



# Falls City Oregon City Council Meeting

Monday, April 6, 2026 at 6:00 pm

## Meeting Location

320 N Main St • Falls City, OR 97344

## How to Attend and/or Participate

1. In Person: 320 N Main St. Falls City, OR 97344
2. Call-in: a. 1-253-215-8782 b. Meeting ID: 878 7406 4319 You will be muted but may “raise your hand” to indicate you wish to comment.
3. Web Application: Zoom Webinar <https://us06web.zoom.us/j/87874064319> You will be muted but may “raise your hand” to indicate you wish to comment during Public Comments.
4. Write-In: Using regular mail or email. a. [info@fallscityoregon.gov](mailto:info@fallscityoregon.gov); 299 Mill St. Falls City, OR 97344

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### 1. CALL TO ORDER & ROLL CALL

Mayor TJ Bailey, Council President Houghtaling, Councilor Nick Backus, Councilor Tony Meier, Councilor Tia Scruton, Councilor Dennis Sickles, Councilor Lori Jean Sickles

### 2. PLEDGE OF ALLEGIANCE

### 3. ANNOUNCEMENTS, APPOINTMENTS, APPRECIATIONS, & PROCLAMATIONS

### 4. PUBLIC COMMENTS & LETTER COMMUNICATIONS

In order to encourage an environment of openness, courtesy and respect for differing points of view, please refrain from behavior that is disruptive to the meeting such as making loud noises, clapping, shouting, booing, or any other activity that disrupts the orderly conduct of the meeting. Abusive language will not be tolerated.

Please limit your commentary to 3 minutes or less.

### 5. CONSENT AGENDA

**a. March 2, 2026 Minutes**

**Attachments:**

- **Minutes** (2026.03.02\_Council\_Minutes.pdf)

**6. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

**a. Mayor's Report**

**b. Councilor Comments**

**7. REPORTS FROM CITY MANAGER & STAFF**

**a. Falls City Fire Report**

**Attachments:**

- **February Report** (FCFD\_Report\_Feb.pdf)
- **March Report** (FCFD\_Report\_Mar.pdf)

**b. Falls City Public Works Report**

**Attachments:**

- **January Report** (PW\_January.pdf)
- **February Report** (PW\_February.pdf)
- **March Report** (PW\_March.pdf)

**c. City Manager's Report**

**Attachments:**

- **Report** (2026.04.06\_Monthly\_Manager's\_Report.pdf)

**d. Budget Officer Appointment**

**Attachments:**

- **Staff Report** (1.0\_SR-Budget\_Officer\_Appointment\_FY\_26-27.pdf)
- **Budget Calendar** (1.1\_Exhibit\_A\_26-27\_Budget\_Calendar\_New.pdf)

**e. Work Session on Development Code Amendments**

**Attachments:**

- **Report** (Development\_Code\_Amendments.pdf)

**8. GOOD OF THE ORDER**

**9. ADJOURN**

Posted for Public at the City Hall Bulletin Board, Community Center, Falls City Website, Falls City Market, LCB Bulletin Board, and City Facebook page



<b>FALLS CITY CITY COUNCIL</b>		<b>MONDAY, MARCH 2, 2026</b>
Mayor Bailey called the Falls City City Council into regular session on Monday, March 2, 2026 at 6:00 p.m. in the Community Center located at 320 N. Main Street.		
<b>Council Members Present:</b> Council President Amy Houghtaling, Councilor Nick Backus, Councilor Tony Meier, Councilor Tia Scruton, Councilor Dennis Sickles arrived at 6:14 and Councilor Lori Jean Sickles was absent.		
<b>Staff Present:</b> City Manager AJ Foscoli and City Recorder Jeremy Teal		
<b>AGENDA</b>		<b>ACTION</b>
<b>Announcements, Appointments, Appreciations &amp; Proclamations</b>		Mayor Bailey thanked Council President Houghtaling for running the Council meeting last month and thanked everyone that attended Coffee with the Mayor.
<b>Public Comment</b>		<p>Mayor Bailey opened the public comments at 6:03 p.m.</p> <p>Jim Miner noted there were problems with Micah's rigs parked on N. Main when not supposed to be. Mr. Foscoli stated he had a conversation with the sheriff but the City was only paying for 1 deputy. Deputy Silverman noted that Polk County had no parking ordinance but the City has one and they could ticket.</p> <p>Tracy Young noted the issue was he parked where vehicles were not supposed to. Mayor Bailey stated he understood the frustration</p> <p>Ms. Young stated she would volunteer to tag vehicles on the weekend. She noted we needed to start ticketing, but municipal court doesn't cover no-parking signs. Mr. Foscoli noted the City was looking to have a case in March to see how the process works. He noted there was a penalty attached with tickets and the fines would start to pile up.</p> <p>Council President Houghtaling noted the Council needed to determine how much the fine would be and how much court cost.</p> <p>Deputy Silverman noted that if the City lost in court the defendants would find a way to fight every time.</p>



<p>c) Grant Contract Proposal</p>	<p>email and the project timeline. Phase 2 of waterline project.</p> <p>Mr. Foscoli noted the wastewater facility had been impounding black water since January 27 and full discharge to river on February 25 with no major issues. He stated with the facility had a full week of discharge with no issues that DEQ would give the City the sign off to run.</p> <p>Mr. Foscoli stated last month there was a discussion with questions for Hometown Grants and he invited Vanessa Gallego to answer the questions.</p> <p>Vanessa Gallego with Hometown Grants stated her company worked with small cities for all kinds of grants. She mentioned Falls City had no time to look for grants. He stated the City had 2 needs they would be looking for and they would call the funders and discuss the project before recommending the grant to the City. She said the timeframe was usually 6-8 weeks.</p> <p>Mayor Bailey asked if they would streamline the grants and tell us what to go after. Ms. Gallego stated they do all of that and would advise on all the aspects of the grants.</p> <p>Councilor D Sickles asked if the federal grants were drying up where else could grants be found. Ms. Gallego stated the federal grants were on pause and would open up again, but infrastructure has always been safe. She noted there were lots of opportunities with state and private entities as well.</p> <p>Mayor Bailey asked if there was a grant for repairing the bridge. Ms. Gallego stated they were and that water/sewer infrastructure always had grants.</p> <p>Council President Houghtaling asked if the Council could help. Mr. Foscoli stated the biggest needs were the Dayton bridge and code/ law enforcement long term funding which were both in line with the Council goals.</p>
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d) Luckiamute Water District Water Agreement

Don Schecker asked the success rate of the grants. Ms. Gallego stated between 70-80%.

Mr. Schecker stated finding funding for small municipalities was difficult considering what small cities could afford to payback. Ms. Gallego stated she would look for no-match grants, or grants/ low interest loans.

It was moved by Councilor D Sickles to direct the City Manager to sign a Funding Strategy Contract Agreement with Hometown Grants for a total of \$6,000. The motion was duly seconded by Councilor Meier and CARRIED with a vote of 5-0 with Councilors Backus, Meier, Scruton, D Sickles, and Council President Houghtaling voting YES.

Mr. Foscoli stated the contract with the District hasn't been revisited since 2017 and water production costs have increased, and their customers use a lot of water per year.

Mayor Bailey stated that \$3.12 was the goal. Mr. Foscoli noted he would start there and would hopefully land on \$2.84.

Councilor Backus stated to start at \$3.12 was the better move since you can't come up from a lower number. Mr. Foscoli noted the District would also incur the 5% increase for the next 5 years.

Council President Houghtaling noted that she appreciated Mr. Foscoli's attention to being a good partner to the District.

Matt Serry asked if the next five years 5% increase included the inflation cost. Mr. Foscoli stated the rate study took everything into consideration.

It was moved by Council President Houghtaling to approve the proposed agreement with Luckiamute Water District Cooperative Agreement and to negotiate no lower than \$2.84. The motion was duly seconded by Councilor Meier and CARRIED with a vote of 5-0 with Councilors Backus, Meier, Scruton, D Sickles,

	<p>LJ Sickles and Council President Houghtaling voting YES.</p>
<p><b>Resolutions</b>  a) Conservation Water Rates</p>	<p>Mr. Foscoli stated Mr. Donovan gave his presentation and outlined the conservation tiers and pricing. He advised the pricing would be Tier 1 would remain the same, Tier 2 would be above 13,000 gallons and increase 10%, Tier 3 would be above 26,000 gallons and increase 25%.</p> <p>Councilor D Sickles asked when the conservation would be implemented. Mr. Foscoli noted next month.</p> <p>Council President Houghtaling asked if the water system would be able to bill with the tiers. Mr. Foscoli stated CUSI would help.</p> <p>Mayor Bailey stated the educational piece needed to get out to the public right away. Mr. Foscoli stated the last town hall discussed it and the information would be in the newsletter.</p> <p>Ms. Young stated the City needed to start this year and push conservation and reduce usage.</p> <p>Councilor D Sickles noted it was good the public had chance to come voice their opinions. Mr. Foscoli stated most customers wouldn't even see a change in the wetter months, but the information would be put on Facebook and in the newsletter.</p> <p>Mr. Foscoli noted that 73% of the community was within 13,000 gallons at \$2.55, 17% were withing the 13,000 to 26,000 gallons at \$2.84, and 10% were within the over 26,000 at \$3.12.</p> <p>Mayor Bailey suggested always having the reminder of the tiers in the newsletter. Mr. Foscoli noted it would be in all the way through to September.</p> <p>It was moved by Council President Houghtaling to approve the proposed Conservation Rate Pricing in Resolution 02-2026. The motion was</p>

<p>b) Surplus City Dump Truck</p>	<p>duly seconded by Councilor Dennis and CARRIED with a ROLL CALL vote of 5-0 with Councilors Backus, Meier, Scruton, D Sickles, LJ Sickles and Council President Houghtaling voting YES.</p> <p>Mr. Foscoli stated we need the approval of the Council to surplus the old dump truck.</p> <p>Councilor D Sickles asked what the City would sell it for. Mr. Foscoli noted he would be fine with covering the titling fees.</p> <p>It was moved by Council President Houghtaling to approve Resolution 01-2026. A Resolution declaring the city dump truck surplus property and authorizing the sale or disposition thereof. The motion was duly seconded by Councilor Meier and CARRIED with a ROLL CALL vote of 5-0 with Councilors Backus, Meier, Scruton, D Sickles, LJ Sickles and Council President Houghtaling voting YES.</p>
<p><b>Good of the Order</b></p>	<p>Mr. Foscoli thanked everyone for coming to the Council meeting.</p>
<p><b>Adjourn</b></p>	<p>There being no further business, the meeting was adjourned at 7:14 p.m.</p>
<p>Read and approved this ____ day of _____ 2026.</p> <p>Mayor: _____</p> <p>ATTEST:</p> <p>City Recorder: _____</p>	



## Call Volume for Falls City Volunteer Fire Dept. JAN-DEC. 2026

2024 MONTH	MEDICAL	PUBLIC ASSIST	MVA	STRUCTURE FIRE / Chimney fire	GRASS BRUSH TREE / BURN CO.	POWER LINE	SW ASSISTED FCFD CALLS	FALSE ALARM UTL	CONFLA G FIRES	MO. TOTAL CALLS
JAN	20	1	0	1-Sup 1 Chm	1	0	0	1	0	25
FEB	11	0	0	0	0	0	0	2	0	13
MAR										
APR										
MAY										
JUNE										
JULY										
AUG										
SEPT										
OCT										
NOV										
DEC										
<b>YR TOTALS To Date</b>	<b>31</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>38</b>

The volunteer firefighters are still busy with required fire and EMS training, refresher courses and new courses we want to cover this year. Lots of extra hours, including some weekend courses in progress. Our volunteers work very hard to stay ready for whatever call we may have.

Sharon is instructing a new EMR class that will be held all Saturdays in April. We have 8 people signed up for the class to date! Joining our other EMRs this will give us at least 16 state certified EMRs to respond on calls! This is a huge commitment by our volunteers, as it takes hard work and effort, and over 40 hrs of classroom and study time to achieve.

The volunteers are busy gathering prizes and surprises for the Easter Bunny to hand out this year for our annual Easter Egg hunt in the upper park. Easter is April this year. We are working hard to make it a great success again this year for all of our kids to enjoy!

Thank you all for the support and hard work you do for our department and community!



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<b>JAN</b>	20	1	0	1-Sup 1 Chm	1	0	0	1	0	<b>25</b>
<b>FEB</b>	10	1	0	0	0	0	0	2	0	<b>13</b>
<b>MAR</b>	14	2	0	0	0	0	0	2	0	<b>18</b>
<b>APR</b>										
<b>MAY</b>										
<b>JUNE</b>										
<b>JULY</b>										
<b>AUG</b>										
<b>SEPT</b>										
<b>OCT</b>										
<b>NOV</b>										
<b>DEC</b>										
<b>YR TOTALS To Date</b>	<b>44</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>56</b>

The volunteers are always busy with required trainings, refresher courses and new courses we want to cover this year. Lots of extra hours, including some weekend courses in progress. Sharon is starting a new EMR class beginning in April. We have 9 volunteers signed up to become new certified EMR's including our own Mayor! 😊 And Shelby Gilbert will be taking her EMT exams soon. This will give Falls City about 20 medics on our roster!

It is time for one of our most fun months, Easter! The volunteers have been busy stuffing little Easter eggs with candies and coins for the children to hunt for in the upper park again this year. The Easter Bunny and all his helpers will be busy making it a fun day for all!

Thank you all for the support and hard work you do for our department and community!

**“Happy Easter!!”**

Prepared by Sharon Volk Greve, Assistant Chief, Falls City Fire and EMS. Cell: (503) 871-5140



## Public Works Report January of 2026.

### **Administration**

*Jon Creekmore was out for surgery recovery.*

### **Water Division**

*Main break on the corner of first and Lewis repaired.*

### **Sewer Division**

*Normal operations.*

### **Streets Division**

*Normal operations.*

### **Parks & Cemeteries Division**

*Normal operations.*

### **Non-Sewer Wastewater Division (TMDL)**



## Public Works Report February of 2026

### **Administration**

*Normal operations.*

### **Water Division**

*Normal operations.*

### **Sewer Division**

*We started discharging to the river on the 25<sup>th</sup>.*

### **Streets Division**

*Normal operations.*

### **Parks & Cemeteries Division**

*Normal operations.*

### **Non-Sewer Wastewater Division (TMDL)**



## Public Works Report March of 2026

### **Administration**

*Normal operations.*

### **Water Division**

*Fixed water service break on Parry Road on the 18<sup>th</sup>.*

### **Sewer Division**

*Normal operations.*

### **Streets Division**

*Normal operations.*

### **Parks & Cemeteries Division**

*Normal operations.*

### **Non-Sewer Wastewater Division (TMDL)**

*Met on the 25<sup>th</sup> to discuss next steps.*



City of Falls City  
299 Mill Street  
Falls City, OR 97344  
Ph 503.787.3631

## City Manager's Report April 6, 2026

### **Introduction**

The Wastewater Treatment Facility Lagoon project has undergone successful start-up testing and switch over protocols, and the decommissioning and dismantling of the old treatment facility is well under way. Our staff are familiarizing themselves with the new facility's operations, and have been discharging treated effluent to the Little Luckiamute as per our DEQ permit. Staff even had to troubleshoot a sudden algae bloom that resulted from the very mild winter conditions, and was able to overcome this temporary hurdle with professionalism as with all other challenges before them. The city will be using the new facility to process its wastewater effluent and discharge to the river until April 30th, after which time, the city will begin the first summer impounding period, as the lagoons were designed. Something that the city and the high school has been waiting to do since the summer of 2024. The ongoing water mainline project is continuing to progress steadily, with the designs complete and approved by OHA for Phase 2. Our construction contractor will immediately start the waterline replacement construction as soon as the cost estimates for each new section of Phase 2 have been decided.

**Wastewater Project** – Switch-over protocols from the old wastewater treatment facility to the new one, continued from February through March and are now fully in the river discharge phase. Strider Construction, our contract engineers and various contractors and city staff have gone through the various operational checklists of all of the components of the new facility. The chlorine-dosing has been calibrated to meet DEQ standards, and the city's effluent is being treated at the new site before discharging to the Little Luckiamute River. As this happened for a continuous 7 days without incident, Strider moved on to demolition of the decommissioned facilities (old treatment equipment, the gravel filter and recirculating tank). We look forward to announcing the official switch-over before May 1, with a potential ribbon cutting ceremony on May 4, to coincide with May's City Council meeting.

**Code Enforcement** – Our Code Enforcement Officer continues to coordinate with the Polk County Sheriff's Office Deputy to address several code compliance instances. In particular, a lot of progress has occurred in getting the Ellis Street non-compliance issue of accumulating garbage under control. The property owners have been working on mitigation to avoid having to go to Municipal Court. Thanks to the City of Dallas for municipal court services, the Code Enforcement Officer will issue citations to ongoing non-compliance cases, especially on Ellis Street if progress stalls. Other non-compliance cases will be adjudicated in future court proceedings.

Note: If you have questions/concerns, please respond to me individually by email, phone, or in person. This way we avoid violating any public meetings laws with a "reply all" response, or multiple councilors discussing on the same thread.

**Grant Writing and Research Proposal** – Our contract grant research and writing company has already made progress in assisting the city with our main projects by connecting with some of the larger funding organizations in the state. More to come as we get progress reports on their research.

**Town Hall Meeting** – Next Town Hall Meeting is planned for Monday, April 20 at 6:00pm. The possible topics include continuing the discussion on 2026's Water Rate increases, how current Federal & State funding cuts affect city services, funding for the Dayton Street Bridge repair/reconstruction, funding for Code Enforcement/Compliance, continued funding for Falls City Fire Department.

**2025/2026 Infrastructure Construction Projects** –

***Water Mainline Replacement Project:***

- Trench Line Excavation Inc. has replaced several failing water lines at:
- Hopkins Avenue, portions of 2nd, 3rd, 4th Streets, Pine Street, alley between Pine Street & N. Main Street, and Estelle, Clark, East Clark, and Forest View Lane, Hopkins Avenue, Estelle, Clark & East Clark, alleyway between 2<sup>nd</sup> and 3<sup>rd</sup> Street
- Business Oregon & OHA have approved additional water lines for replacement, therefore work will continue for an additional 2-3 months at the following locations: Cameron, Parry Road, Fairview & Terrace Street, Mill Street, Pine Street and 1<sup>st</sup>/2<sup>nd</sup> Street connection

**\$700,000 Grant to Falls City** – The city has secured a \$700,000 grant from the state of Oregon's lottery revenue bonds to facilitate maintenance of the Dayton Street Bridge. The funding will primarily be used for bridge design and complement the **\$1.6 million** Federal Community Grant from the EPA for the construction project.

Sincerely,



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## STAFF REPORT

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**FROM:** AJ FOSCOLI, CITY MANAGER  
**SUBJECT:** APPOINT BUDGET OFFICER FOR FY 2026-2027  
**DATE:** 4/6/2026

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### **SUMMARY**

State law requires the appointment of a Budget Officer to prepare or supervise the preparation of the budget document.

### **BACKGROUND**

ORS 294.331 provides as follows:

*The governing body of each municipal corporation shall, unless otherwise provided by county or city charter, designate one person to serve as budget officer. The budget officer, or the person or department designated by charter and acting as budget officer, shall prepare or supervise the preparation of the budget document. The budget officer shall act under the direction of the executive officer of the municipal corporation, or where no executive officer exists, under the direction of the governing body.*

Additionally, Falls City Municipal Ordinance 31.01(D)(4) states:

*The Duties of the City Manager shall be as follows...*

*...To prepare the annual budget for consideration by the Council and Budget Committee...*

### **PREVIOUS COUNCIL ACTION**

Council has appointed Councilor Martha Jirovec as Budget Officer in 2023 & 2024 and the City Manager in 2025.

### **ALTERNATIVES/FINANCIAL IMPLICATIONS**

None.

### **STAFF RECOMMENDATION**

Appoint City Manager AJ Foscoli as Budget Officer for FY 2026-2027.

### **PROPOSED MOTION**

I move the City Council of the City of Falls City to appoint City Manager AJ Foscoli as Budget Officer for FY 2026-2027.

### **EXHIBIT**

Exhibit A - Budget Calendar FY 2026-2027

## City of Falls City Budget Calendar FY 2026-2027

	ACTION	NOTES	DUE DATE
1	Appoint Budget Officer	City Manager AJ Foscoli	4/6/2026
2	Notice of BC Hearing Published in newspaper	Polk IO 5-30 days prior to BC Public Meeting, must include city web address & where budget is available	To IO by 4/23/2026 @ noon
3	Notice published on website	At least 10 days prior to BC Public Meeting	5/4/2026
4	Proposed Budget Completed and to BC	City Mgr	5/15/2026
5	BC Public Hearing (includes hearing on state revenue sharing. If BC doesn't approve, announce next meeting date)	Present Budget Message & document to BC. Must file in office of governing body immediately following meeting (if BC approves continue to step 7, if not got back to step 2)	5/20/2026 (& 5/27/2026 if needed)
6	Publication of LB-1 and notice of budget hearing	Must Include date & place of Pub Hrg; Date and name of paper in which LB-1 was published (5-30 days prior to hearing date)	5/27/2026 (To IO by 5/21/2026 @ noon)
7	CC Public Hearing- state revenue sharing	approve resolution to receive state revenues	6/1/2026
8	CC Public Hearing- budget document	approve resolution adopting budget, levying taxes, making appropriations	6/1/2026
9	Submit to County Assessor's Office	2 copies of LB-50; 2 copies resolution adopting budget	NLT 7/15/2026
10	Submit Complete Budget to County Clerk	1 copy of budget: LB-50, LB-1, Budget Document, Proof of Publication	NLT 9/30/2026



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**MEETING:** Monday, April 6, 2026 City Council  
**TO:** Falls City Council  
**FROM:** MWVCOG Contract City Planners  
**RE:** Work Session to consider Legislative Amendment to the Falls City Zone and Development Ordinance to introduce standards for marijuana-related land uses

**SUMMARY:**

Recreational marijuana was legalized in Oregon by voters in November 2014. Ballot Measure 91 made it legal for adults 21 and older to possess, cultivate, and use marijuana. Legal recreational sales from dispensaries began on October 1, 2015, following subsequent legislation.

The Oregon Liquor and Cannabis Control Commission (OLCC) regulates marijuana-related activities, in accordance with Oregon Revised Statutes (ORS) Chapter 475C Cannabis Regulation. There are five categories of marijuana-related businesses permitted by the OLCC, in addition to medical uses. The permitted business categories are: producer, processor, wholesale, retail, and laboratory. The ORS regulate how each of the five marijuana-related business categories can operate, including restricted public access, secure properties, proper disposal of materials, indoor operations, etc.

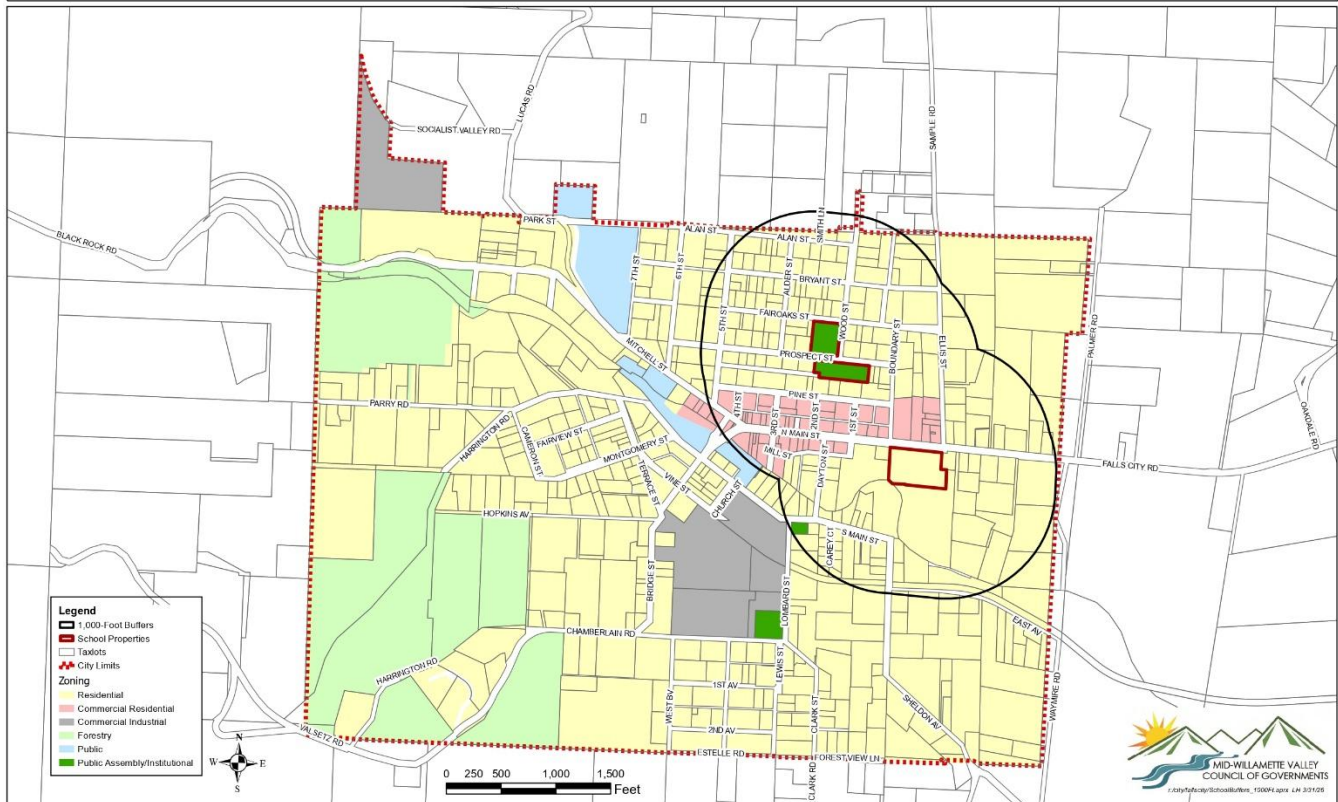
In 2015, House Bill 3400 **authorized local cities to adopt reasonable time, place, and manner restrictions** for marijuana-related businesses located within their jurisdiction. For example, some communities have enacted hours of operation, identified which activities can operate in which zones, prohibited drive-through facilities, and expanded location limits for retailers. An outright prohibition on marijuana-related activities must be decided by the voters. **The Falls City Zoning & Development Ordinance (FCZDO) is currently silent on marijuana-related businesses.**

A recent pre-application meeting with an interested business initiated discussion between staff and the City Attorney about the question of federal consistency, as discussed by the Council back in 2014. In short, the City Attorney currently does not believe there is a federal consistency issue, and that the City is able to accept and review land use applications for all marijuana-related businesses, using the existing Falls City Zoning and Development Ordinance (FCZDO), in compliance with State statutes.

**With this information from the City Attorney, the City Council should determine whether they desire to initiate a limited package of code amendments to add standards for any of the five categories of marijuana-related businesses to the FCZDO at this time.**

Related to marijuana retail businesses, it is important to note that the ORS already contain a restriction on where a marijuana retailer may operate by requiring that a retail premises (building) be located at least 1,000 feet from school properties. On the following page staff has provided a buffer map showing how the state-mandated buffer applies to properties within Falls City. Again, the buffer only applies to marijuana retail businesses, not to the other four business categories.

## 1,000 Foot School Buffers, Falls City, 2026



For discussion purposes only, attached to this memo is sample code language, taken from the City of Amity, to demonstrate the type of simple time, place, and manner standards a city might consider. Some of the language is intentionally redundant with ORS regulations, included locally to reiterate standards for both applicant and community benefit.

If the City Council desires to consider code amendments to the FCZDO, the Legislative Amendment procedure would require notice to the Oregon Department of Land Conservation and Development (DLCD), a public notice published in the newspaper, public hearing during a City Council meeting, and an enacting ordinance. The procedure would take just a couple of months to meet the required noticing deadlines and provide opportunities for public comments.

### OPTIONAL MOTION TO INITIATE A LEGISLATIVE AMENDMENT:

**Motion to initiate Legislative Amendment file #LA 26-01 to consider the adoption of standards for marijuana related land uses into the Falls City Zone and Development Ordinance (FCZDO).**

## EXAMPLE

### PROPOSED AMENDMENTS TO THE AMITY DEVELOPMENT CODE (ADC)

NOTE: Text which is underlined is proposed to be added. Text in ~~strikethrough~~ is proposed to be deleted. All other text is existing in the Amity Development Code.

## CHAPTER 1

### 1.200 DEFINITIONS

**Hemp:** Also referred to as 'Industrial Hemp.' Hemp means all non-seed parts and varieties of the Cannabis plant, whether growing or not, that contain an average tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended.

**Marijuana:** All parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended.

- **Marijuana Processer:** Facility for processing, compounding, or converting marijuana into products, concentrates, or extracts that is registered by the Oregon Health Authority or licensed by the Oregon Liquor and Cannabis Commission.
- **Marijuana Producer:** Facility for planting, cultivating, growing, trimming, harvesting, or drying of marijuana provided that the marijuana producer is registered by the Oregon Health Authority to produce marijuana for use by a registry identification cardholder or licensed by the Oregon Liquor and Cannabis Commission.
- **Marijuana-Related Use(s):** Marijuana Processer, Marijuana Producer, Marijuana Retailer, Marijuana Testing Laboratory, and Marijuana Wholesaler.
- **Marijuana Testing Laboratory:** Facility for testing of marijuana items that is licensed by the Oregon Liquor and Cannabis Commission.
- **Marijuana Retailer:** Facility for sale of marijuana items to a consumer that is licensed by the Oregon Liquor and Cannabis Commission. Also, location of a medical marijuana dispensary that is registered by the Oregon Health Authority.

- Marijuana Wholesaler: Facility for resale of marijuana items to a person other than a consumer that is licensed by the Oregon Liquor Control Commission.

## ZONING AND DEVELOPMENT PROVISIONS

### 2.100 ZONING DISTRICTS

### 2.105 GENERAL COMMERCIAL ZONE (G-C)

#### 2.105.01 Purpose

To provide areas for a wide range of retail, wholesale, transportation, and service uses. To assure compatibility between these uses and adjacent residential and industrial uses, special design standards are specified.

#### 2.105.02 Permitted Uses

The following uses are permitted in the G-C zone, subject to a Site Design Review in accordance with Section 3.104:

- A. Pre-schools, nurseries and kindergartens
- B. Non-profit member organizations, (such as) business associations, labor unions, political organizations or fraternal lodges
- C. Public automobile parking as specified in Section 2.203.
- D. Public and semi-public buildings, structures and uses, such as parks, municipal offices, libraries, police and fire stations, churches, and hospitals
- E. Public utility structures and buildings, (such as) pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities
- F. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices
- G. Professional offices.
- H. Banks and other financial institutions
- I. Mortuary, including crematorium
- J. Greenhouse and garden supply

- K. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types of retail activities
- L. Restaurants, drive-ins, taverns, snack shops and other types of eating and drinking establishments
- M. Retail and service related stores (such as) TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use
- N. Service related businesses (such as) barber shops, beauty shops, advertising agencies, self-serve laundry, dry cleaning, printing or photocopying, or other activities where the primary activity is the providing of a service to retail customers
- O. Amusement and recreation related businesses (such as) bowling alleys, miniature golf, pool halls, motion picture theaters, video arcades, and other types of amusement and recreational businesses
- P. Hotel and Motel
- Q. Partitionings and subdivisions, subject to the provisions of Section 3.108 or Section 3.109
- R. Residences which are located on the second story above a permitted use commercial building
- S. [Marijuana retail, subject to Section 2.307.](#)

**2.105.03 Conditional Uses**

The following uses are allowed subject to obtaining a conditional use permit and completing a Site Design Review:

- A. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales and repair
- B. Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop
- C. Automobile service station, including towing services and vehicle washing and polishing facilities, and services
- D. Part and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats

- E. Lumber yard and contracting supplies for lumber, stone, masonry or metal (sales only)
- F. Special trade contracting facilities, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting
- G. Welding shop and blacksmith where activities are conducted wholly within a building
- H. Newspaper, periodical, publishing and printing
- I. Tractor and farm equipment, logging equipment; sales and service
- J. Veterinary clinics
- K. Drive-in restaurant
- L. Cabinet shop, conducted wholly within a building
- M. Tent and awning shop...

**2.106 LIGHT INDUSTRIAL ZONE (L-I)**

**2.106.01 Purpose**

To provide land for and to encourage the grouping together of warehousing, manufacturing, and other light industrial uses which, because of their normal characteristics, would be relatively unobjectionable, could be permitted to operate in close proximity to, and would not be detrimental to surrounding commercial or residential uses.

**2.106.02 Permitted Uses**

- A. Public utility and public service installations, including repair and storage facilities and personal wireless service facilities.
- B. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. (These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All proposed uses must be approved by the Planning Commission.)
- C. Partitionings and subdivisions, subject to the provisions of Section 3.108 or Section 3.109.

D. Marijuana processor, marijuana producer, marijuana testing laboratory, marijuana wholesaler, subject to Section 2.307.

**2.106.03 Conditional Uses**

The following uses may be permitted in the L-I zone when authorized by the Planning Commission pursuant to Section 3.103.

- A. Outdoor storage of materials of an industrial character.
- B. Bulk storage of flammable liquids or gases.
- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, paint product manufacturing.
- E. Incidental or accessory retail sales.

**2.106.04 Prohibited Uses**

- A. Rendering plants.
- B. Wrecking, demolition, junk yards, including recycling firms.
- C. Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element is such amount as to adversely affect the surrounding area or premises, as may be determined by the Planning Commission and appealed in accordance with Section 3.205

**2.307 MARIJUANA- RELATED USES**

**2.307.01 Scope**

Marijuana-related activities regulated by the State of Oregon, and this section, include: Marijuana Processor, Marijuana Producer, Marijuana Retailer, Marijuana Testing Laboratory, and Marijuana Wholesaler.

**2.307.02 Standards for Marijuana-Related Uses**

- A. Marijuana-related uses shall be located in a permanent building, and shall not include drive-through facilities.
- B. Outdoor storage of marijuana or marijuana-derived products is prohibited.
- C. Public Access Prohibited. Access to marijuana producer, marijuana processor, marijuana testing laboratory, and marijuana wholesaler facilities shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
- D. Permitting. Marijuana-related uses shall at all times be registered in good standing with applicable State agency, which may include: the Oregon Health Authority (OHA), the Oregon Liquor and Cannabis Commission (OLCC), and/or the Oregon Department of Agriculture (ODA).
- E. Odors. Marijuana-related uses shall use an air filtration and ventilation system designed to ensure that marijuana related odors are confined to the premises, and are not detectible beyond the property boundaries in which the facility is located.
- F. Secure Disposal. Marijuana-related businesses must provide for secure disposal of marijuana remnants or by-products. Marijuana remnants or by-products shall not be placed within the facility's exterior refuse container.

**2.307.03 Additional Standards for Marijuana Retailers**

A. Conflicting Use Buffer. No marijuana retail premises shall be permitted within 1,000 feet of a lot containing any of the following uses:

1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
2. Private or parochial elementary or secondary school, teaching children as described ORS 339.030
3. Another permitted marijuana retail premises.

B. The 1,000-foot buffer shall be measured by a straight line extending in every direction from any point on the boundary line of the lot comprising the uses listed above, to the nearest point of the premises, to include the nearest wall or front door of the retail, but not including the parking lot.

C. New conflict. If a conflicting use described in (A) is established within 1,000 feet of a legally established marijuana retail use, the marijuana retail use may remain at the legally established location.

D. Established marijuana retailers. Licensed marijuana retailers established lawfully prior to the adoption of these standards are permitted to remain, while operating in compliance with local and State regulations. Grandfathered marijuana retail locations are not transferable between businesses.

E. Hours of Operation. A marijuana retailer shall operate only between the hours of 9:00am and 9:00pm.

**2.307.04 Exemptions**

A. Personal use. The cultivation of marijuana for personal use, as permitted by State law, is exempt from the provisions of this section.

B. Hemp. Industrial Hemp is not regulated by these marijuana-related use standards.

**2.307.05 Procedures**

A. LUCS. A land use compatibility statement is required to be signed by the City to inform the applicant and permitting State agency of the applicable local land use regulations, prior to the establishment of a marijuana-related use.

B. Land use review. Establishment of a new marijuana-related use within the city of Amity shall require a Site Design Review, subject to the standards and procedures of Section 3.105. A Pre-Application Conference is recommended.

C. Business registration. All businesses operating in Amity city limits are required to maintain business registration with the City of Amity on an annual basis.