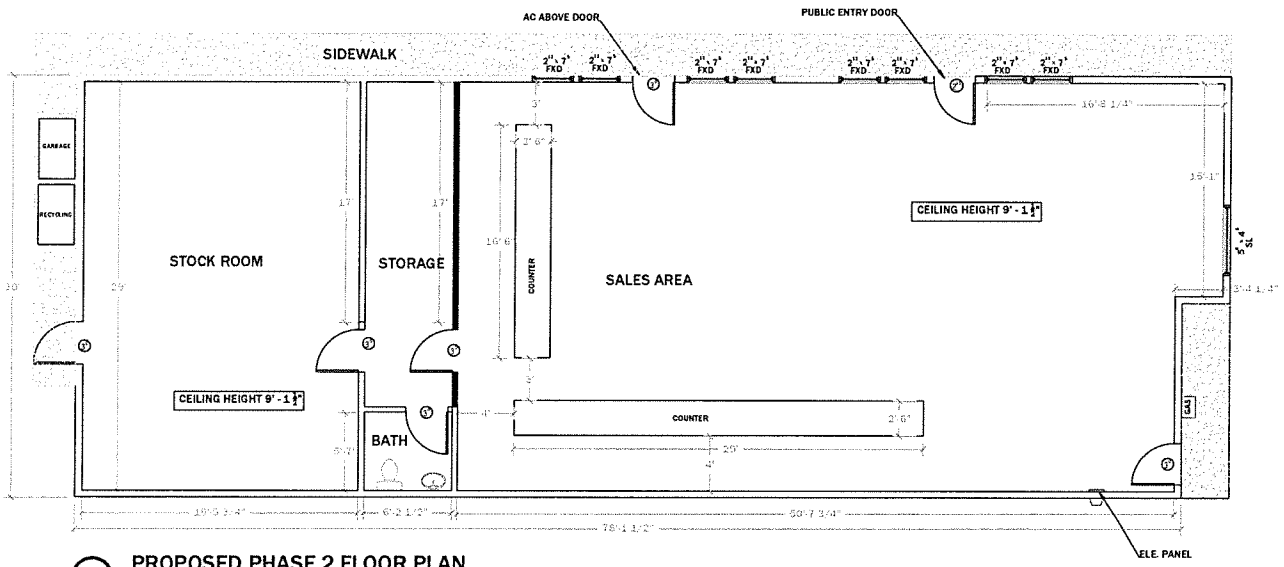
(971) 331-1797

DATE: 8/5/22

A2



1 **PROPOSED PHASE 1 FLOOR PLAN**
SCALE: 1/4" = 1'



2 **PROPOSED PHASE 2 FLOOR PLAN**
SCALE: 1/4" = 1'

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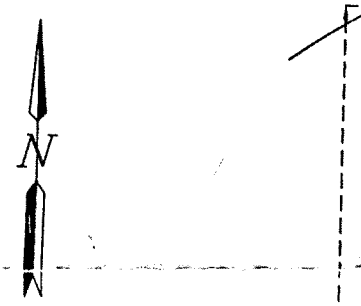
A3

DISTANCE CERTIFICATION

FOR SHADA KHORRENNI
IN THE NW 1/4 OF SECTION 5, T. 1S, R. 3W, W.M.
FOREST GROVE, WASHINGTON COUNTY, OREGON
SCALE: 1"=100' APRIL 18, 2022

0 50 100 150 200



CASWELL/HERTEL SURVEYORS INC.
6150 S.W. 124TH AVE.
BEAVERTON, OR 97008
(503) 644-3179
info@chsurveyinc.com
www.caswellhertelsurveyors.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Benjamin S. Stacy

OREGON
JANUARY 14, 2003
BENJAMIN S. STACY
57191

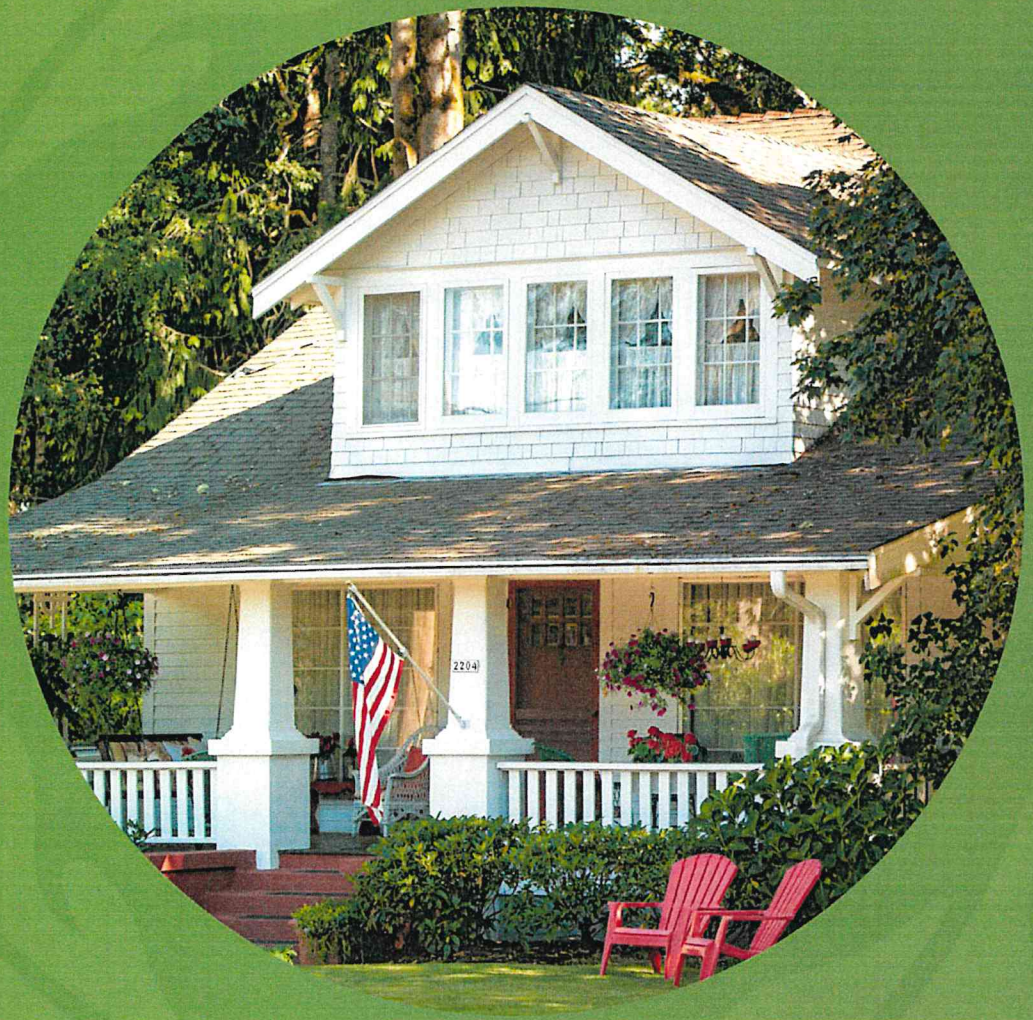
RENEWS: 6/30/2022

NOTES

1. DISTANCES ARE BASED FROM GNSS OBSERVATIONS MADE IN THE FIELD UTILIZING THE OREGON ORGN NETWORK. OBSERVATIONS WERE TAKEN ON APRIL 18TH, 2022

PACIFIC VENUE
3130 PACIFIC AVE.
1S305BB02600
1S305BB02601
18th AVENUE
1014'
18th AVENUE
1016'
MAPLE SREET
18th AVENUE
FOREST GROVE SCHOOL DISTRICT NO. 15
(JOSEPH GALE SCHOOL)
3014 18TH AVE
1S305BC01400
3130 18TH AVE
1S305BC01300

FOREST GROVE OREGON



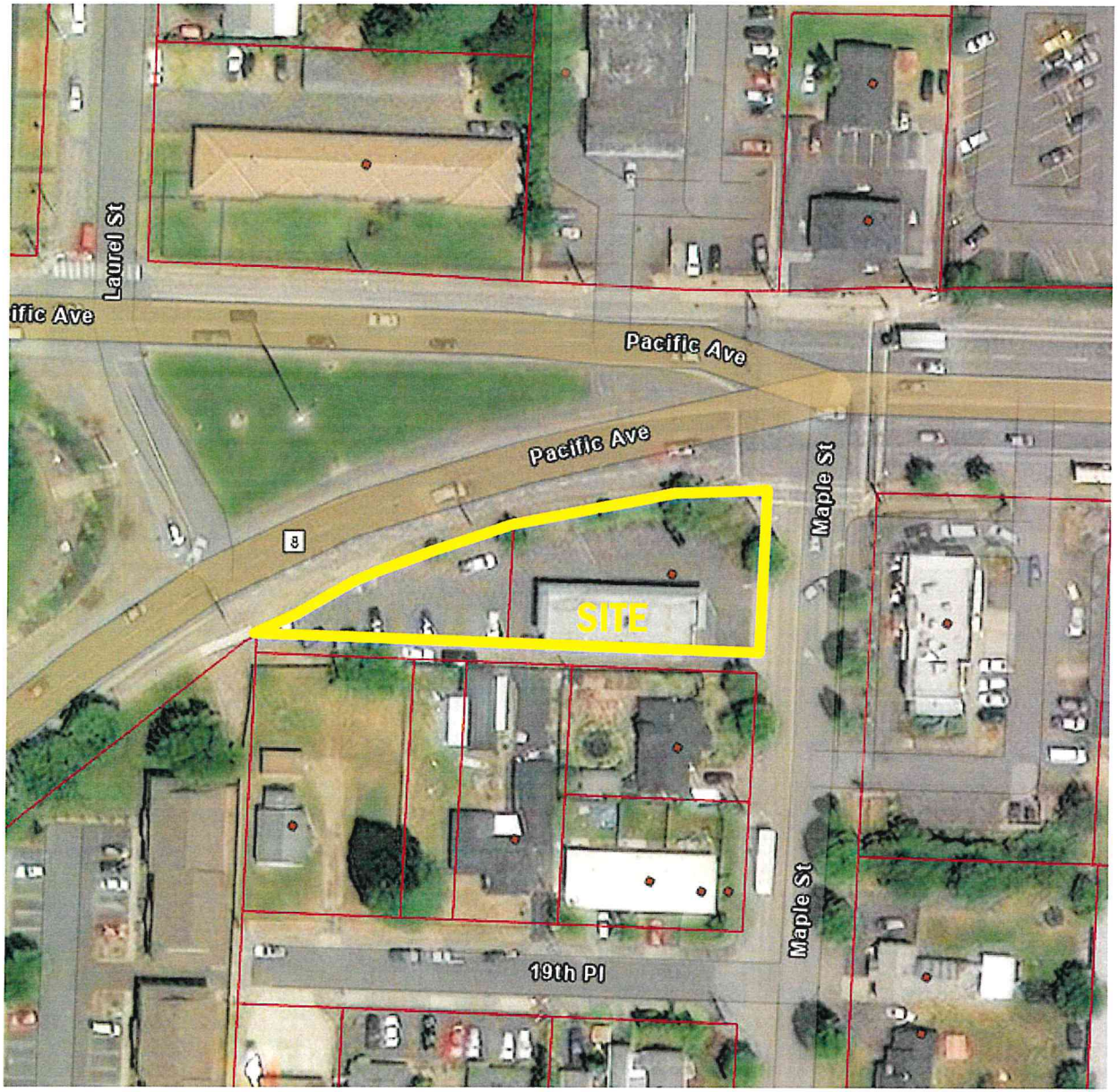
Cannabis Retailer Conditional Use Permit

3130 Pacific Avenue

Amy Kreimeier, AICP
Senior Planner

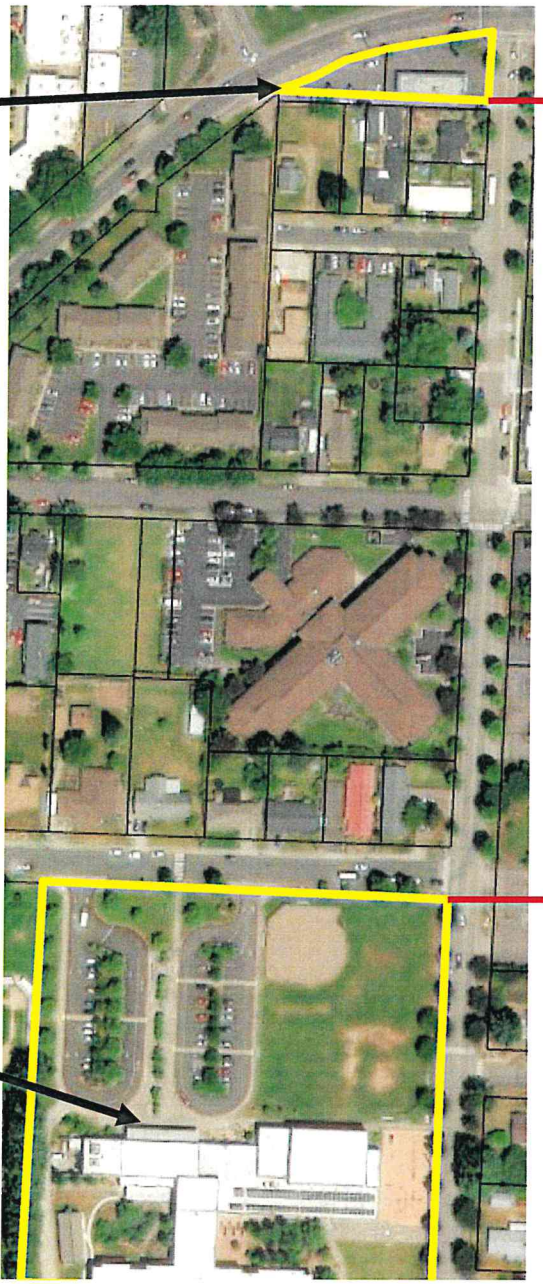
09/19/22

Aerial View - Neighborhood



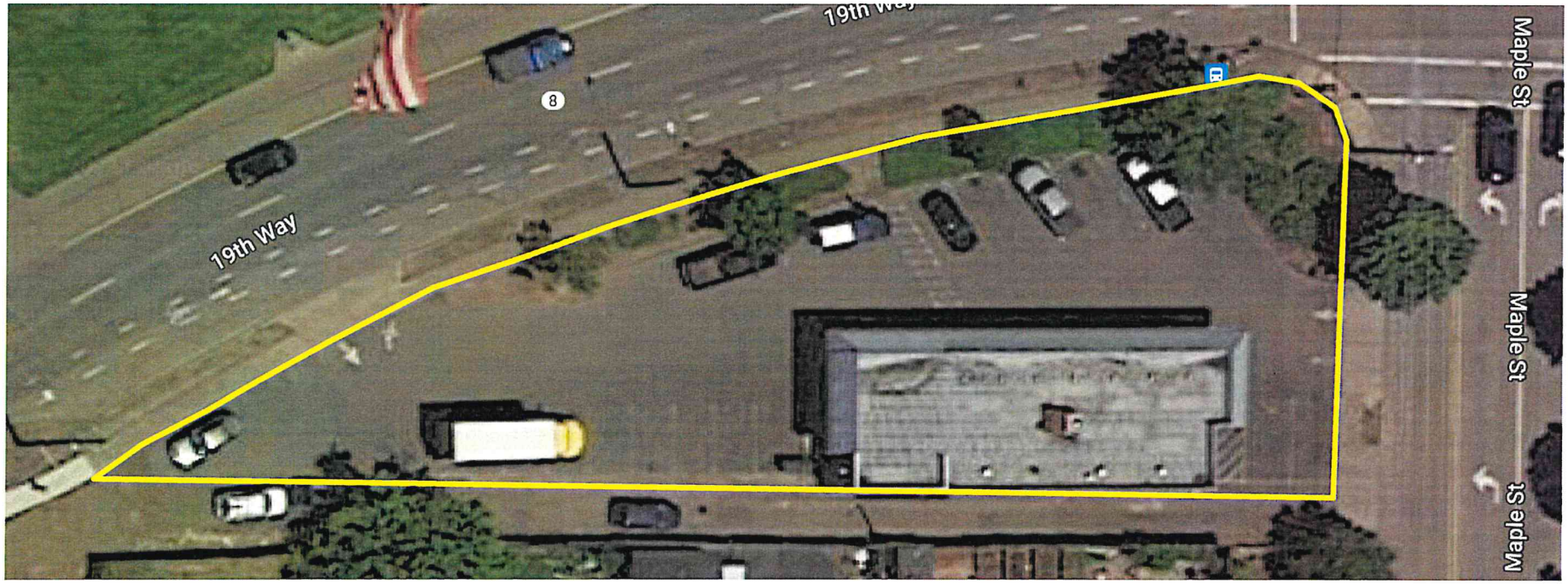
FOREST GROVE OREGON

Aerial View - Schools



FOREST GROVE OREGON

Aerial View - Site



FOREST GROVE OREGON

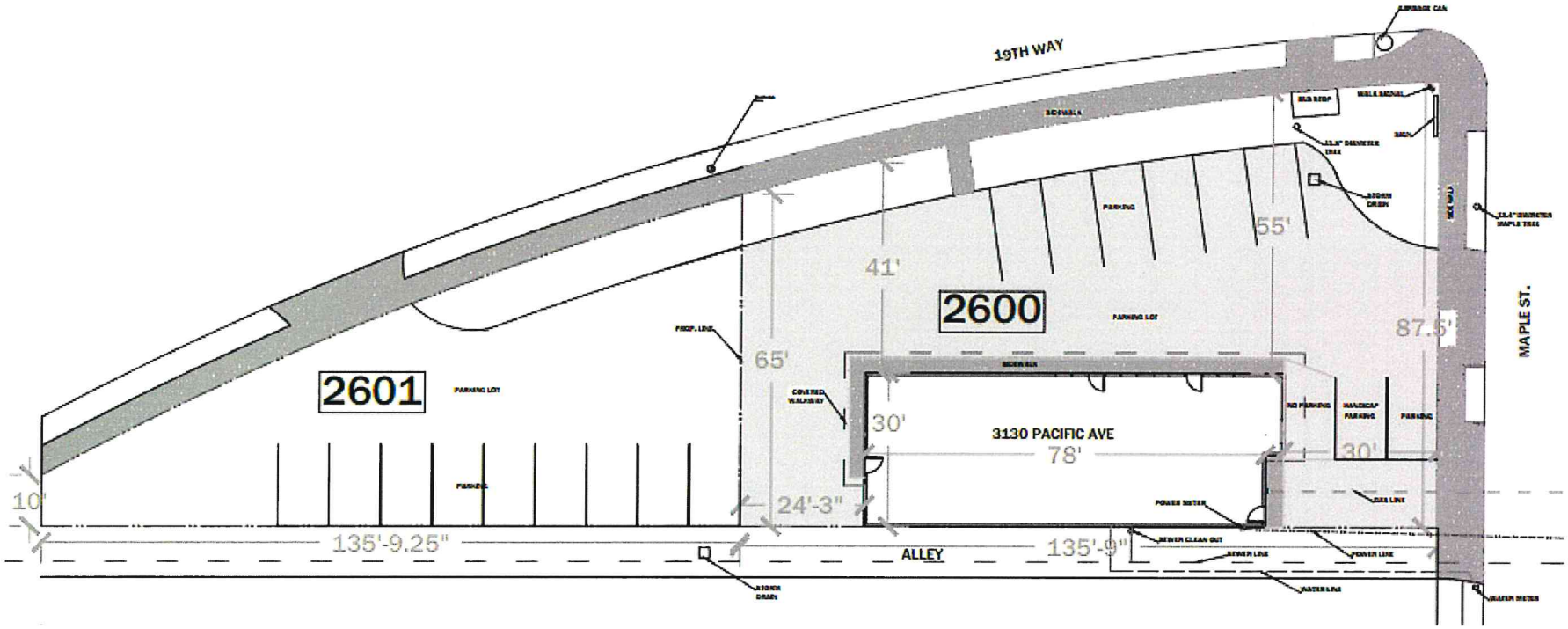
Existing Building

FOREST GROVE OREGON

Existing Building

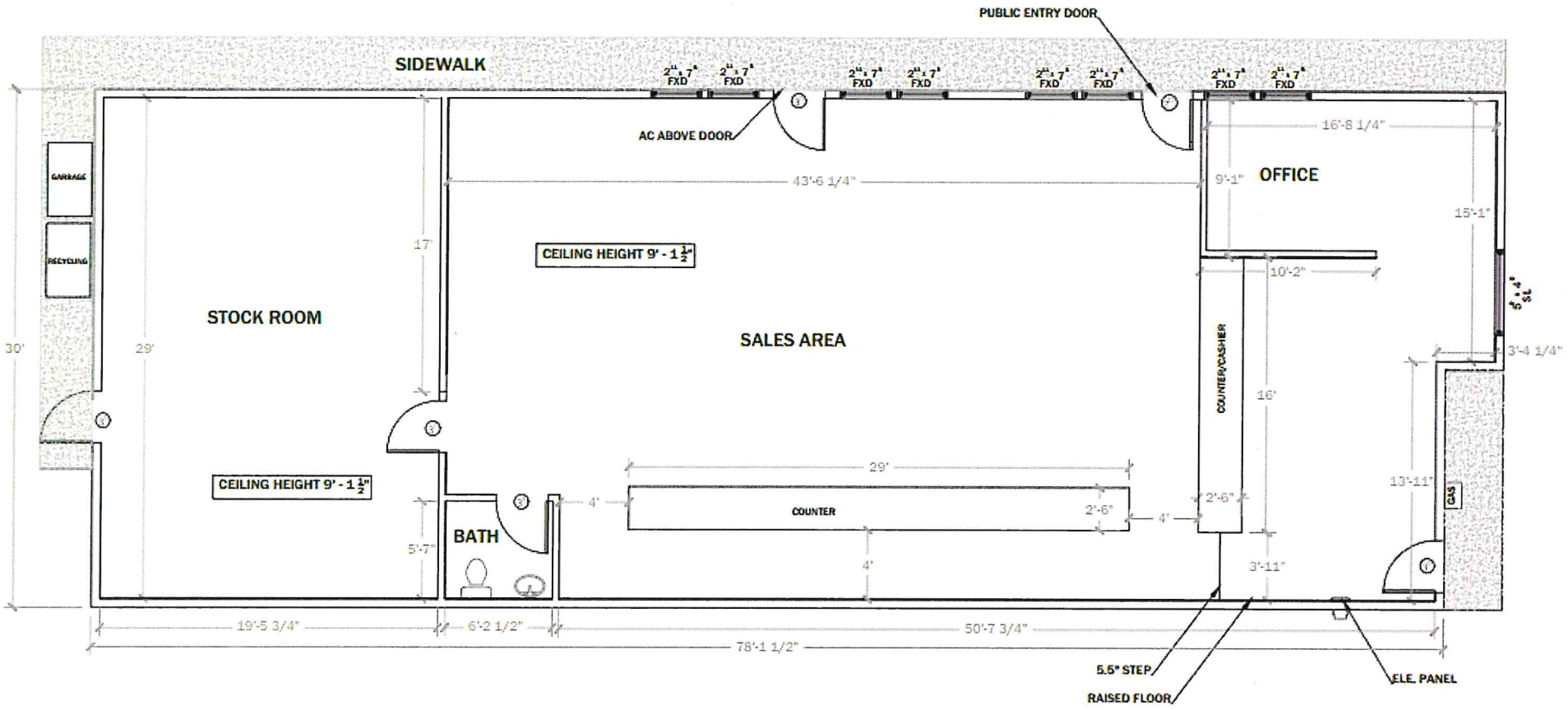
FOREST GROVE OREGON

Site Plan



FOREST GROVE OREGON

Floor Plan



FOREST GROVE OREGON

Recommendation

Staff recommends approval of the conditional use permit for a cannabis retailer at 3130 Pacific Avenue subject to conditions:

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
2. The applicant shall continue to comply with all applicable City building and development standards, including all dimensional standards and public works specifications.
3. All defective parking area paving and striping shall be brought up to standard, in compliance with DC §17.8.110(A) *Access and Circulation - Continuing Obligation of Property Owner* and DC §17.8.525(J) *Design & Maintenance Standards for Off-street Parking and Loading.* The deadline for completion shall be March 31, 2023.
4. All defective landscaping shall be brought up to standard, in compliance with DC §17.8.410(A) *Landscaping – Obligation to Maintain* and 17.5.120(A) – *Street Trees.* A landscape plan shall be submitted to the Community Development Director by December 1, 2022 and the installation completed by March 31, 2023.

Recommendation

Staff recommends approval of the conditional use permit for a cannabis retailer at 3130 Pacific Avenue subject to conditions:

5. Solid waste storage areas shall be constructed in compliance with DC §17.7.205 et. seq. *Size, Location, Design and Access Standards for Storage Areas.* Construction shall be completed by March 31, 2023.
6. Submit a copy of OLCC license to the Building Division upon receipt.
7. Provide a minimum of one portable fire extinguisher rated 2A 10B C for the building.
8. The building shall be identified with address digits at least 6 inches tall that contrast with their background. Address digits shall be clearly visible from each direction of travel on Pacific Avenue (FGC §150.098 *House Numbers)*.
9. If any changes are needed to the existing electrical service, contact Jason O'Dell at (503) 992-3294.
10. Failure to comply with any condition of approval shall be grounds for revocation of the permit pursuant to DC §17.1.320 and grounds for instituting code enforcement proceedings.