



# Appeal

## Staff Report and Recommendation

Community Development Department, Planning Division

<b>Report Date:</b>	May 27, 2016
<b>Hearing Date:</b>	June 6, 2016
<b>Land Use Request:</b>	Appeal of Community Development Department's decision to deny the application for agricultural use (outdoor marijuana grow operation). Forest Grove Storage Site Review – File Number 311-16-000005-PLNG
<b>Property Location:</b>	620 Elm Street
<b>Legal Description:</b>	Washington County Tax Lot 1S3 7AB-600 and 700
<b>Appellants/Property Owner:</b>	<u>Appellant:</u> Wayde Elliott, 34509 Millard Road Warren, Oregon 97053 <u>Appellant:</u> Friends of Historic Forest Grove (Diane Morris) PO Box 123, Forest Grove, Oregon 97116 <u>Property Owner:</u> Wayde Elliott, 34509 Millard Road Warren, Oregon 97053
<b>Comprehensive Plan Map Designation:</b>	General Industrial (GI)
<b>Zoning Map Designation:</b>	General Industrial (GI)
<b>Reviewing Staff:</b>	James Reitz (AIC), Senior Planner

### I. LAND USE HISTORY - BACKGROUND

On February 23, 2016 applicant Wayde Elliott ("Applicant") submitted a site plan review application an indoor and outdoor vehicle storage area, which would be an expansion of the existing use located at 620 Elm Street (see Attachment 1).

Site Review is a Type II review process in which Staff renders a decision following a public notice and comment period. Notice of this proposal was mailed to surrounding property owners on February 29, 2016. The public comment period expired March 15, 2016. The Friends of Historic Forest Grove (FHFG) submitted the only public comment (see Attachment 2).

On March 17, 2016, Applicant submitted a revised application including an "Open Grow Agricultural Use" (see Attachment 3). The additional proposed use warranted a second

public notice period. City staff mailed the second notice on March 17, with public comments required to be submitted by March 31, 2016. As before, the FHFG submitted the only public comment (see Attachment 4).

On April 18, 2016 staff issued a preliminary notice of decision approving the application (see Attachment 5). As the notice provided, the preliminary approval was not final until the end of the appeal period which extended through May 2, 2016.

On April 28, 2016, the City Council adopted Ordinance Number 2016-10 prohibiting the establishment of recreational marijuana production facilities within the City of Forest Grove and declared an immediate effective date (see Attachment 6).

Because the immediate effective date of April 28<sup>th</sup> preceded the site plan approval appeal period expiration date of May 2<sup>nd</sup>, the City issued a modified notice of decision on April 29, 2016. The modified decision provided that Section 10.1.125 of the Forest Grove Development Code requires all actions initiated under the Code be consistent with applicable regional, state and federal laws. Because the proposed agricultural use is prohibited by ORS 475B.800, which the City implemented by adopting Ordinance No. 2016-10, the City denied the site review application (see attachment 7).

As the only affected parties, City staff mailed the notice of the modified decision to the applicant and the FHFG. The new notice of decision had an appeal period extending through May 13, 2016.

On May 9, 2016 the Applicant appealed the denial (see Attachment 8). Although the Applicant's appeal did not "specifically state the issues being appealed" as stipulated by DC Section 10.1.540(A), the City determined it met the technical requirements for an appeal.

On May 12, 2016 FHFG filed an appeal (see Attachment 9). FHFG's appeal also did not specifically state the issues being appealed, only that the "laundry list of concerns and objections" previously submitted had not been "adequately addressed." Here too, the City determined that the appeal met the technical requirements for an appeal.

Development Code Section 10.1.540 *Appeals* authorizes the Planning Commission to conduct a public hearing on an appeal of a Type II decision. As noted in DC Section 10.1.540(C) the hearing shall be *de novo*, meaning that the Planning Commission can consider new issues, testimony and evidence, in addition to what is already in the record. Any new evidence as well as the record from the original staff decision can be considered.

Public notice of the Planning Commission hearing was mailed to property owners and residents within 300 feet of the site on May 16, 2016, and published in the *News Times* on June 1, 2016.

As of the writing of this report, no additional comments have been received from either appellant, or from the public.

## II. REVIEW CRITERIA

The application was reviewed against the criteria listed in Development Code Sections 10.1.125 and 10.2.450, 10.3.450.C as follows. The findings for each of the criteria are set forth in Attachment 5. Additional findings for 10.1.125 are set forth below under Appeal Issues.

### *10.1.125 Consistency with Plans and Laws*

*Actions initiated under this Code shall be consistent with the adopted Comprehensive Plan of the City of Forest Grove and with applicable regional, state and federal laws. The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals. Therefore, any action taken in conformance with this Code shall be deemed in compliance with the statewide goals and the Comprehensive Plan. Unless stated otherwise within this Code, specific findings demonstrating compliance with the Comprehensive Plan are not required for approval of a land use application.*

### *10.2.450 Review Criteria*

*The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:*

- A. The site development plan complies with all applicable standards of the base zoning district, any overlay district, and the applicable general development standards of Article 8.*
- B. The site development plan ensures reasonable compatibility with surrounding uses as it relates to the following factors:*
  - 1. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and*
  - 2. Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.*
- C. The site development plan preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:*
  - 1. Significant on-site vegetation and trees;*
  - 2. Prominent topographic features; and*
  - 3. Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.*
- D. The site development plan preserves or adequately mitigates impacts to designated historic resources.*

- E. *The site development plan provides adequate right-of-way and improvements to abutting streets to meet the street standards of the City. This may include, but not be limited to, improvements to the right-of-way, sidewalks, bikeways, and other facilities needed because of anticipated vehicular and pedestrian traffic generation.*
- F. *The site development plan promotes safe, attractive and usable pedestrian facilities that connect building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians.*

### 10.3.450 Performance Standards

*No land or structure in the LI, GI and BIP zones shall be used or occupied unless there is continuing compliance with the standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents.*

## III. APPEAL ISSUES

As noted above, the Applicant did not specifically state the issues being appealed. These findings assume the Applicant is appealing the denial based on DC Section 10.1.125.

DC Section 10.1.125 requires activities subject to the City Development Code to be consistent with "applicable regional, state and federal laws." As described in the modified notice of decision, on March 28, 2016 the City adopted Ord. No. 2016-10 which implements the prohibition in ORS 475B.800 regarding the establishment of recreational marijuana production facilities within the city limits.

Once the City adopted Ord. No. 2016-10, the recreational production facility became inconsistent "with applicable regional, state and federal laws" and therefore the City denied the application under DC Section 10.1.125. Because Ord. No. 2016-10 became effective prior to the date the staff decision became final, the City issued the modified decision denying the application.

The Planning Commission does not have authority to repeal, amend, or revise Ord. No. 2016-10, which remains in effect until August 5, 2016 unless repealed or modified by a subsequent ordinance. The Planning Commission can only determine whether the application complies with it.

Also as noted above, Appellant FHFG did not specifically state the issues being appealed, only that the "laundry list of concerns and objections" previously submitted had not been "adequately addressed." Most of the issues raised pertain to the proposed agricultural use (outdoor marijuana production facility) and were addressed by the findings in Attachment 5, while other issues are not regulated by City Code.

FHFG identified two specific issues in their March 15, 2016 letter regarding storm water drainage and landscaping. (see Attachment 2).

Storm Drainage / Runoff – The appellant’s letter noted that FHFG have observed “increased water pooling on the land to the south of the RV facility...” but do not note when the increased pooling began or was first observed. The fill placed on the site by a previous owner several years ago was never permitted. As a condition of this site plan review and building permit, the City is requiring the applicant to install a storm drainage system in compliance with Clean Water Services (CWS) and building code requirements. As noted in the findings, “The site and all improvements are conditioned to comply with CWS standards for any discharge into either the sanitary sewer or storm drainage systems.” As a condition of approval, the uncontrolled runoff will be required to be intercepted and directed to an approved storm drainage system, which should decrease and perhaps eliminate any off-site drainage impacts.

Landscaping – The appellant’s letter requested that “particular attention (be) paid to the landscaping of the project” but it provided no further guidance as to what this landscaping should include. The site is located in a General Industrial zone. DC section 10.3.540(G) requires landscaping as follows:

*Except for driveways and parking areas, the front setback area along a primary public street frontage shall be landscaped with lawn, trees, hedges or ornamental flowers. Such landscaping shall be maintained in good order.*

The applicant proposes to install an arborvitae hedge in the landscape strip along Elm Street. Further, approval of the site plan has been conditioned to require the replacement of the seven defective street trees adjacent to the site.

FHFG raised nine additional issues in their March 31, 2016 letter (see Attachment 4):

1. Proximity of a Marijuana Grow Site to a “City Park and historic home which will be used for educating students.” A property owned by the City and also located in an Institutional zone (the A. T. Smith house shares this zoning district) is not an officially-designated City park. Future use of the site has not been defined but its use is being considered as part of the Parks Master Plan update due for adoption in the latter half of 2016. Even if the site were a designated City park, City Code does not at present stipulate a minimum distance buffer requirement between a grow site and a public park. The same holds true for a historic home; no buffer requirements currently apply.
2. 1,000-foot Buffer Zone Around Schools -- The FHFG suggests that the grow operation would be located within the 1,000-foot Federal Drug-Free Zone for Schools. The Forest Grove School District does have an educational facility in the Taylor Way Annex at 2701 Taylor Way. The property-to-property distance between the east property boundary of the grow site at 620 Elm Street and the west property line of 2701 Taylor Way is approximately 600 feet, while the west edge of the Annex building proper is approximately 250 feet farther east. There is no road or pedestrian connection between the two parcels. While less than 1,000 feet appears to separate the two uses, City Code does not presently stipulate a minimum buffer area around a grow site.
3. Staff Qualifications and Employee Screening -- The City Code does not regulate the employment qualifications of this or any other private business. There are no City Code provisions that apply. The Oregon Liquor Control Commission screens applicants for conformance with state law and regulation.

4. Security and Crime -- FHFG expresses concern that the grow site would attract trespassers onto their property in an attempt to gain access to the grow site. The grow site would be enclosed by a wall or solid fence that would be eight feet tall; this is the maximum height permitted for a property line fence or wall in the General Industrial zone, as per DC Section 10.7.045. Barbed wire would be permitted above a height of six feet six inches. A taller fence or wall could be erected on the interior of the lot. Anyone trying to gain access to the grow site from the appellant's site would have to scale the fence/wall and contend with the barbed wire.

There was no consideration of this issue based on the site plan review criteria. The criteria pertain to design impacts on adjacent properties for specific reasons. The Planning Commission may consider whether there would be impacts of a solid eight-foot-tall wall or fence on adjacent properties.

5. Mold -- FHFG suggests that marijuana is susceptible to mold, which could then spread to adjacent properties. City Code does not regulate outdoor environmental conditions that might result in the spread of mold. The Building Code does regulate the moisture content of materials used for construction, but as this proposal is for an outdoor facility, those regulations would not apply.
6. Equipment Noise -- FHFG suggests that, if the grow operation uses fans, noise pollution might result. As the proposal is for an outdoor grow operation, the use of fans is not anticipated and have not been proposed. If fans are used, any complaints about the noise they create would be investigated and enforced by the Police Department, pursuant to FG Code Section 5.250 et. seq.
7. Insecticides and Other Chemicals -- FHFG questions whether the grow operation would use insecticides or other chemicals. City Code does not regulate the use of insecticides and other chemicals. Because marijuana is a crop pursuant to ORS 215.203, the usual and customary farming practices – including the application of insecticides, herbicides and fertilizers – would be permitted.
8. Odors and Smells -- FHFG questions whether any odor would be created either during the growing period or harvest.

Since issuing the original notice of decision on this application, City staff conducted additional research on the potential for odor to emanate from marijuana facilities. According to an article in USA Today dated August 11, 2014, the Denver (CO) Department of Environmental Health has found that the outdoor production of marijuana differs from traditional agricultural crops inasmuch as flowering marijuana creates a noticeable odor (see Attachment 10). As a result, the City of Denver has received an increasing number of odor complaints about outdoor marijuana production. Likewise, the Puget Sound Clean Air Agency also reports receiving similar complaints (see Attachment 11). Based on this information, Forest Grove can reasonably anticipate an outdoor marijuana production facility will produce an offensive odor and generate complaints.

While odors created by an indoor marijuana grow operation can be mitigated through a carbon filtration system (as DC Section 10.8.1110.E requires), such mitigation is logistically impossible for an outdoor production operation. Consequently the City was previously incorrect that the proposed use has no "off-site impacts." The City can anticipate that the proposed use will produce an odor, the odor will be offensive and there are no methods to mitigate it.

DC Section 10.2.450(D) provides that the site development plans must "preserve or adequately mitigate impacts to designated historic resources." Although there are no historic resources on the site, an adjacent property does contain a historic structure – the A. T. Smith house, which is listed on the National Registry of Historic Places. The A. T. Smith house is a destination for school-aged children to learn about Oregon's pioneer history and often hosts outdoor learning events.

The proposed facility will impact the historic A. T. Smith house inasmuch as it will produce an odor offensive to children and teachers engaged in outdoor learning. For this reason, the application fails to meet this criterion.

9. Facility Leased or Owned by Columbia Self-Storage -- FHFG questions who will be responsible for on-going operations and security of the marijuana production site. There was no consideration of this issue based on the site plan review criteria. The criteria pertain to design impacts on adjacent properties for specific reasons, not on-going operations. City Code does not stipulate or regulate the business structure of this or any other private business. There are no City Code provisions that apply. Enforcement measures – if necessary – would be applied to the property owner of record.

#### **IV. ALTERNATIVES**

The Planning Commission may conclude it does not have authority to approve the grow operation in contravention of Ord. No. 2016-10 which prohibits the establishment of recreational marijuana production facilities within the City of Forest Grove; or

The Planning Commission may leave intact, eliminate one or more, modify, and/or add to the conditions of approval, adopting such findings as necessary to demonstrate how the conditions would mitigate the impact of the proposed development, pursuant to the criteria listed in DC Section 10.2.450(A-F); or

The Planning Commission may deny any one of the components of the request (outdoor vehicle storage, indoor vehicle storage, outdoor marijuana grow), adopting such findings as necessary to demonstrate how the proposed use does not comply with one or more of the criteria listed in DC Section 10.2.450(A-F); or

The Planning Commission may deny the outdoor marijuana grow operation based on DC Section 10.1.125., which requires all actions initiated under the Code must be consistent with applicable regional, state and federal laws. Because the proposed agricultural use is prohibited by ORS 475B.800, which the City implemented by adopting Ordinance No. 2016-10, the Planning Commission may deny the proposed use.

## V. RECOMMENDATION

City staff recommends the Planning Commission deny the application for failure to comply with DC Section 10.1.125 because the proposed use does not comply with state law and local regulation.

In addition, the evidence described in these findings demonstrate that flowering marijuana will create a noticeable off-site odor. While odors created by an indoor marijuana grow operation can be mitigated through a carbon filtration system as required by DC Section 10.8.1110.E, such mitigation is logistically impossible for an outdoor production operation. This odor will impact the adjacent historic resource, the A. T. Smith house. Staff recommends the Planning Commission deny the application based on the failure to comply with DC Section 10.2.450(D).

## VI. LIST OF ATTACHMENTS

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

- Attachment 1** Site Plan Application (original)
- Attachment 2** Friends of Historic Forest Grove (FHFG) Letter Dated March 15, 2016
- Attachment 3** Site Plan Application (revised)
- Attachment 4** FHFG Letter Dated March 31, 2016
- Attachment 5** Staff Decision and Findings Dated April 18, 2016
- Attachment 6** Ordinance Number 2016-10 Adopted April 28, 2016
- Attachment 7** Revised Notice of Decision Dated April 29, 2016
- Attachment 8** Appeal Letter Submitted by Wayde Elliott, Dated May 9, 2016
- Attachment 9** Appeal Letter Submitted by the FHFG, Dated May 12, 2016
- Attachment 10** USA Today Article Dated August 11, 2014
- Attachment 11** Seattle Post Intelligencer Article Dated September 30, 2013

# ATTACHMENT 1

## ORIGINAL SITE PLAN APPLICATION

CITY OF FOREST GROVE  
LAND USE REVIEW APPLICATION FOR:

# FOREST GROVE STORAGE

## Site Plan Review

**Tax Lot 700, T1S R3W 07  
630 Elm Street**

**February 23, 2016**

**OWNER/APPLICANT:**

**Wayde Elliott  
34509 Millard Road  
Warren, Oregon 97053  
Ph: (503) 503-396-1778  
Contact: Wayde Elliott**

**APPLICANT'S REPRESENTATIVE:**

**Pioneer Design Group, Inc.  
9020 Washington Square Drive, Suite 170  
Portland, OR 97223  
Ph: (503) 643-8286  
Contact: Ben Altman**

**FACT SHEET**

Project Name: **Forest Grove Storage**  
Proposed Action: **Site Plan Review, Mini Storage**  
Tax Map: T1S R3W 07AB  
Tax Lot: 700  
Site Size: 6.03 Acres (262,667 SF)  
Address: 620 Elm Street, Forest Grove  
Zoning: G-I General Industrial

**Owner/Applicant:**

Elliott Investments, LLC  
735 SW 20<sup>th</sup> Place, Suite 220  
Portland, Oregon 97205  
Ph: (503) 292-7733  
Contact: Scott Elliott

**Applicant's Representative:**

Pioneer Design Group, Inc.  
9020 SW Washington Square Dr, Suite 170  
Portland, OR 97223  
Ph: (503) 643-8286  
Email: baltman@pd-grp.com  
Contact: Ben Altman

## INTRODUCTION

The applicant is proposing a storage facility, and is requesting Site Plan Review. The subject site is specifically identified as Tax Lot 70, Washington County Tax Map T1S R3W 07AB. The Parcel contains approximately 6.03 Acres (262,667 SF). The current zoning is GI-General Industrial.

The proposed development includes the following:

- Two Structures:
  - one enclosed structure containing 13,111 square feet; and
  - one canopy structure containing 13,440 square feet;
- paved loop drive access isle;
- Perimeter security fencing (chain link); and
- frontage landscaping.

## REQUESTED LAND USE APPROVAL

The applicant is requesting the following Land Use Approvals:

### Site Plan Review for:

- Storage Facility

The property fronts on the west side of Elm Street, south of Highway 47 and the railroad. Elm Street terminates just south of the site. This is industrial property, surrounded by industrial property.

### Surrounding Area

The site is surrounded by commercial, industrial and residential uses as follows:

- To the north is a storage facility (same ownership), with enclosed building, canopy covered RV/Boat storage, and open paved storage.
- To the east is Taylor Industrial Park, consisting of a construction/ excavating company, a bus barn and other industrial uses;
- To south is a rural residence (AT Smith House, zoned Institutional); and
- To the west is undeveloped farm land.

### Existing Utilities

The a full range of urban services are available in Elm Street to serve the development of the site.

### Existing Road and Transportation

The site abuts the west side of Elm Street and is located south of Highway 47, and south of the railroad tracks.

Highway 47 is a state owned arterial. Elm Street is classified as a Collector Street in the City's Transportation System Plan (2013 TSP). The standards for an Industrial Collector are a 60 foot right-of-way, 40 foot paved section curb-to-curb, with on-street parking.

Elm Street in the area of the proposed development has a pavement rating of "Good."

Yamhill Transit line 23 runs on Highway 47, but there is no transit service on Elm Street south of the highway.

#### Existing Topography

The site is relatively flat with a 1-2% slope to the west, and a small drainage channel in about the center of the site. The storm drainage has been designed to utilize the existing storm facility, located in the northwestern portion of the site.

## **CODE COMPLIANCE**

The following narrative and supporting Exhibits demonstrate that the proposed industrial development is in compliance with the applicable provisions of the City of Forest Grove Development Code. The site is zoned General Industrial.

### ***INDUSTRIAL ZONES***

#### ***10.3.500 PURPOSE***

*The City of Forest Grove has established two industrial zones to implement the Industrial designation of the Comprehensive Plan. Non-industrial uses are restricted to protect industrial lands for employment and to minimize land use conflicts.*

#### ***10.3.510 LIST OF INDUSTRIAL ZONES***

##### ***A. Light Industrial (LI)***

*The LI zone is intended for a wide variety of manufacturing and other industrial uses with controlled external impacts. These types of industries are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing. Industrial activities occur within enclosed buildings. On a limited basis, supporting commercial and office uses are permitted in the LI zone.*

##### ***B. General Industrial (GI)***

*The GI zone is intended for industrial uses that are generally not compatible with residential development because of their operational characteristics. This district is also intended for uses that may require extensive outdoor areas to conduct business activities or for product storage or display. General industrial uses include those involved in the processing of raw materials into refined products and/or industrial uses that have external impacts. The purpose of this district is to permit the normal operations of any industry that can meet and maintain compliance with established state and federal performance standards. The district is intended to contain supportive retail development. Commercial or retail uses that do not primarily serve the needs of people working or living in the employment and industrial areas are prohibited in this district. New residential uses are not permitted in the GI zone.*

#### ***10.3.520 USE REGULATIONS***

*Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.*

- A. Permitted Uses. Uses allowed in the Industrial zones are listed in Table 3-14 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.*
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-14 with an "L". These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.*
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-14 with a "C". These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. Section 10.2.200 contains the conditional use process and approval criteria.*
- D. Prohibited Uses. Uses listed in Table 3-14 with an "N" are prohibited. Existing uses may be subject to the regulations of Section 10.7.700, Nonconforming Development.*
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.*

**TABLE 3-14**

<i>Industrial Zones: Use Table USE CATEGORY</i>	<i>LI</i>	<i>GI</i>
<i>RESIDENTIAL</i>	<i>L[1]</i>	<i>L[1]</i>
<i>Household Living</i>	<i>N</i>	<i>N</i>
<i>CIVIC / INSTITUTIONAL</i>	<i>P</i>	<i>P</i>
<i>Basic Utilities</i>		
<i>COMMERCIAL</i>	<i>N</i>	<i>N</i>
<i>Commercial Lodging</i>		
<i>INDUSTRIAL</i>	<i>L[6]</i>	<i>P</i>
<i>Industrial Services</i>		
<i>Manufacturing and Production:</i>	<i>P[7]</i>	<i>P[7]</i>
<i>- Light Industrial</i>		
<i>- General Industrial</i>	<i>N</i>	<i>P</i>
<i>Call Centers</i>	<i>P</i>	<i>P</i>
<i>Railroad Yards</i>	<i>N</i>	<i>P</i>
<i>Research and Development</i>	<i>P</i>	<i>P</i>
<i>Warehouse / Freight Movement</i>	<i>P</i>	<i>P</i>
<i>Waste – Related</i>	<i>C</i>	<i>C</i>
<i>Wholesale Sales</i>	<i>P[7]</i>	<i>P[7]</i>

**RESPONSE**

The proposed storage facility is not listed as a Conditional or Prohibited use in the General Industrial zone. While mini storage is not specifically listed, this use would be similar to warehousing, which is a permitted use.

**10.3.530 INDUSTRIAL ZONE DEVELOPMENT STANDARDS**

*The development standards listed below are applicable to all development within the Light Industrial and General Industrial zones. Development within these zones shall also comply with all other applicable requirements of this Code, including the general development standards in Article 8.*

**TABLE 3-15**

<i>Industrial Zone Dimensional Requirements STANDARD</i>	<i>LI</i>	<i>GI</i>
<i>Minimum Lot Size</i>	<i>10,000 square feet</i>	<i>10,000 square feet</i>
<i>Minimum Lot Width</i>	<i>100 feet</i>	<i>100 feet</i>
<i>Minimum Lot Depth</i>	<i>None</i>	<i>None</i>
<i>Minimum Yard Setbacks [1]</i>	<i>None</i>	<i>None</i>
<i>Maximum Building Height [2]</i>	<i>None</i>	<i>None</i>

Footnotes:

- [1] A setback and buffer may be required where a LI or GI boundary abuts a less intensive zone. See screening and buffering standards in Article 8. When an industrial site is separated from a residential zone by either a dedicated public street, or a railroad main line or spur track, no setback shall be required in that yard adjacent to the residential zone.
- [2] Building height unlimited per the Building Code with the installation of a sprinkler system approved by the Forest Grove Fire Department in all buildings over two (2) stories.

## RESPONSE

The subject site is an existing lot, which contains 6.03 acres and exceeds all minimum lot standards shown in Table 3-15 for the GI zone.

### *10.3.540 ADDITIONAL INDUSTRIAL ZONE STANDARDS*

*A. Site Plan Review Required. Development in the LI and GI zones is subject to a Type II site plan review process.*

## RESPONSE

This application is for Site Plan Review, which complies with this requirement.

*B. Parking. Parking, loading and unloading areas shall not be located within a required setback area.*

*No loading or unloading facilities shall be located adjacent to a residential district if there is an alternative location of adequate size for loading and unloading facilities that is not adjacent to a residential district.*

## RESPONSE

This site is not adjacent to a residential district, and the proposed parking is outside of the required front yard setback.

*C. Performance Standards. No land or structure in the LI and GI zones shall be used or occupied unless there is continuing compliance with the standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents.*

## RESPONSE

The applicant understands this requirement and expects to fully maintain compliance.

*D. Solid Waste Collection Areas. Exterior solid waste dumpsters and solid waste collection areas must be screened from the public street and any abutting residential, commercial or town center zones.*

**RESPONSE**

The applicant is not proposing any solid waste collection area.

*E. Mechanical Equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting residential zone.*

**RESPONSE**

No ground mounted equipment is proposed.

***SITE DEVELOPMENT REVIEW***

***10.2.400 PURPOSE***

*The purpose of Site Development Review is to promote the general welfare and enhance the appearance and function of the City by careful attention to site planning.*

*While the underlying zoning district determines whether a particular use is permitted, site development review focuses on how a particular use will be developed. Site Development Review will focus primarily on site planning and design elements of a project.*

***10.2.410 APPLICABILITY***

*Site development review is required for the following:*

- A. All new development of vacant sites (with the exception of the exemptions listed below); or*
- B. An expansion of 20% or more of the existing building square footage on the development site;*
- C. A new parking lot or 20% expansion of an existing parking lot that is not associated with new commercial or multifamily development; or*
- D. Any change of use (according to use table of applicable zoning district).*
- E. As part of a Master Plan application (Section 10.4.100 et. seq).*
- F. As part of a Conditional Use permit application (Section 10.2.200).*
- G. As part of a Design Review application (Section 10.2.300 et. seq).*

***10.2.420 EXEMPTIONS***

*The following development is exempt from site development review:*

- A. Home occupations*
- B. Family day care*
- C. Accessory structures*

**RESPONSE**

The proposed development does not qualify for any of the listed Exemptions. This application is for Site Development Review, as required by this Section.

### **10.2.430 PROCEDURE**

*Site development review is categorized as a Type I procedure for one (1) single family detached dwelling on an individual lot; one (1) duplex on an individual lot; one (1) manufactured home on an individual lot. All other site development reviews shall follow the Type II procedure unless exempt.*

### **10.2.440 SUBMITTAL REQUIREMENTS**

*In addition to the standard submittal requirements for a Type II application, the following plans and information are required for Site Development Review. The Director may waive specific submittal requirements at the pre-application conference, if warranted.*

*Site Development Plans shall be drawn to scale and fully dimensioned, and shall illustrate the following:*

- A. Boundaries of the development site, with lot line dimensions and land area in square feet;*
- B. Boundaries of lots adjacent to the development site, with general locations of existing buildings and driveways and description of current land uses;*
- C. Existing contours of the development site at two (2) foot intervals for slopes of less than 10% and at ten (10) foot intervals for slopes of more than 10%. Additional contour data may be required by the Director for slopes greater than 20%.*
- D. Major existing physical and natural features such as perennial and intermittent streams, wooded areas, marshes, rock outcroppings, and vegetative cover types;*
- E. Environmental resource areas subject to the provisions in Section 10.8.305 and, where applicable, 10.5.005 et. seq. and environmental hazard areas subject to the requirements in Section 10.8.310.*
- F. Individual trees or groves of trees subject to the provisions of 10.5.100 et. seq.*
- G. Historic Landmarks subject to the provisions of 10.5.200 et. seq.*
- H Location, dimensions and heights of existing and / or proposed structures, including area in square feet and designation of existing and/or proposed use;*
- I. Setback dimensions from buildings to lot lines and lot coverage as a percentage of total lot size;*
- J. Location and dimensions of existing and/or proposed streets, driveways, transit facilities, sidewalks, trails, off-street parking and loading space, bicycle parking facilities, K. Location of existing utilities and fire hydrants adjacent to the site, including the size of storm sewer, sanitary sewer and water lines;*
- L. Location and names of public street, parks, utility rights-of-way and easements within or adjacent to the site;*
- M. Location and types of proposed drainage, water and sewer facilities to serve the development;*
- N. Elevation drawings of proposed buildings;*
- O. Landscape plan depicting existing and proposed trees, shrubs, groundcover, irrigation and architectural features such as fences or walls. Proposed plantings shall be designated as to species, quantities, and size at time of planting;*
- P. Location, character and dimensions of proposed signs and lighting; and*
- Q. Locations and dimensions of all existing and proposed outdoor storage areas, including but not limited to trash storage and recycling areas.*

### **RESPONSE**

The application includes all required submittal information, which will be confirmed by the City's "Completeness Review."

**10.2.450 REVIEW CRITERIA**

*The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:*

- A. The site development plan complies with all applicable standards of the base zoning district, any overlay district, and the applicable general development standards of Article 8.*

**RESPONSE**

The site development complies with the base GI zone standards, as addressed above. There is no overlay district applicable to this property.

Applicable general development standards of Article 8 are addressed below in this report.

- B. The site development plan ensures reasonable compatibility with surrounding uses as it relates to the following factors:*

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

**RESPONSE**

The proposed buildings are small scale storage facilities, which will not result in any substantial visual and/or privacy impacts to any nearby residential properties.

The proposed structures, parking lots, and use of the property will not result in any substantial off-site impacts such as noise, glare and odors. There are no adjacent residential uses, for which any mitigation would be necessary.

- C. The site development plan preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:*

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

**RESPONSE**

This site does not contain or otherwise affect any unique or distinctive natural features including, such as: significant on-site vegetation, trees, prominent topographic features, or sensitive natural resource areas such as wetlands, creek corridors and riparian areas. Therefore no mitigation is necessary.

- D. The site development plan preserves or adequately mitigates impacts to designated historic resources.*

## RESPONSE

The site does not contain any designated historic resources.

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

## RESPONSE

The site abuts Elm Street, which has an existing 68 foot right-of-way, and is fully paved, curb-to-curb, with offset sidewalk, along the site frontage. No additional right-of-way or street improvements are necessary.

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

## RESPONSE

There is an existing public sidewalk along the site frontage. There is no current transit service to this area, and the storage facility is not expected to generate any significant pedestrian traffic.

Access to the site is shared with the abutting property to the north, which is also a storage facility. The site plan provides for safe and appropriate vehicle access and circulation, while also safely accommodating the limited amount of pedestrian circulation anticipated.

### **ARTICLE 8 GENERAL DEVELOPMENT STANDARDS 10.8.000 OVERVIEW OF ARTICLE 8**

*This Article describes general development and improvement standards that apply to development authorized by this Code. In the event the standards of this Article conflict with the provisions of the base zoning district, the standards of this Article shall prevail.*

*The following list summarizes the topics covered in Article 8:*

*Access & Circulation  
Clear Vision Area  
Open Space, Recreation Facilities and Common Areas  
Hazard and Resources  
Landscaping, Screening and Buffering  
  
Off-Street Parking and Loading  
Public Improvements  
Building Design and Development Standards  
Lighting Standards  
Signs*

*Other Development Review Standards  
Land Division Standards  
Covenants, Conditions And Requirements*

*These headings can assist the user in locating information. The table of contents contains a complete list of the material included in this Article.*

**ACCESS AND CIRCULATION**

**10.8.100 PURPOSE**

*The purpose of this section is to establish standards and regulations for safe and efficient vehicle access and egress on a site and for general circulation within the site, including pedestrian circulation.*

**10.8.105 APPLICABILITY**

- A. When Provisions Apply. The provisions of this article shall apply to all development, including the construction of new structures, and the remodeling or new structures or a change of use which increases the on-site parking or loading requirements or which changes the access requirements.*
- B. When Site Plan/Design Review Is Not Required. Where the provisions of site plan review or design review do not apply to the proposed developments, the Director shall approve, approve with conditions, or deny an access plan submitted under the provisions of this Article in conjunction with another permit or land use action.*
- C. Conflict with Land Division Requirements. The requirements and standards of this article shall not apply where they conflict with the land division rules and standards of Article 6.*

**10.8.110 GENERAL PROVISIONS**

- A. Continuing Obligation of Property Owner. The provision and maintenance of access and egress stipulated in this section are continuing requirements for the use of any structure or parcel of real property in the City.*
- B. Access Plan Requirements. No building or other permit shall be issued until a scaled site plan is submitted that shows how access, egress and circulation requirements are to be fulfilled. The Director shall provide the applicant with information about the submittal requirements for an access plan.*
- C. Joint Access. Owners of two or more uses, structures, or parcels of land may agree to jointly use the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies their requirements as designated in this Article, provided:
  - 1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and*
  - 2. Copies of the deeds, easements, leases or contracts are placed on permanent file with the City.**

**RESPONSE**

This development is subject to Site Development Review, and these provisions have generally been addressed above. More specific responses are provided as follows.

This site shares access with the adjacent property to the north, and the two properties are under common ownership. Therefore no easements or access agreements are required.

- D. Public Street Access. All vehicular access and egress shall connect directly with a public or private street approved by the City for public use, except where joint access is provided through adjacent or other property which is connected to a street. Vehicular access to a residential use shall be provided within the same lot for single-family and two-family dwellings, and within the same lot or development for multi-family dwellings. Access to multi-family units shall avoid being located through single family residential areas before being connected to a collector or arterial as designated by the City's Transportation Plan.*
- E. Transit Agency Referral. The City shall submit all development proposals located along the Pacific Avenue/19th Avenue transit corridor to Tri-Met for review and comment regarding facilities necessary to support transit. The following facilities may be required as a condition of a permit:
  - 1. Walkways to transit stops;*
  - 2. Bus stop shelters or waiting areas;*
  - 3. Turnouts for buses.**
- F. Where hard surfaces are stipulated by these requirements, pervious surfaces are encouraged to be used. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.*
- G. Landscaped areas should include water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material when possible so as to cover landscape areas.*

## **RESPONSE**

This development is designed with direct vehicle connection to Elm Street, with a standard curbcut and driveway ramp. There is no transit service available to the site.

The Site Plan provides for a combination of gravel and paved surfaces.

The storm system is designed to connect with the existing on-site water quality facility.

### **10.8.115 ON-SITE PEDESTRIAN WALKWAYS**

- A. Required Walkways. On-site pedestrian walkways are required as follows:
  - 1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the public sidewalk or curb of the public street or streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Walkways shall be constructed between a new development and neighboring developments. If connections aren't currently available, then planned connections shall be designed to provide an opportunity to connect adjoining developments.*
  - 2. The maximum distance between a parking space and a walkway shall not exceed forty-five (45) feet. All walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of walkways shall be firm, stable and slip resistant.**

3. *Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Lighting and or signs may be required for walkways for safety purposes.*

4. *Whenever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six (6)-inch vertical separation (curbed) or a minimum three (3)-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than thirty-six (36) feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four (4) feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and signposts, and shall be in compliance with ADA standards.*

## **RESPONSE**

The proposed buildings are an expansion of the existing storage facility to the north. These buildings are not typical, in terms of having main front entry doors.

The north building is an open canopy structure, with no doors. The south building has individual doors for each storage unit. Consequently, pedestrian access from the street is not considered necessary or appropriate. The access to the storage units is provided by a paved loop drive, allow for direct access in front of each unit. Therefore the applicant believes they have met the requirements of this section to the degree practicable.

### ***10.8.125 MINIMUM ACCESS REQUIREMENTS FOR NON-RESIDENTIAL USES***

*A. Service Drives for Non-Residential Uses shall be fully improved with hard surface pavement with a minimum width of:*

*1. 15 feet when accommodating one-way traffic, or*

*2. 24 feet when accommodating two-way traffic.*

*B. All non-residential uses shall be served by one (1) or more service drives as determined necessary to provide convenient and safe access to the property. In no case shall the design of said service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.*

## **RESPONSE**

There is an existing driveway access to the facility, which is shared with the facility to the north. No new access is being created. Therefore these criteria are already met.

### ***CLEAR VISION AREA***

#### ***10.8.150 PURPOSE***

*The purpose of this section is to establish standards that will ensure proper sight distances at intersections to reduce the hazard from vehicular turning movements.*

### **10.8.155 STANDARDS**

*Except in the Town Center Core zone, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing vehicular access to a public street, excluding alleys.*

- A. On Corner Lots, no vehicle, fence, wall, hedge or other planting or structure shall be parked, erected, planted, placed, located or maintained, except for occasional tree trunks or poles, so as to impede visibility within the greater of the two clear vision areas defined below (see Figure 8-3):*
  - 1. The triangular area formed by the curb lines along such lots and a straight line joining said curb lines at points which are 30 feet distant from the intersection of the curb lines and measured along such lines; or*
  - 2. The triangular area formed by the property lines of such lots and a straight line joining said property lines at points which are 10 feet distant from the intersection of the property lines and measured along such lines.*
- B. A Private Access shall be treated as a public street for the purpose of this section. The edge of the paved surface area of the private access, be it roadway, curb or sidewalk, shall be treated as the curb line in determining the vision clearance area.*
- C. The vision clearance area for all commercial, industrial, institutional, and multi-family uses shall be determined in the manner set forth in subsection (A)(1) above.*
- D. The vision clearance area for single-family homes and duplexes shall be determined in the manner set forth in subsection (A)(2) above.*
- E. Any obstruction maintained in violation of this section shall be deemed in violation of the Development Code and shall be abated pursuant to Section 10.1.400 enforcement procedures.*

### **RESPONSE**

There is an existing driveway access to the facility, which is shared with the facility to the north. No new access is being created. Therefore these criteria are already met, except that the proposed new frontage landscaping will be designed to maintain the vision clearance triangle at the driveway.

### **LANDSCAPING, SCREENING & BUFFERING**

#### **10.8.400 PURPOSE**

*The purpose of this section is to establish standards for landscaping, buffering, and screening of land use within Forest Grove in order to enhance the aesthetic and environmental quality of the City:*

- A. By requiring street trees in new developments;*
- B. By using plant materials as a unifying design element;*
- C. By using plant materials to define spaces and articulate the uses of specific areas; and*
- D. By using trees and other landscape materials to mitigate the effects of noise and lack of privacy and provide buffering and screening.*

### **RESPONSE**

The proposed frontage landscaping will provide the appropriate screening of the adjacent off-street parking, consistent with the requirements of this section.

#### 10.8.415 GENERAL STANDARDS

- A. *Non-invasive native vegetation is encouraged to be used for all landscaping except within 100 feet of a natural resource area. In such situations, native vegetation is required.*
- B. *Installation of bio-swales or preservation of wetlands should be located where possible in landscaped areas.*
- C. *Required Landscaping Adjacent to Public Rights-Of-Way -- A strip of land at least 5 feet in width located between the abutting right-of-way and the off-street parking area or vehicle use area which is exposed to an abutting right-of-way, except in required vision clearance areas.*
- D. *Perimeter Landscaping Relating to Abutting Properties -- On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, where such areas will not be entirely screened visually by an intervening building or structure from abutting property, a 5-foot landscaped strip shall be between the common lot line and the off-street parking area or other vehicular use area exposed to abutting property. Landscaped areas should include where possible water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material so as to cover the landscape area.*
- E. *Parking Area Interior Landscaping -- Landscaped areas shall be appropriately distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. Except for industrial development within industrial zones, the following interior landscaping shall be met:*
  - 1. *Percentage Approach. For the purpose of this section, Interior Parking Lot Area is defined as the hard surface parking area (parking stalls and aisles). Such area does not include loading and unloading zones nor perimeter landscaping around the lot. Where perimeter landscaping intrudes into the parking lot four or more feet, that area is included in both the interior parking lot area and interior parking lot landscaping.*
  - 2. *A required landscaped area shall have a minimum interior dimension of 6 feet and be no less than 48 square feet in area.*
  - 3. *At least 8% of the Interior Parking Lot Area shall be landscaped. Landscaped areas may include water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material so as to cover the landscape area.*
  - 4. *One tree shall be required for every 1,600 square feet of Interior Parking Lot Area as defined in (1) above. Trees shall have a minimum 2-inch caliper and 6-foot branch height at time of planting.*
  - 5. *Interior parking area landscaping and trees must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed. Required trees may be planted within 5 feet of the edges of the parking area.*
  - 6. *Perimeter landscaping area may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends 4 feet or more into the parking area from the perimeter landscape line.*

#### RESPONSE

The applicant is proposed a 5 foot wide landscape strip along the site frontage, consistent with these provisions.

## **10.8.425 BUFFERING AND SCREENING STANDARDS**

### **A. General Provisions**

- 1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles;*
- 2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 8-2, 8-3 and 8-4). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening.*
- 3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the Director's approval as an alternative to the standards, provided it affords the same degree of buffering and screening as required by this code.*

### **B. Buffering and Screening Requirements**

- 1. A buffer consists of an area within a required setback adjacent to a property line and having a depth equal to the amount specified in the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses.*
- 2. Utilities, screening, sidewalks and bikeways, and landscaping may only occupy a buffer area. No buildings, accessways or parking areas shall be allowed in a buffer area except where an accessway has been approved by the City.*
- 3. The minimum improvements within a buffer area shall consist of combinations for landscaping and screening as specified in Tables 8-2, 8-3 and 8-4. In addition, improvements shall meet the following specifications:*
  - a. At least one (1) row of trees shall be planted. They shall have a minimum caliper of two (2) inches at four (4) feet in height above grade for deciduous trees and a minimum height of five (5) feet high for evergreen trees at the time of planting. Spacing for trees shall be as follows:*
    - 1. Small or narrow-stature trees, less than twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than twenty (20) feet apart;*
    - 2. Medium-sized trees between twenty-five to forty (25-40) feet tall and with sixteen to thirty-five (16-35) feet wide branching at maturity shall be spaced no greater than thirty (30) feet apart;*
  - 3. Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be spaced no greater than forty (40) feet apart.*
    - b. In addition, at least ten (10) five-gallon shrubs or twenty (20) one-gallon shrubs shall be planted for each 1,000 square feet of required buffer area;*
    - c. The remaining area shall be planted in lawn or other living ground cover.*

### **C. Screening: Special Provisions**

- 1. Screening and Landscaping Of Parking and Loading Areas. Screening and landscaping of parking and loading areas is required as provided in this Article.*
- 2. Screening of Service Facilities. Except for one-family and two-family dwellings, any service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight (5-8) feet in height.*
- 3. Screening of Refuse Containers. Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or*

*park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.*

*4. Screening of Swimming Pools. All swimming pools shall be enclosed as required by City of Forest Grove Building Code.*

**RESPONSE**

The applicant is proposed a 5 foot wide landscape strip along the site frontage, consistent with these provisions. The applicant is not proposing any on-site trash container.

*D. Buffer Matrix*

- 1. The Buffer Matrices contained in Tables 8-2, 8-3 and 8-4 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts.*
- 2. An application for an adjustment or variance to the standards required in Tables 8-2, 8-3 and 8-4 shall be processed as a Type I, II or III procedure, as regulated by Article 2 provisions for Adjustments and Variances.*

**TABLE 8-2: BUFFER MATRIX**

<b>PROPOSED USE DEVELOPMENT SITE → ABUTTING USE</b>	Single Units, Detached; Manufactured Units	Attached Single Units and Multifamily, 1- 5 Units; Duplexes	Attached Single Units and Multifamily, 5+ Units	Commercial and <u>Institutional</u> Zones (NC, CC, INST)	Town Center Zones (TCC, TCS, TCT)	Industr Zone (LI, G)
Detached Single Units; Manufactured Units	--	A	C	D	C	E
Attached Single Units and Multifamily, 1- 5 Units, Duplexes	A	--	B	D	C	E
Attached Single Units and Multifamily, 5+ Units	A	A	--	D	C	E
Commercial Zones (NC, CC)	C	C	C	--	A	D
Town Center Zones (TCC, TCS, TCT)	C	C	C	A	--	D
<u>Industrial Zones</u> (LI, GI)	D	D	D	B	A	--

**RESPONSE**

This is an industrial property, adjacent to industrial property on three sides. There are two tax lots to the south (500 & 800). Tax lot 500, furthest west is the AT Smith House, which is zoned Institutional, while TL 800 is zoned industrial. This phase of proposed development is limited to the eastern portion of Tax Lot 700, which abuts Tax Lot 700, with the same zoning. Therefore no buffering is required for this phase.

However, a Type 'B' Buffer will be required along the southern property line when the western portion of the site is developed, as it will abut the Smith House property. The Type 'B' buffer will be provided by a 10 foot wide planter strip, with trees spaced 30 foot on center, with living ground cover.

**OFF-STREET PARKING AND LOADING 10.8.500 PURPOSE A.** *Ensure Adequate Vehicle Parking. These parking requirements are intended to provide sufficient vehicle parking in close proximity to the various uses for residents, customers and employees, and to establish standards that will maintain the traffic carrying capacity of nearby streets. B. Adequate Capacity. These regulations are also intended to establish vehicle parking areas which have adequate capacity and which are appropriately located and designed to minimize any hazardous conditions on the site and at access points.*

## **RESPONSE**

Table 8-5 does not specify minimum parking for mini-storage. The closest category is warehousing. According to the warehousing category the two structures require a minimum of 13 parking spaces.

The Site Plan provides for 11 new spaces, along the site frontage, plus there are additional spaces provided on the connected lot to the north.

The applicant notes that this type of facility does not typically require customer parking, except when accounts are initially setup. Under normal use, the customer parks in front of his/her rented unit to load and unload. Therefore the proposed parking is considered more than adequate.

### **10.8.545 LANDSCAPING AND SCREENING**

*A. Purpose. The purpose of this section is to improve the appearance of off-street parking and open lot sales and service areas in Forest Grove and to protect and preserve the appearance, character, and value of the surrounding neighborhoods. It is also the purpose of this section to allow for increased seepage by providing openings in impervious surface; increased safety by breaking up large expanses of pavement; and increased shading to reduce overheating of car interiors, and reduce glare and radiation from large number of vehicles.*

*B. Applicability. This section is applicable to all areas used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use...*

## **RESPONSE**

This is an industrial property, adjacent to industrial property, so no buffering is required. The proposed frontage landscaping will provide the appropriate screening of the adjacent parking.

### **PUBLIC IMPROVEMENTS**

#### **10.8.60 PURPOSE**

*A. Purpose. The purpose of this chapter is to provide standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage.*

### ***11.8.610 STREETS***

#### **RESPONSE**

Elm Street is classified as a Collector Street in the City's Transportation System Plan (2013 TSP). The standards for an Industrial Collector are a 60 foot right-of-way, 40 foot paved section curb-to-curb, with on-street parking.

The existing street has a 68 foot right-of-way, with 40 foot paved section, and offset sidewalk, consistent with City collector standards.

### ***10.8.625 SANITARY SEWERS***

#### **RESPONSE**

This facility does not require any sewer service.

### ***10.8.630 WATER FACILITIES***

#### **RESPONSE**

Water service is provided for the limited uses of landscape irrigation.

### ***10.8.635 STORM DRAINAGE***

#### **RESPONSE**

The grading and storm drainage is designed to utilize the existing storm water quality facility, which was constructed for the improvements to the north. The facility is adequately sized to accommodate the new impervious cover.

### ***10.8.645 UTILITIES***

#### **RESPONSE**

All utilities will be undergrounded consistent with this section.

### ***LIGHTING STANDARDS***

#### ***10.8.750 PURPOSE***

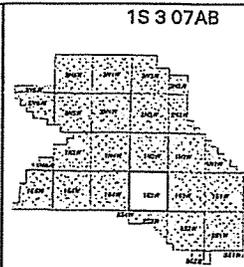
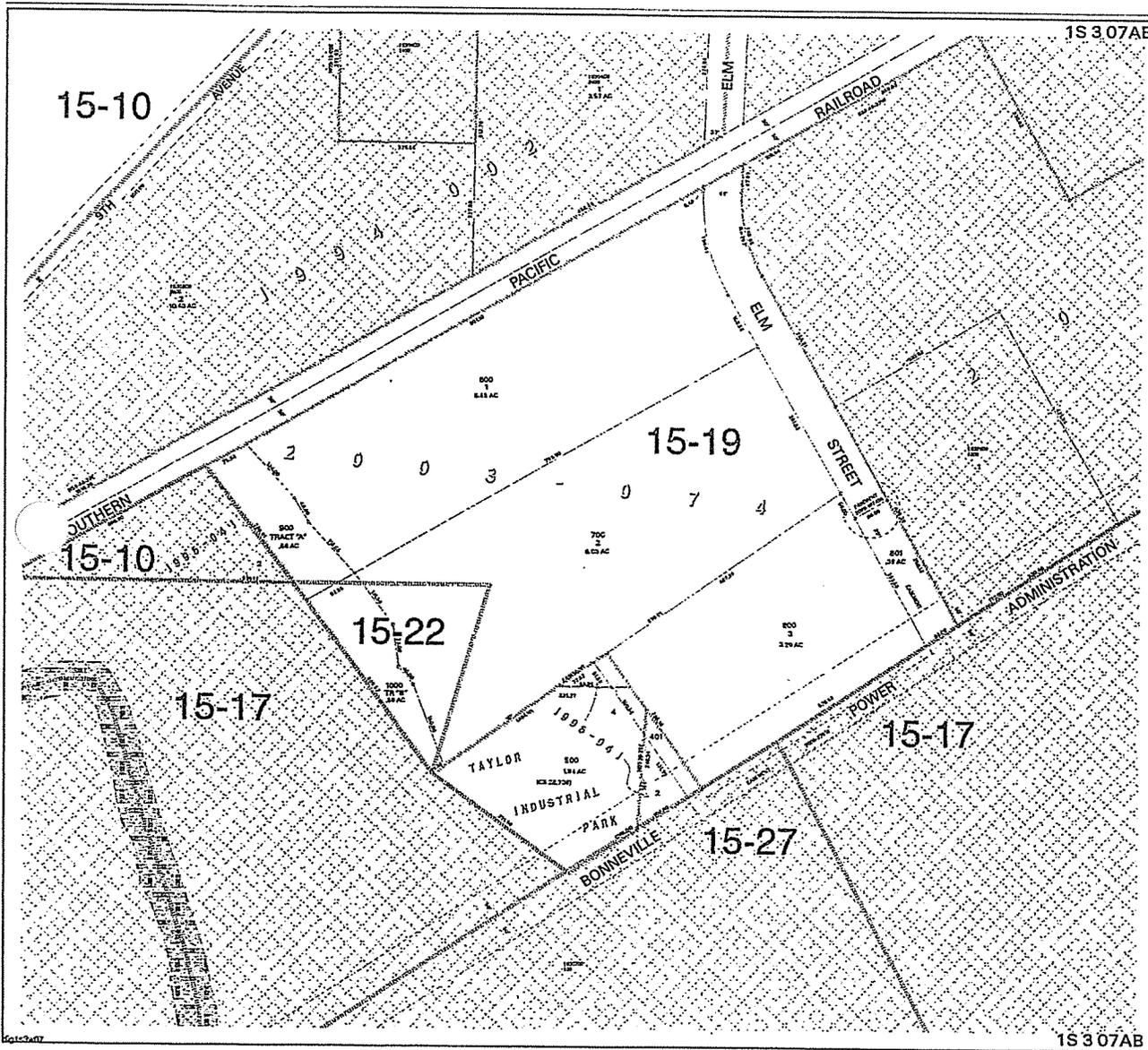
*Lighting should provide security, help create a lively environment at night and highlight building and landscape features. Lighting should create a pleasant and inviting environment to encourage the use of the town center at night. Utilitarian lighting at excessive height or that creating excessive glare is discouraged.*

## **RESPONSE**

There are no specific industrial lighting standards listed. The proposed buildings are equipped with appropriate security and safety lighting, primarily building mounted fixtures.

## **FINAL CONCLUSION**

Based on the Plans submitted, together with the findings presented herein, the applicant has demonstrated compliance with the applicable General Industrial zoning standards, Site Development Review, and General Development standards and approval criteria for the requested two buildings, with associated site improvements.



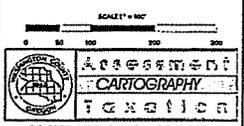
WASHINGTON COUNTY OREGON  
NW1/4 NE1/4 SECTION 07 T1S R3W W.M.  
SCALE 1" = 100'

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22	23	24	25	26	27	28
29	30	31	32	33	34	35
36	37	38	39	40	41	42

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)

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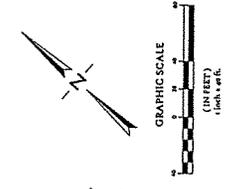
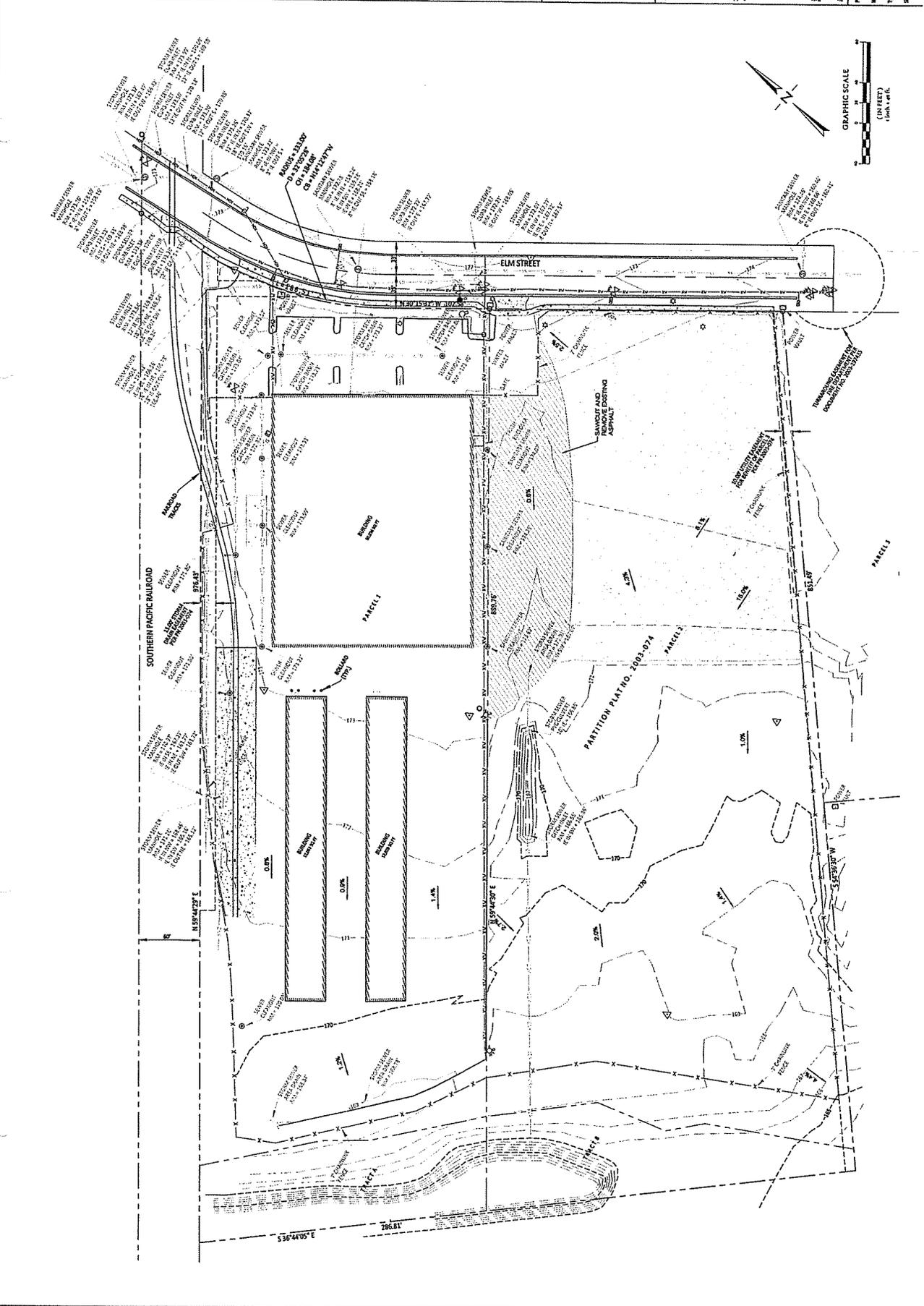
Cancelled Tablets For: 1S307AD  
101,202,303,400.



PLOT DATE: October 08, 2015  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE  
Map was prepared by a surveyor and is a true and correct  
picture and reference only and may not reflect the most  
current property boundaries. Please contact the assessor's office  
for the most current information.

FOREST GROVE  
1S 3 07AB

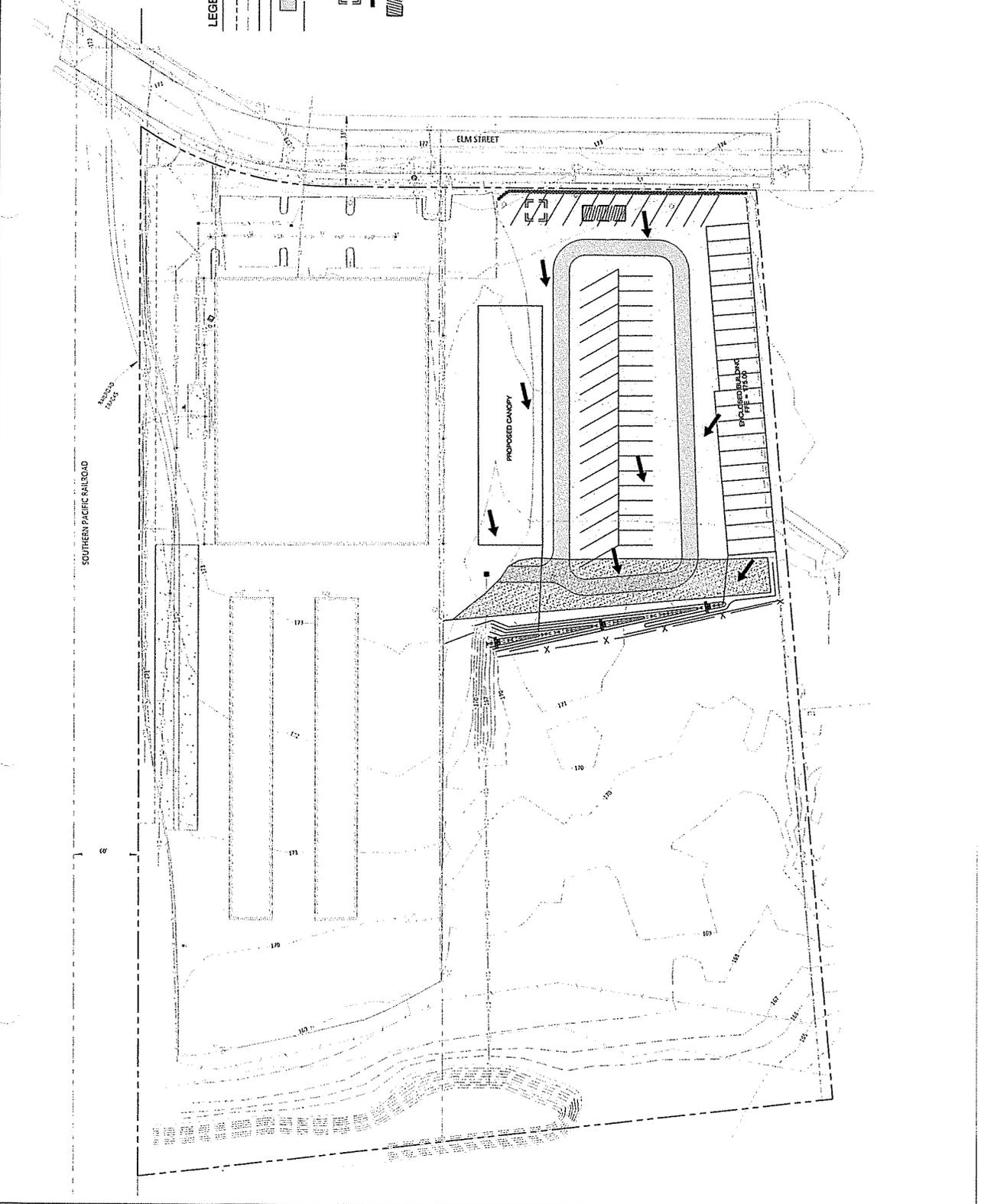


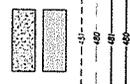


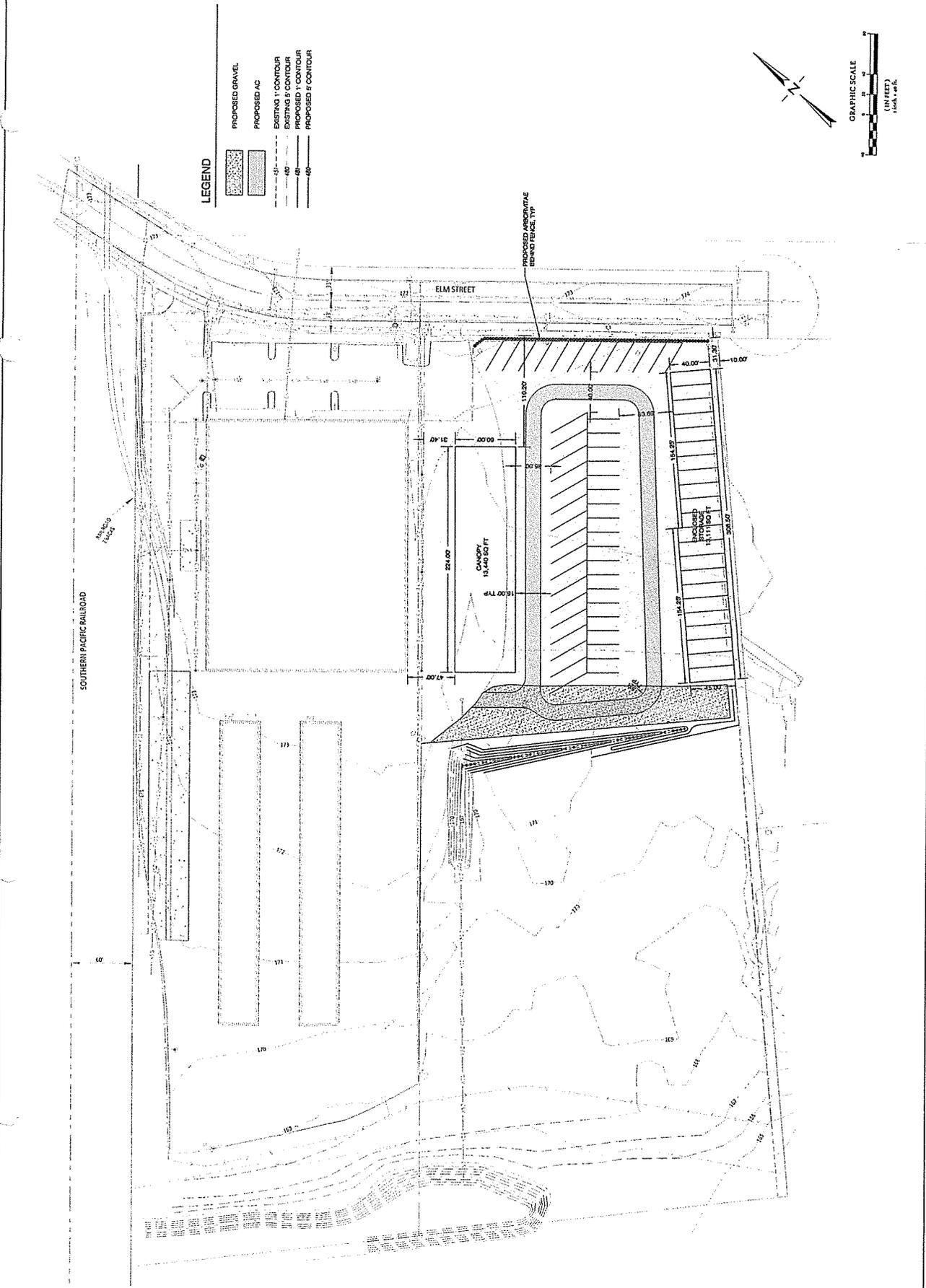
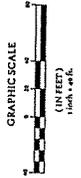
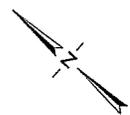
**LEGEND**

- 1' CONTOUR
- 2' CONTOUR
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- 100' CONTOUR

PROPOSED AC  
 PROPOSED SILT FENCE  
 PROPOSED SALT BAG  
 PROPOSED BIO-BAG  
 CONCRETE WASH-OFF AREA  
 DRAINAGE FLOW DIRECTION  
 STAGING, EQUIP. MANT, AND SOLID WASTE AREA



**LEGEND**  

  
 PROPOSED GRAVEL  
 PROPOSED AC  
 EXISTING 1' CONTOUR  
 EXISTING 2' CONTOUR  
 PROPOSED 1' CONTOUR  
 PROPOSED 2' CONTOUR



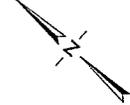
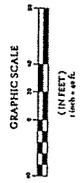
Project: FOREST GROVE STORAGE  
No.: 231-001  
Type: UTILITIES  
Sheet

No. Date Revision

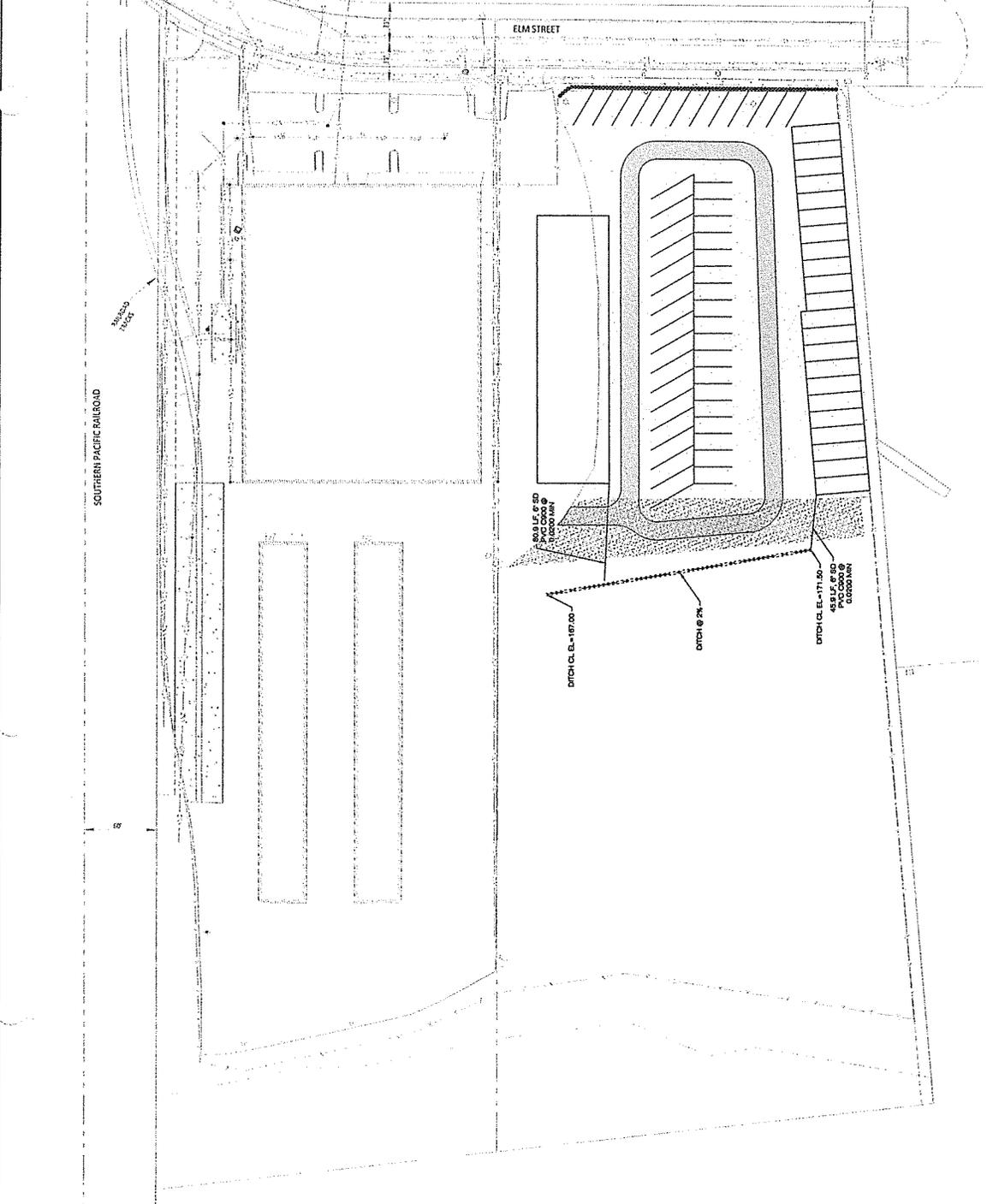
Designed by: EBT Date: 2/20/15  
Drawn by: FMA Date: 2/20/15  
Reviewed by: EBT Date: 2/20/15  
Project No.: 231-001  
Rev.: 001  
Virt. Scale: N/A  
1111 Building

UTILITY PLAN  
CITY OF FOREST GROVE, OREGON

PIONEER DESIGN GROUP, INC.  
14211 NE  
PORTLAND, OREGON 97223  
P.D.G.  
5025 SW WASHINGTON SQUARE, SUITE 100  
PORTLAND, OREGON 97223  
www.pdg.com



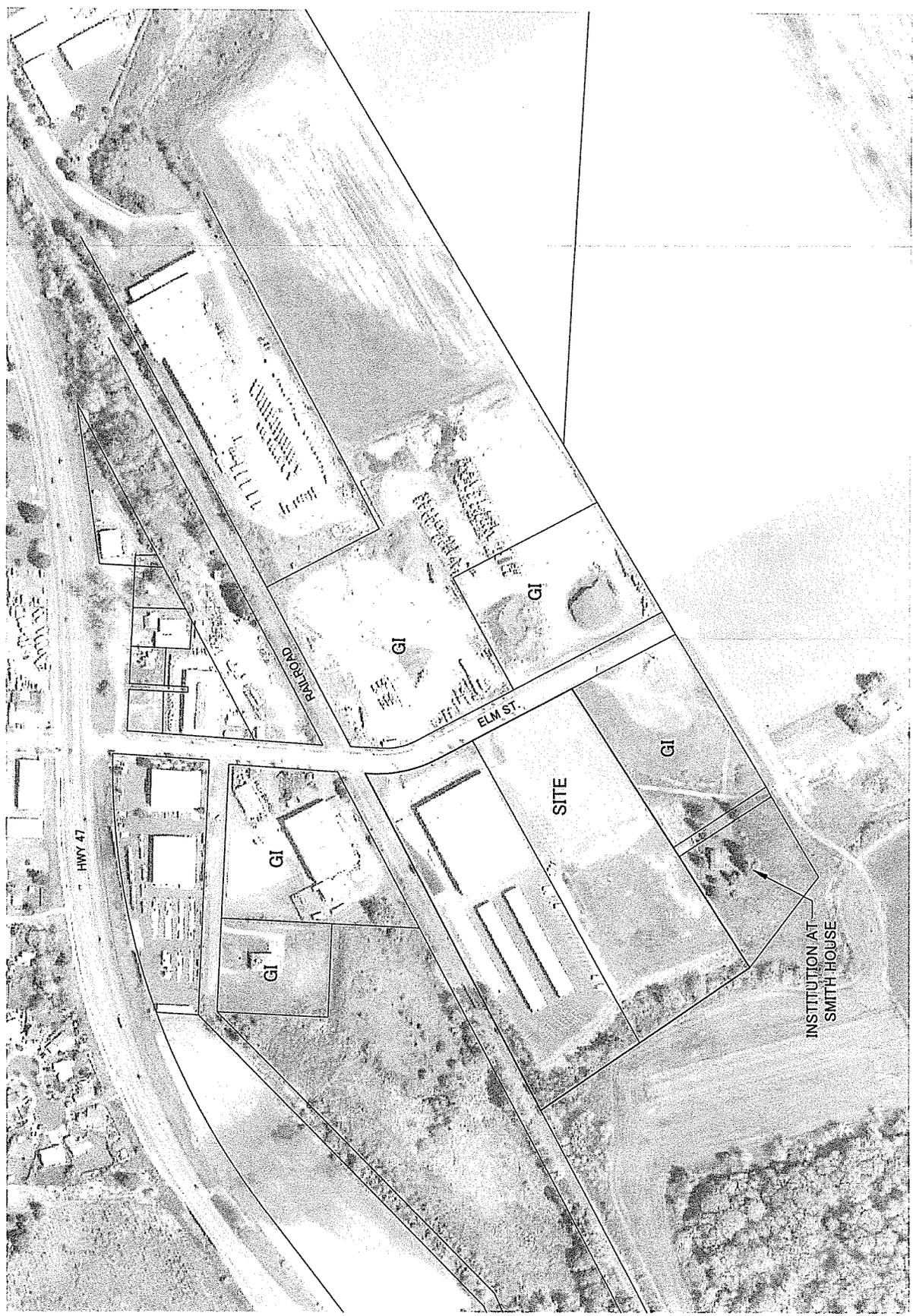
LEGEND  
PROPOSED STORM SEWER



Designed by	JEK	DATE	2/2018
Drawn by	DM	DATE	2/2018
Reviewed by	MS	DATE	2/2018
Project No.	311-001	MS.	
North Scale	N/A		
Units	Feet		

CITY OF FOREST GROVE, OREGON  
SURROUNDING USES

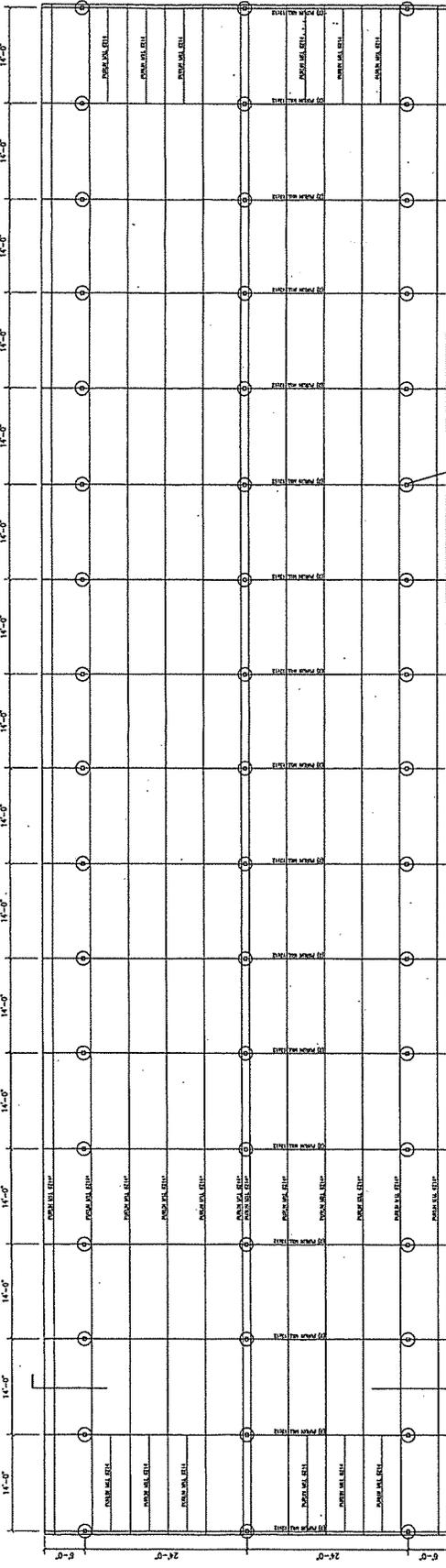
2025 2ND WASHINGTON SQUARE RD.  
SUITE 130  
PORTLAND, OREGON 97223  
PIONEER DESIGN GROUP, INC.  
DESIGNED BY  
P.D.G.



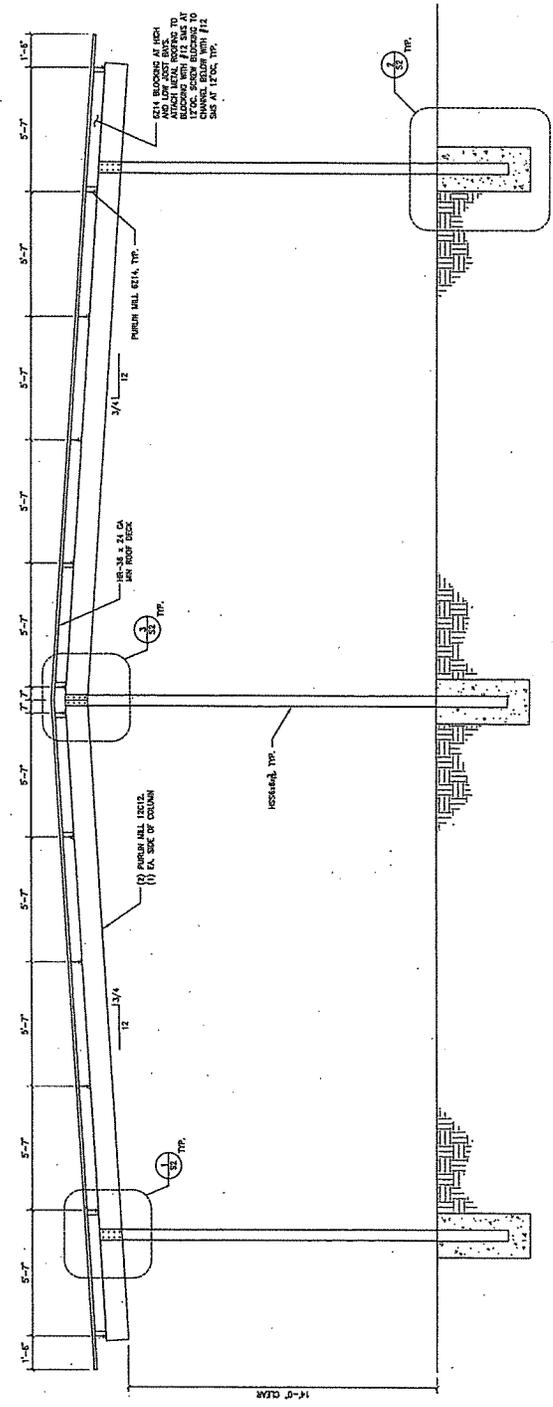


RV CANOPY  
 MODULAR MINI STORAGE  
 FOREST GROVE, OREGON

PROJECT NO: 15219.00  
 SHEET: S1  
 DATE: 10/15/2014  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]



1 RV CANOPY -- PLAN VIEW  
 1/8" = 1'-0"



2 RV CANOPY -- SECTION VIEW  
 3/8" = 1'-0"

**GENERAL NOTES**

1. REFER TO THE REQUIREMENTS OF THE 2012 INTERNATIONAL BUILDING CODE (IBC).

2. DESIGN AND CONSTRUCTION SHALL BE BASED ON THE STRENGTH AND DEFLECTION CRITERIA OF THE 2012 IBC. IN ADDITION TO THE DEAD AND LIVE LOADS, THE DESIGN SHALL BE BASED ON THE DEAD AND LIVE LOADS REDUCED PER IBC.

3. DEAD LOAD = 2.0 PSF CANOPY

4. WIND VELOCITY = 130 MPH, EXPOSURE B

5. SNOW LOAD = 25 PSF

6. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR UNUSUAL CONDITIONS BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS TO BE INSTALLED BY OTHER TRADES.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES TO REMAIN. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR UNUSUAL CONDITIONS BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS TO BE INSTALLED BY OTHER TRADES.

8. ALL STEEL SHALL HAVE SHEAR CONNECTIONS TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

9. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

10. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

11. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

12. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

13. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

14. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

15. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

16. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

17. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

18. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

19. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.

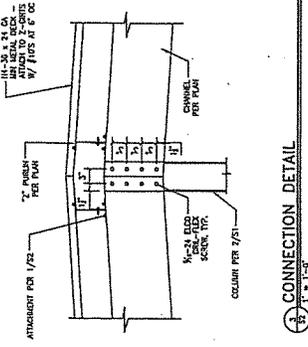
20. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES AND WALLS. ALL STEEL SHALL BE WELDED TO EXISTING STRUCTURES FOR STABILITY UNDER THE FINAL CONFIGURATION ONLY.



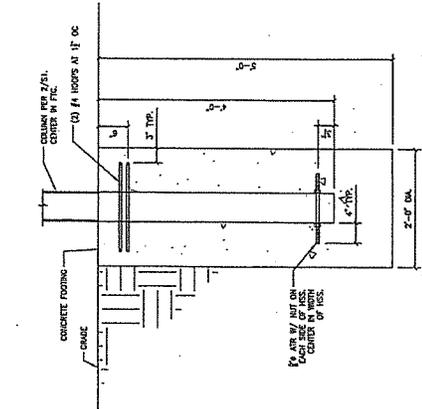
REVISED:  
 APPROVED:

DATE: 08/14/14  
 DRAWN BY: JLD  
 CHECKED BY: JLD  
 SCALE: 1/8" = 1'-0"

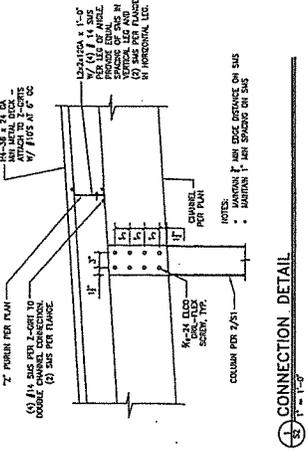
PROJECT No. 15219.00  
 SHEET: S2



1 CONNECTION DETAIL  
 1/4" = 1'-0"



2 CONCRETE FOOTING DETAIL  
 1/4" = 1'-0"

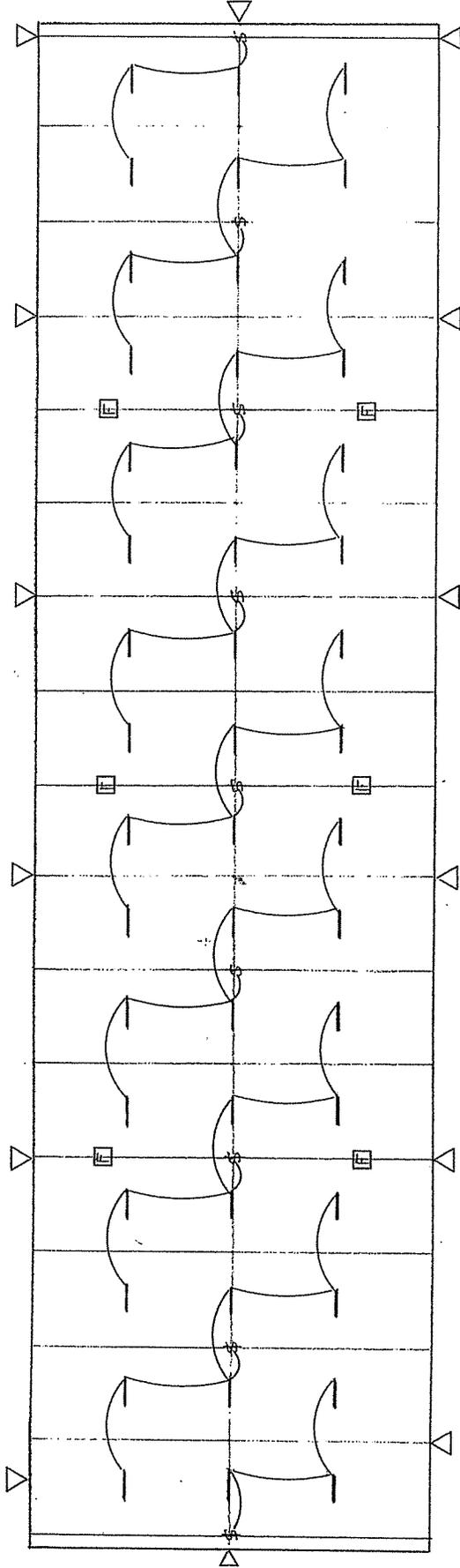


3 CONNECTION DETAIL  
 1/4" = 1'-0"

NOTES:  
 • MAINTAIN 1/2" MIN. EDGE DISTANCE ON SWS  
 • MAINTAIN 1" MIN. SPACING ON SWS

**FOREST GROVE STORAGE**  
 620 ELM STREET  
 FOREST GROVE, OREGON

**CANOPY LIGHTING PLAN**



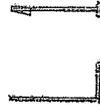
Scale 1" = 16'

ATLAS WALL PACK  
 MODEL WLM 43 LED or equal  
 On photo switch or timer

FLUORESCENT STRIP FIXTURE  
 2-lamp T8 32w  
 grouped maximum of six fixtures  
 per occupancy sensor switch with manual override

FIRE EXTINGUISHER

MODULAR MIN STORAGE  
 1/05/16



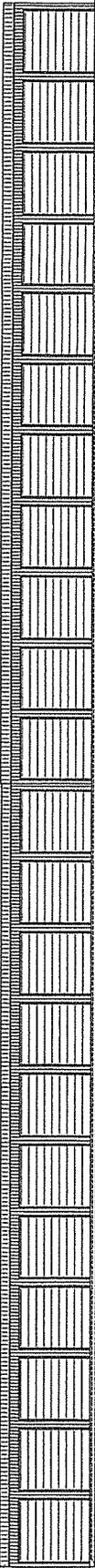


FOREST GROVE STORAGE  
 MODULAR MINI STORAGE  
 FOREST GROVE, OREGON

REVISIONS:

DATE: 12/15/2018  
 DRAWN BY: [Redacted]  
 CHECKED BY: [Redacted]  
 SHEET: S1.1

PROJECT NO.: 15219.01  
 ELEVATIONS



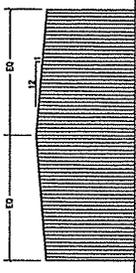
1.1 FRONT ELEVATION  
 3/8" = 1'-0"

NOTE: ELEVATION VIEW IS FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO PLAN VIEW AND SECTION VIEWS FOR STRUCTURAL INFORMATION.



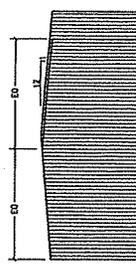
1.2 BACK ELEVATION  
 3/8" = 1'-0"

NOTE: ELEVATION VIEW IS FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO PLAN VIEW AND SECTION VIEWS FOR STRUCTURAL INFORMATION.



1.3 SIDE ELEVATION  
 3/8" = 1'-0"

NOTE: ELEVATION VIEW IS FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO PLAN VIEW AND SECTION VIEWS FOR STRUCTURAL INFORMATION.

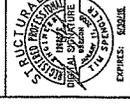


1.4 SIDE ELEVATION  
 3/8" = 1'-0"

NOTE: ELEVATION VIEW IS FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO PLAN VIEW AND SECTION VIEWS FOR STRUCTURAL INFORMATION.

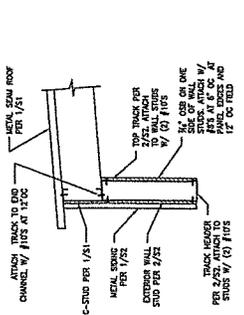




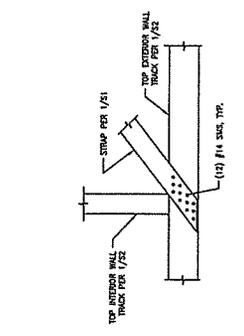


REVISIONS:  
 DATE: 08/20/2014  
 DRAWN BY: J. L. BROWN  
 CHECKED BY: J. L. BROWN  
 SCALE: AS SHOWN

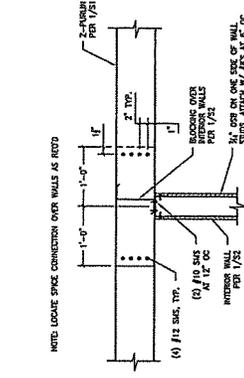
S3  
 DETAILS  
 15219.01



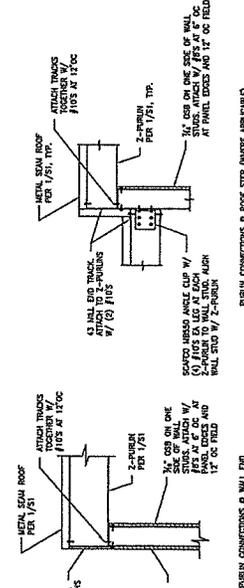
1. DOOR FRAMING CONNECTION  
 1/4\"/>



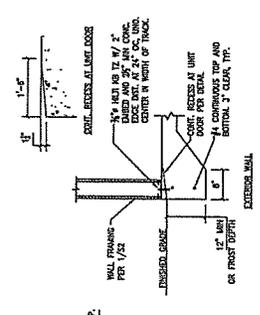
2. STRAP END CONNECTION  
 NOTE: ATTACH STRAP TO INTERIOR FRAMING WITH (2) #14S  
 1/4\"/>



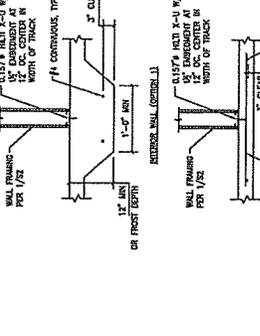
3. LAP SPLICE CONNECTION  
 NOTE: LOCATE SPLICE CONNECTION OVER WALLS AS NOTED  
 1/4\"/>



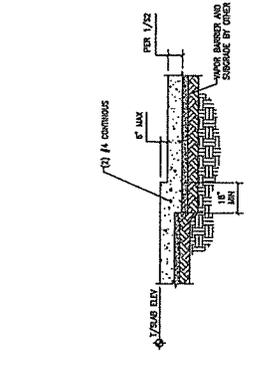
4. WALL CONNECTION DETAIL  
 PIERCE CONNECTIONS & ROOF STEP INSIDE APPROXIMATELY  
 1/4\"/>



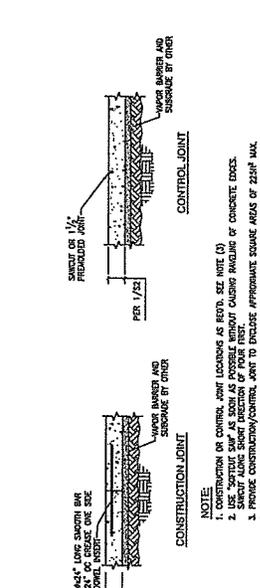
5. TYPICAL DEPRESSED SLAB DETAIL  
 3/4\"/>



6. TYPICAL SLAB DETAIL AT WALL  
 3/4\"/>



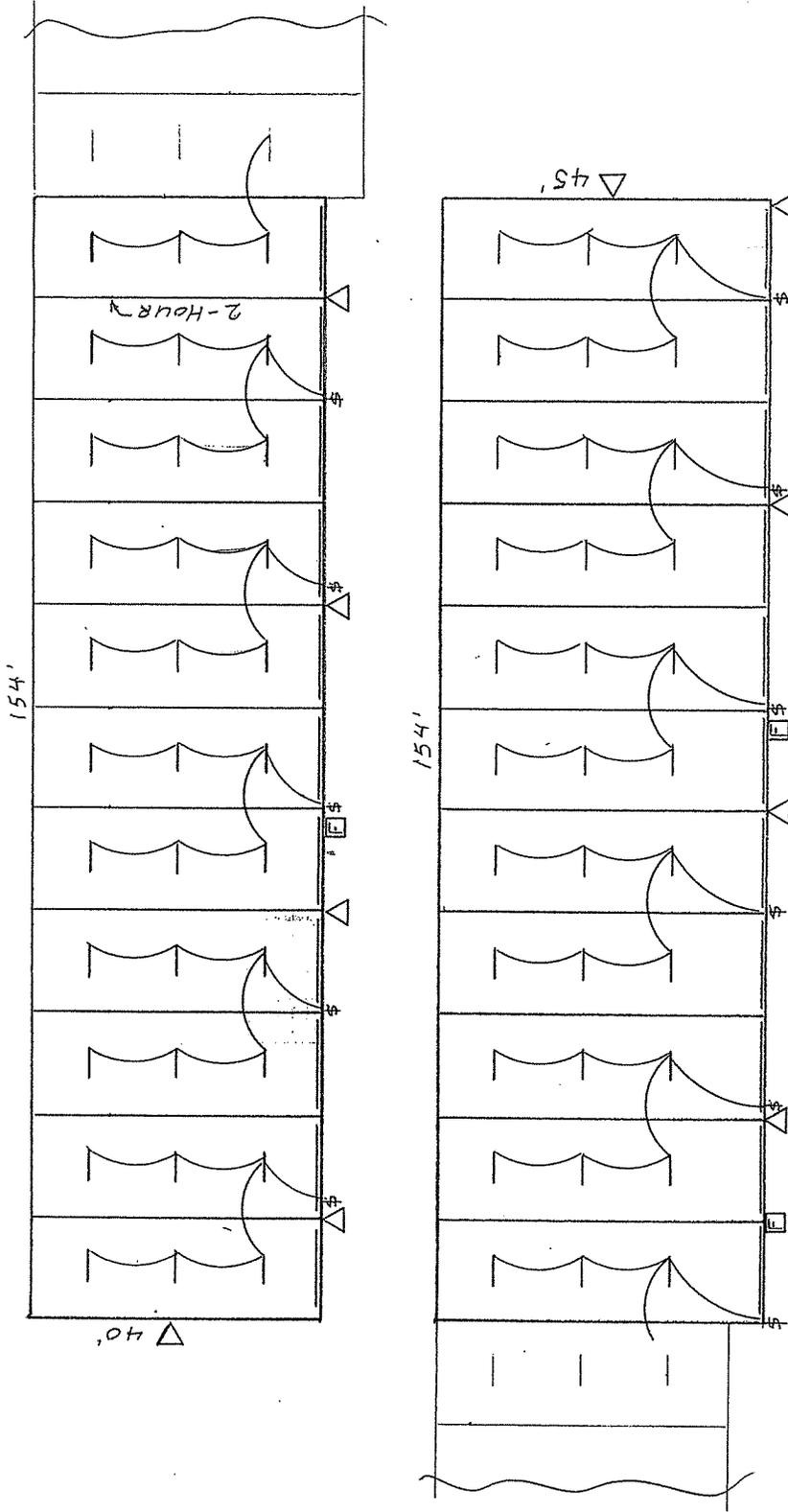
7. TYPICAL DEPRESSED SLAB DETAIL  
 3/4\"/>



8. TYPICAL SLAB ON GRADE AND JOINT DETAILS  
 3/4\"/>

NOTE:  
 1. USE 1/2\"/>

FOREST GROVE STORAGE  
 620 ELM STREET  
 FOREST GROVE, OREGON  
 RV STORAGE BUILDING



▲ ATLAS WALL PACK  
 MODEL WLM 43 LED or equal  
 On photo cell or timer switch

— FLUORESCENT STRIP FIXTURES  
 2-lamp T8 32 watt, grouped six fixtures  
 Per twistlock timer switch

[E] FIRE EXTINGUISHER

SCALE 1" = 16'  
 DATE 01/18/16  
 INTERIOR & EXTERIOR LIGHTING PLANS

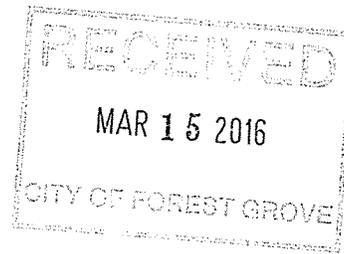
DRAWN BY T W  
 REVISED

DRAWING NO. **L1**

## ATTACHMENT 2

### FRIENDS OF HISTORIC FOREST GROVE LETTER

March 15, 2016



Friends of Historic Forest Grove  
PO Box 123  
Forest Grove, OR 97116  
March 13, 2016

James Reitz, Senior Planner  
Community Development Department  
City of Forest Grove

Dear Sir:

We appreciate the notice we received from the city informing us of the intention of Columbia Self-Storage to enlarge the scope of their facilities. This includes adding both enclosed and outdoor storage facilities to their property. We also are grateful that the city of Forest Grove has in the past been diligent in protecting the interests of the historic landmark known as the AT Smith House.

As you know, we are working, as we have for the past many years, to develop this property for the benefit of our residents, and for Forest Grove residents of the future. One of our concerns is that drainage problems might result from further development of the storage facilities. We have seen increased water pooling on the land to the south of the RV facility, perhaps because the berms have directed it that way. Now the city-owned property next to the Smith house is vacant, but what will be the impact future plans for that property and for our landmark house? Once again, we think the landscaping will be critical.

In addition, we know that the development will comply with all of the requirements of the Development Code, and we are simply voicing our hopes that there will be particular attention paid to the landscaping of the project. There is nothing anyone can do to change the fact that our landmark property is in an industrial area. Still, our goal is to entice tourists to visit the Smith House, and we hope everyone realizes it is to the city's benefit to keep the Smith House as "green" and attractive as possible. We are now refining our vision for the house in order to proceed with restoration to make the property a self-sustaining draw for visitors. We believe that all of Forest Grove will benefit from the beautification of the area surrounding the Smith House.

Thank you for your support.

Sincerely,

*Diane Morris, President*

The Board of Directors of FHFG  
Friends of Historic Forest Grove

# ATTACHMENT 3

## REVISED SITE PLAN APPLICATION

LETTER OF TRANSMITTAL



CIVIL LAND USE PLANNING SURVEY  
 P 503.643.8286 F 844.715.4743 www.pd-grp.com  
 9020 SW Washington Square Rd Suite 170  
 Portland, Oregon 97223

<b>Date:</b>	3-17-16	<b>Job No:</b>	311-001
<b>Attention:</b>	Dan Riordan, Senior Planner		
<b>RE:</b>	Revised Site Plan Review – Forest Grove Storage Application		

<b>To:</b>	City of Forest Grove Building Department 1924 Council Street Forest Grove, OR 97116
------------	--

- WE ARE SENDING YOU VIA:  Messenger  U.S. Mail  Overnight Courier  Hand Deliver
- Shop Drawings  Prints  Samples  Specifications  Plans
- Copy of Application  Change Order  Calculations

COPIES	DATE	NO.	DESCRIPTION
1	3-14-16		Revised Site Plan – Forest Grove Storage Application

THESE ARE TRANSMITTED as checked below:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> For your use                    | <input type="checkbox"/> Approved as submitted    | <input type="checkbox"/> Resubmit _____ copies for approval   |
| <input type="checkbox"/> For your approval               | <input type="checkbox"/> Approved as noted        | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested                    | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints        |
| <input checked="" type="checkbox"/> For review & comment | <input type="checkbox"/>                          |   |
| <input type="checkbox"/> For BIDS DUE _____, 20__        | PRINTS RETURNED AFTER LOAN TO US                  |   |

REMARKS

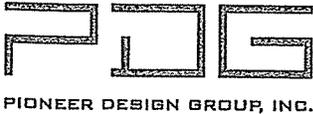
Dan: I just realized the Revised Site Plan we submitted to you did not clearly identify the proposed fencing for the Open Grow area, please see attached.

This Revised Site Plan provides more detail relative to the Ag Grow Area, including structures and perimeter 8 foot tall (screened) fencing.

<b>Copy To:</b>		<b>Signed:</b>	Ben Altman Senior Planner/Project Manager <a href="mailto:baltman@pd-grp.com">baltman@pd-grp.com</a>
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LETTER OF TRANSMITTAL



CIVIL LAND USE PLANNING SURVEY  
 P 503.643.8286 F 844.715.4743 www.pd-grp.com  
 9020 SW Washington Square Rd Sulte 170  
 Portland, Oregon 97229

Date:	3-14-16	Job No:	311-001
Attention:	Dan Riordan, Senior Planner		
RE:	Revised Site Plan Review – Forest Grove Storage Application		

To:	City of Forest Grove Building Department 1924 Council Street Forest Grove, OR 97116
-----	--

- WE ARE SENDING YOU VIA:  Messenger  U.S. Mail  Overnight Courier  Hand Deliver
- Shop Drawings  Prints  Samples  Specifications  Plans
- Copy of Application  Change Order  Calculations

COPIES	DATE	NO.	DESCRIPTION
1	3-14-16		Revised Site Plan Review – Forest Grove Storage Application

THESE ARE TRANSMITTED as checked below:

- For your use  Approved as submitted  Resubmit \_\_\_\_\_ copies for approval
- For your approval  Approved as noted  Submit \_\_\_\_\_ copies for distribution
- As requested  Returned for corrections  Return \_\_\_\_\_ corrected prints
- For review & comment
- For BIDS DUE \_\_\_\_\_, 20\_\_ PRINTS RETURNED AFTER LOAN TO US

<p><b>REMARKS</b></p> <p>Dan: Based on our meeting on March 10<sup>th</sup>, we have revised the Site Plan Review documents to add the proposed Ag Use (Open Grow) on the undeveloped portion of the two tax lots.</p> <p>I have attached our revised application packet, and will deliver 10 additional copies, for site improvements at Forest Grove Storage on Elm Street, probably tomorrow.</p> <p>We Also anticipate submitting the separate application, with check in the amount of \$156.55 for the proposed Property Line Adjustment we discussed.</p>
--

Copy To:		Signed:	Ben Altman Senior Planner/Project Manager baltman@pd-grp.com 
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Clean Water Services File Number

16-000933

### Sensitive Area Pre-Screening Site Assessment

1. Jurisdiction: Forest Grove

2. Property Information (example 1S234AB01400)

Tax lot ID(s): 1S307AB00600 & 00700

Site Address: 620 Elm Street

City, State, Zip: Forest Grove, OR 97116

Nearest Cross Street: Hwy 47

3. Owner Information

Name: Wayde Elliott

Company: \_\_\_\_\_

Address: 34509 Millard Road

City, State, Zip: Warren, Oregon 907053

Phone/Fax: 503-396-1778

E-Mail: \_\_\_\_\_

4. Development Activity (check all that apply)

- Addition to Single Family Residence (rooms, deck, garage)
- Lot Line Adjustment  Minor Land Partition
- Residential Condominium  Commercial Condominium
- Residential Subdivision  Commercial Subdivision
- Single Lot Commercial  Multi Lot Commercial
- Other \_\_\_\_\_
- General Industrial

5. Applicant Information

Name: Ben Altman

Company: Pioneer Design Group

Address: 9020 SW Washington Sq. Rd. # 170

City, State, Zip: Portland, OR 97223

Phone/Fax: 971-708-8258

E-Mail: baltman@pg-grp.com

6. Will the project involve any off-site work?  Yes  No  Unknown

Location and description of off-site work \_\_\_\_\_

7. Additional comments or information that may be needed to understand your project \_\_\_\_\_

Adjusted Lot 700 is in review for site development for RV Storage.

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/Type Name Ben Altman Print/Type Title Senior Planner

ONLINE SUBMITTAL

Date 3/10/2016

#### FOR DISTRICT USE ONLY

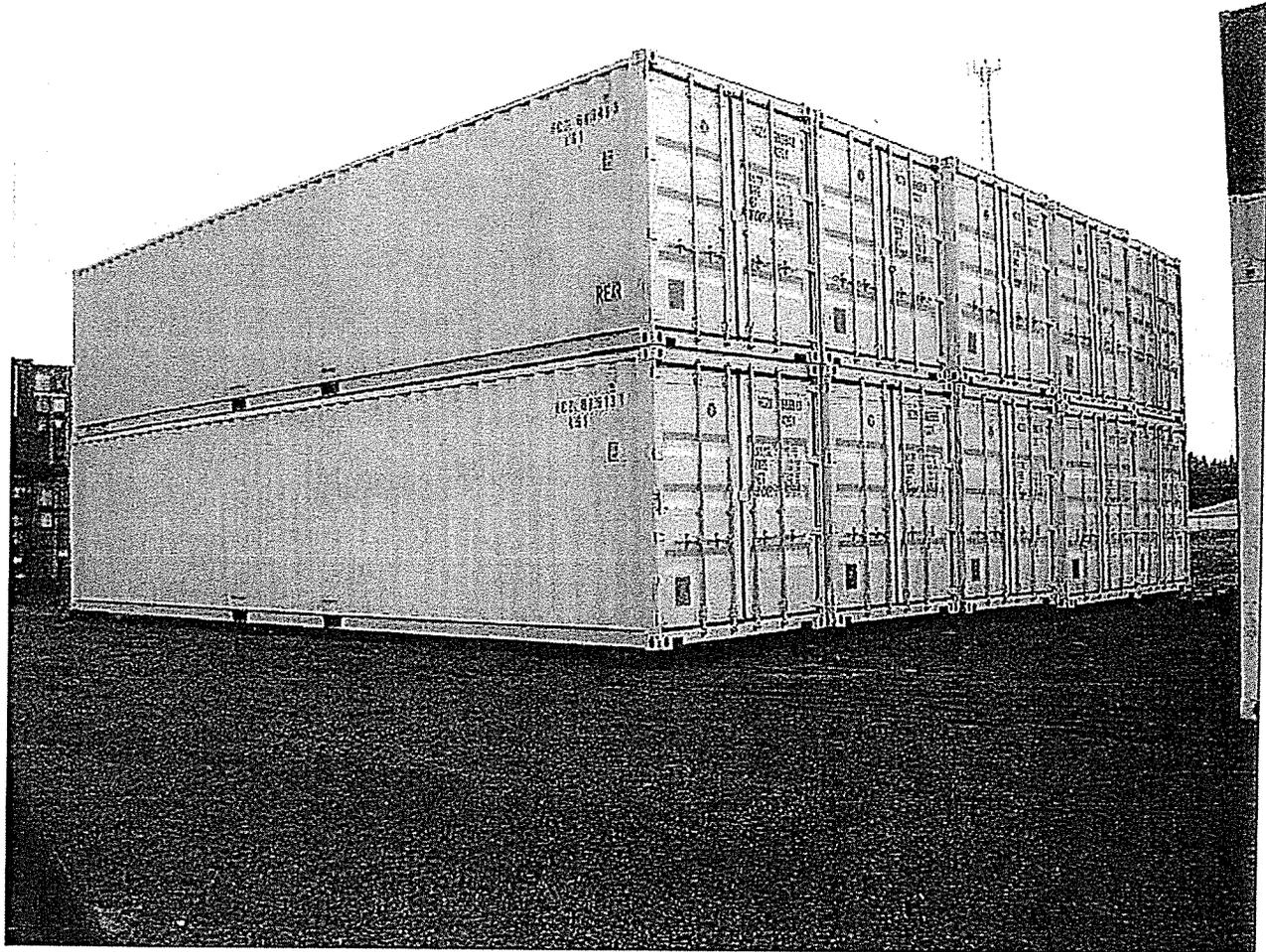
- Sensitive areas potentially exist on site or within 200' of the site. THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER. If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Based on review of the submitted materials and best available information Sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.
- Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- This Service Provider Letter is not valid unless \_\_\_\_\_ CWS approved site plan(s) are attached.

The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Partition Plat 2003-074

Reviewed by Laurie Harris Date 03/14/16





**Conex:**

Conexs are required by OLCC for secured storage facility, which are used for storing, drying and processing of the harvested plants.

The applicant proposes to utilize 2 10'x40' steel shipping containers to function as the Conexs. The containers will be typical of those shown above.

CITY OF FOREST GROVE  
LAND USE REVIEW APPLICATION FOR:

# FOREST GROVE STORAGE

## Site Plan Review RV Storage Addition & Open Grow Agricultural Use

Tax Lots 600 & 700, T1S R3W07AB  
620 Elm Street

February 23, 2016  
Revised March 14, 2016

**OWNER/APPLICANT:**

Wayde Elliott  
34509 Millard Road  
Warren, Oregon 97053  
Ph: (503) 503-396-1778  
Contact: Wayde Elliott

**APPLICANT'S REPRESENTATIVE:**

Pioneer Design Group, Inc.  
9020 Washington Square Drive, Suite 170  
Portland, OR 97223  
Ph: (503) 971-708-6258  
Contact: Ben Altman

## INTRODUCTION

In a separate, but related action, the applicant has filed for a Property Line Adjustment between Tax Lots 600 & 700, Map T1S R3W 07AB.

The subject site is specifically identified as Tax Lots 600 & 700, T1S R3W 07AB Washington County Tax Map. The two properties contain approximately 11.48 Acres (499,920 sf). The current zoning is GI-General Industrial. With the Adjustment, Lot 600 is increased by 86,815 square feet, and Lot 700 is decreased by the same amount.

The eastern 2/3 of adjusted TL 700, is proposed for an addition to the existing storage facility, located on the TL 600 to the north. These proposed improvements require Site Plan Review.

The undeveloped portion of the two Adjusted lots is proposed to be used for commercial agriculture (open grow operation). The City has determined that the ag use is Permitted in the GI zone, but constitutes a "Change of Use" from the prior undeveloped nature of the property to active farm use. Therefore Site Plan Review is also required for this portion of the site.

Consequently, the initial application, submitted on February 23<sup>rd</sup> is being amended to add the Ag use, and associated site improvements.

## REQUESTED LAND USE APPROVAL

The applicant is requesting the following Land Use Approvals for Site Plan Review:

### Adjusted East Area of TL 700:

- Two Structures:
  - one enclosed structure containing 13,111 square feet; and
  - one canopy structure containing 13,440 square feet;
- paved loop drive access isle; and
- frontage landscaping.

### Adjusted West Areas of Tls 600 & 700:

- The undeveloped portions of both tax lots is proposed for temporary, seasonal agriculture, specifically open growth of marijuana.
- Site improvements will be limited to:
  - Water line extension for irrigation;
  - Perimeter fencing (security);
  - Security surveillance cameras;
  - Perimeter security fencing 8 to 10 feet (chain link, with screening); and
  - Gravel access drive, through storage facility, utilizing existing gated access from Elm Street

## CODE COMPLIANCE

The following narrative and supporting Exhibits demonstrate that the proposed industrial development is in compliance with the applicable provisions of the City of Forest Grove Development Code. The site is zoned General Industrial.

### **INDUSTRIAL ZONES**

#### **10.3.500 PURPOSE**

*The City of Forest Grove has established two industrial zones to implement the Industrial designation of the Comprehensive Plan. Non-industrial uses are restricted to protect industrial lands for employment and to minimize land use conflicts.*

#### **10.3.510 LIST OF INDUSTRIAL ZONES**

##### **A. Light Industrial (LI)**

*The LI zone is intended for a wide variety of manufacturing and other industrial uses with controlled external impacts. These types of industries are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing. Industrial activities occur within enclosed buildings. On a limited basis, supporting commercial and office uses are permitted in the LI zone.*

##### **B. General Industrial (GI)**

*The GI zone is intended for industrial uses that are generally not compatible with residential development because of their operational characteristics. This district is also intended for uses that may require extensive outdoor areas to conduct business activities or for product storage or display. General industrial uses include those involved in the processing of raw materials into refined products and/or industrial uses that have external impacts. The purpose of this district is to permit the normal operations of any industry that can meet and maintain compliance with established state and federal performance standards. The district is intended to contain supportive retail development. Commercial or retail uses that do not primarily serve the needs of people working or living in the employment and industrial areas are prohibited in this district. New residential uses are not permitted in the GI zone.*

#### **10.3.520 USE REGULATIONS**

*Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.*

- A. Permitted Uses. Uses allowed in the Industrial zones are listed in Table 3-14 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.*
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-14 with an "L". These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.*
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-14 with a "C". These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. Section 10.2.200 contains the conditional use process and approval criteria.*
- D. Prohibited Uses. Uses listed in Table 3-14 with an "N" are prohibited. Existing uses may be subject to the regulations of Section 10.7.700, Nonconforming Development.*
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.*

*Footnotes:*

*[1] A setback and buffer may be required where a LI or GI boundary abuts a less intensive zone. See screening and buffering standards in Article 8. When an industrial site is separated from a residential zone by either a dedicated public street, or a railroad main line or spur track, no setback shall be required in that yard adjacent to the residential zone.*

*[2] Building height unlimited per the Building Code with the installation of a sprinkler system approved by the Forest Grove Fire Department in all buildings over two (2) stories.*

**RESPONSE**

The subject site is an existing lot, which contains 6.03 acres and exceeds all minimum lot standards shown in Table 3-15 for the GI zone.

***10.3.540 ADDITIONAL INDUSTRIAL ZONE STANDARDS***

*A. Site Plan Review Required. Development in the LI and GI zones is subject to a Type II site plan review process.*

**RESPONSE**

This application is for Site Plan Review, which complies with this requirement.

*B. Parking. Parking, loading and unloading areas shall not be located within a required setback area.*

*No loading or unloading facilities shall be located adjacent to a residential district if there is an alternative location of adequate size for loading and unloading facilities that is not adjacent to a residential district.*

**RESPONSE**

This site is not adjacent to a residential district, and the proposed parking is outside of the required front yard setback.

*C. Performance Standards. No land or structure in the LI and GI zones shall be used or occupied unless there is continuing compliance with the standards set forth by the Environmental Protection Agency, Oregon Department of Environmental Quality and Metro relative to noise, vibration, smoke and particulate matter, odors, heat and glare, and insects and rodents.*

**RESPONSE**

The applicant understands this requirement and expects to fully maintain compliance.

*D. Solid Waste Collection Areas. Exterior solid waste dumpsters and solid waste collection areas must be screened from the public street and any abutting residential, commercial or town center zones.*

#### **10.2.430 PROCEDURE**

*Site development review is categorized as a Type I procedure for one (1) single family detached dwelling on an individual lot; one (1) duplex on an individual lot; one (1) manufactured home on an individual lot. All other site development reviews shall follow the Type II procedure unless exempt.*

#### **10.2.440 SUBMITTAL REQUIREMENTS**

*In addition to the standard submittal requirements for a Type II application, the following plans and information are required for Site Development Review. The Director may waive specific submittal requirements at the pre-application conference, if warranted.*

*Site Development Plans shall be drawn to scale and fully dimensioned, and shall illustrate the following:*

- A. Boundaries of the development site, with lot line dimensions and land area in square feet;*
- B. Boundaries of lots adjacent to the development site, with general locations of existing buildings and driveways and description of current land uses;*
- C. Existing contours of the development site at two (2) foot intervals for slopes of less than 10% and at ten (10) foot intervals for slopes of more than 10%. Additional contour data may be required by the Director for slopes greater than 20%.*
- D. Major existing physical and natural features such as perennial and intermittent streams, wooded areas, marshes, rock outcroppings, and vegetative cover types;*
- E. Environmental resource areas subject to the provisions in Section 10.8.305 and, where applicable, 10.5.005 et. seq. and environmental hazard areas subject to the requirements in Section 10.8.310.*
- F. Individual trees or groves of trees subject to the provisions of 10.5.100 et. seq.*
- G. Historic Landmarks subject to the provisions of 10.5.200 et. seq.*
- H. Location, dimensions and heights of existing and / or proposed structures, including area in square feet and designation of existing and/or proposed use;*
- I. Setback dimensions from buildings to lot lines and lot coverage as a percentage of total lot size;*
- J. Location and dimensions of existing and/or proposed streets, driveways, transit facilities, sidewalks, trails, off-street parking and loading space, bicycle parking facilities, K. Location of existing utilities and fire hydrants adjacent to the site, including the size of storm sewer, sanitary sewer and water lines;*
- L. Location and names of public street, parks, utility rights-of-way and easements within or adjacent to the site;*
- M. Location and types of proposed drainage, water and sewer facilities to serve the development;*
- N. Elevation drawings of proposed buildings;*
- O. Landscape plan depicting existing and proposed trees, shrubs, groundcover, irrigation and architectural features such as fences or walls. Proposed plantings shall be designated as to species, quantities, and size at time of planting;*
- P. Location, character and dimensions of proposed signs and lighting; and*
- Q. Locations and dimensions of all existing and proposed outdoor storage areas, including but not limited to trash storage and recycling areas.*

#### **RESPONSE**

The application includes all required submittal information, which will be confirmed by the City's "Completeness Review."

3. *Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.*

**RESPONSE**

This site does not contain or otherwise affect any unique or distinctive natural features including, such as: significant on-site vegetation, trees, prominent topographic features, or sensitive natural resource areas such as wetlands, creek corridors and riparian areas. Therefore no mitigation is necessary.

*D. The site development plan preserves or adequately mitigates impacts to designated historic resources.*

**RESPONSE**

The site does not contain any designated historic resources.

However, as noted, the TJ Thomas, Historic House is located on the adjacent property to the south. The proposed uses (RV storage and Agriculture) and not anticipated to create any conflicts relative to the historic character of this structure.

Farming activities would be consistent and compatible with the history of Forest Grove, and therefore is not expected to create any conflicts with the historic character of the house.

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

**RESPONSE**

The site abuts Elm Street, which has an existing 68 foot right-of-way, and is fully paved, curb-to-curb, with offset sidewalk, along the site frontage. No additional right-of-way or street improvements are necessary.

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

**RESPONSE**

There is an existing public sidewalk along the site frontage. There is no current transit service to this area, and the storage facility is not expected to generate any significant pedestrian traffic.

Access to the site is shared with the abutting property to the north, which is also a storage facility. The site plan provides for safe and appropriate vehicle access and circulation, while also safely accommodating the limited amount of pedestrian circulation anticipated.

- B. Access Plan Requirements. No building or other permit shall be issued until a scaled site plan is submitted that shows how access, egress and circulation requirements are to be fulfilled. The Director shall provide the applicant with information about the submittal requirements for an access plan.*
- C. Joint Access. Owners of two or more uses, structures, or parcels of land may agree to jointly use the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies their requirements as designated in this Article, provided:*
- 1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and*
  - 2. Copies of the deeds, easements, leases or contracts are placed on permanent file with the City.*

## RESPONSE

This development is subject to Site Development Review, and these provisions have generally been addressed above. More specific responses are provided as follows.

This site shares access with the adjacent property to the north and the two properties are under common ownership. Therefore no easements or access agreements are required, and no new access is proposed.

- D. Public Street Access. All vehicular access and egress shall connect directly with a public or private street approved by the City for public use, except where joint access is provided through adjacent or other property which is connected to a street. Vehicular access to a residential use shall be provided within the same lot for single-family and two-family dwellings, and within the same lot or development for multi-family dwellings. Access to multi-family units shall avoid being located through single family residential areas before being connected to a collector or arterial as designated by the City's Transportation Plan.*
- E. Transit Agency Referral. The City shall submit all development proposals located along the Pacific Avenue/19th Avenue transit corridor to Tri-Met for review and comment regarding facilities necessary to support transit. The following facilities may be required as a condition of a permit:*
- 1. Walkways to transit stops;*
  - 2. Bus stop shelters or waiting areas;*
  - 3. Turnouts for buses.*
- F. Where hard surfaces are stipulated by these requirements, pervious surfaces are encouraged to be used. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.*
- G. Landscaped areas should include water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material when possible so as to cover landscape areas.*

## RESPONSE

This development is designed with direct vehicle connection to Elm Street, with a standard curbcut and driveway ramp. There is no transit service available to the site.

1. *Small or narrow-stature trees, less than twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than twenty (20) feet apart;*
2. *Medium-sized trees between twenty-five to forty (25-40) feet tall and with sixteen to thirty-five (16-35) feet wide branching at maturity shall be spaced no greater than thirty (30) feet apart;*
3. *Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be spaced no greater than forty (40) feet apart.*
  - b. *In addition, at least ten (10) five-gallon shrubs or twenty (20) one-gallon shrubs shall be planted for each 1,000 square feet of required buffer area;*
  - c. *The remaining area shall be planted in lawn or other living ground cover.*

*C. Screening: Special Provisions*

1. *Screening and Landscaping Of Parking and Loading Areas. Screening and landscaping of parking and loading areas is required as provided in this Article.*
2. *Screening of Service Facilities. Except for one-family and two-family dwellings, any service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight (5-8) feet in height.*
3. *Screening of Refuse Containers. Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.*
4. *Screening of Swimming Pools. All swimming pools shall be enclosed as required by City of Forest Grove Building Code.*

**RESPONSE**

The applicant is proposed a 5 foot wide landscape strip along the site frontage, consistent with these provisions. The applicant is not proposing any on-site trash container.

*D. Buffer Matrix*

1. *The Buffer Matrices contained in Tables 8-2, 8-3 and 8-4 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts.*
2. *An application for an adjustment or variance to the standards required in Tables 8-2, 8-3 and 8-4 shall be processed as a Type I, II or III procedure, as regulated by Article 2 provisions for Adjustments and Variances.*

Therefore these criteria are already met, except that the proposed new frontage landscaping will be designed to maintain the vision clearance triangle at the driveway.

### **LANDSCAPING, SCREENING & BUFFERING**

#### **10.8.400 PURPOSE**

*The purpose of this section is to establish standards for landscaping, buffering, and screening of land use within Forest Grove in order to enhance the aesthetic and environmental quality of the City:*

- A. By requiring street trees in new developments;*
- B. By using plant materials as a unifying design element;*
- C. By using plant materials to define spaces and articulate the uses of specific areas; and*
- D. By using trees and other landscape materials to mitigate the effects of noise and lack of privacy and provide buffering and screening.*

### **RESPONSE**

The proposed frontage landscaping will provide the appropriate screening of the adjacent off-street parking, consistent with the requirements of this section.

The south boundary provides for the required 10 foot wide planted buffer, as addressed below.

#### **10.8.415 GENERAL STANDARDS**

- A. Non-invasive native vegetation is encouraged to be used for all landscaping except within 100 feet of a natural resource area. In such situations, native vegetation is required.*
- B. Installation of bio-swales or preservation of wetlands should be located where possible in landscaped areas.*
- C. Required Landscaping Adjacent to Public Rights-Of-Way -- A strip of land at least 5 feet in width located between the abutting right-of-way and the off-street parking area or vehicle use area which is exposed to an abutting right-of-way, except in required vision clearance areas.*
- D. Perimeter Landscaping Relating to Abutting Properties -- On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, where such areas will not be entirely screened visually by an intervening building or structure from abutting property, a 5-foot landscaped strip shall be between the common lot line and the off-street parking area or other vehicular use area exposed to abutting property. Landscaped areas should include where possible water quality features such as bio-swales or wetlands, trees, grass, shrubs, and other plant material so as to cover the landscape area.*
- E. Parking Area Interior Landscaping -- Landscaped areas shall be appropriately distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. Except for industrial development within industrial zones, the following interior landscaping shall be met:
  - 1. Percentage Approach. For the purpose of this section, Interior Parking Lot Area is defined as the hard surface parking area (parking stalls and aisles). Such area does not include loading and unloading zones nor perimeter landscaping around the lot. Where perimeter landscaping intrudes into the parking lot four or more feet, that area is included in both the interior parking lot area and interior parking lot landscaping.**

The applicant notes that this type of facility does not typically require customer parking, except when accounts are initially setup. Under normal use, the customer parks in front of his/her rented unit to load and unload. Therefore the proposed parking is considered more than adequate.

#### **10.8.545 LANDSCAPING AND SCREENING**

- A. Purpose. The purpose of this section is to improve the appearance of off-street parking and open lot sales and service areas in Forest Grove and to protect and preserve the appearance, character, and value of the surrounding neighborhoods. It is also the purpose of this section to allow for increased seepage by providing openings in impervious surface; increased safety by breaking up large expanses of pavement; and increased shading to reduce overheating of car interiors, and reduce glare and radiation from large number of vehicles.*
- B. Applicability. This section is applicable to all areas used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use...*

#### **RESPONSE**

This is an industrial property, adjacent to industrial property, so no buffering is required. The proposed frontage landscaping will provide the appropriate screening of the adjacent parking.

#### **PUBLIC IMPROVEMENTS**

##### **10.8.60 PURPOSE**

- A. Purpose. The purpose of this chapter is to provide standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage.*

##### **11.8.610 STREETS**

#### **RESPONSE**

Elm Street is classified as a Collector Street in the City's Transportation System Plan (2013 TSP). The standards for an Industrial Collector are a 60 foot right-of-way, 40 foot paved section curb-to-curb, with on-street parking.

The existing street has a 68 foot right-of-way, with 40 foot paved section, and offset sidewalk, consistent with City collector standards.

##### **10.8.625 SANITARY SEWERS**

#### **RESPONSE**

This facility does not require any sewer service.

### ***10.8.630 WATER FACILITIES***

#### **RESPONSE**

Water service is available in Elm Street. A water meter will be provided together with line extension on-site to provide water for landscape and crop irrigation.

### ***10.8.635 STORM DRAINAGE***

#### **RESPONSE**

The grading and storm drainage is designed to utilize the existing storm water quality facility, which was constructed for the improvements to the north. The facility is adequately sized to accommodate the new impervious cover.

### ***10.8.645 UTILITIES***

#### **RESPONSE**

All utilities will be undergrounded consistent with this section.

### ***LIGHTING STANDARDS***

#### ***10.8.750 PURPOSE***

*Lighting should provide security, help create a lively environment at night and highlight building and landscape features. Lighting should create a pleasant and inviting environment to encourage the use of the town center at night. Utilitarian lighting at excessive height or that creating excessive glare is discouraged.*

#### **RESPONSE**

There are no specific industrial lighting standards listed. The proposed buildings are equipped with appropriate security and safety lighting, primarily building mounted fixtures.

### **FINAL CONCLUSION**

Based on the Plans submitted, together with the findings presented herein, the applicant has demonstrated compliance with the applicable General Industrial zoning standards; Site Development Review; General Development standards, including approval criteria for the requested two buildings, with associated site improvements; and Lot Line Adjustment approval criteria.



TRACT A  
23,982 SF

TRACT B  
24,229 SF

1.32 AC  
USEABLE  
AREA

1.30 AC  
USEABLE  
AREA

PARCEL 2  
262,545 SF BEFORE PLA  
175,790 SF AFTER PLA

PARCEL 1  
297,675 SF BEFORE PLA  
324,190 SF AFTER PLA

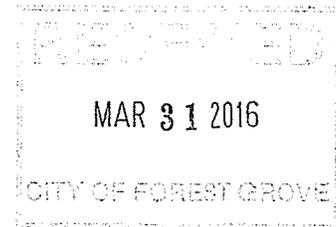
ELM STREET

# ATTACHMENT 4

## FRIENDS OF HISTORIC FOREST GROVE LETTER

March 31, 2016

Friends of Historic Forest Grove  
PO Box 123  
Forest Grove, OR 97116  
March 31, 2016



James Reitz, Senior Planner  
Community Development Department  
City of Forest Grove

Dear Sir:

We are responding to the amended application for Columbia Self-Storage to include an agricultural use (outdoor marijuana production grow site) in their land use petition. (311-16-000005-PLNG)

After receiving the amended document, we sent notice of this status change to our membership, and we are still receiving feedback from our members. It would be premature for us to reach a conclusion at this time, because members are still reacting, and have had diverse and passionate responses. This is quite a controversial topic, and we want to have a considered reply, not an immediate emotional reaction.

Friends of Historic Forest Grove has many concerns about this proposal, particularly because we are now working towards our goal for the AT Smith house to be a destination for school children to learn the pioneer history of Oregon. This very week we hosted children from the Forest Grove Community School for a Pioneer Day experience, where they were both indoors at the house and outside on the grounds. The proximity of the proposed grow area to the Smith house makes this a very real concern. Security is another issue that has been raised by members. We need much more time to research the possible dangers of having this facility so close in proximity to us, but here are a few of our immediate concerns:

- Is it even legal for marijuana to be grown so close to a city park and to a historic home which will be used for educating students? Would this be considered a violation of the Federal Drug-free Zone for Schools which is a minimum of 1000 feet?
- In researching marijuana grow operations, we read that security is an issue, and there is more violence around such areas, which would seem logical, given the product. Have you given thought to the possible ramifications associated with marijuana growing? Who would be tending the crop, and how would they be screened?
- Not only the AT Smith House, but the city park which will be next door, are designed for family usage; is it suitable to have a marijuana growing facility next door? How would they secure the periphery of the area? What measures would keep outsiders from trying to gain entrance? Trespassers might try to gain access through our property, with increased security issues to our

historic house. In the past vagrants vandalized the structure; and as we proceed with restoration, we do not want to face increased "traffic" for people interested in the marijuana growing operation, legally or illegally.

- Marijuana is susceptible to mold, which can spread between plants, and with weather conditions could perhaps spread that mold to the adjacent properties and to the interior of the AT Smith House. Would the growers be using fans, and if so, what of noise pollution? Would they be using insecticides or other chemicals in their grow operation? What of the water run off? Is there odor during either the growing period or harvest?

- The quality of air and the environment is critical to some of the newly-forming plans for the future of the AT Smith House; we are quite concerned that as yet unknown factors associated with the growing of this crop may interfere with the enjoyment of our facilities. We are working towards a vision of marketing the AT Smith house as a historic educational living history museum; with that image we will be inviting visitors from all over the region to come for historical adventures on our property. We need an attractive environment with enjoyable sights, sounds and smells. We do not yet know the impact of a marijuana growing operation next door.

- The plot plan appears to show two separate grow areas with separate access gates. Is this a subcontracted or leasing operation, or would the owners of Columbia Self-Storage be in charge of the operation? If the owners lease their property to others, will it create confusion as to who is responsible for the security of the operation? Who is ultimately responsible and how would it be regulated?

- In a previous letter we addressed drainage and landscaping concerns; we were already concerned about water run-off on both the AT Smith property as well as the city property adjacent to us. Now we feel additional apprehension because of what may be in that water, as well as the additional amount of run-off created by the marijuana grow operation.

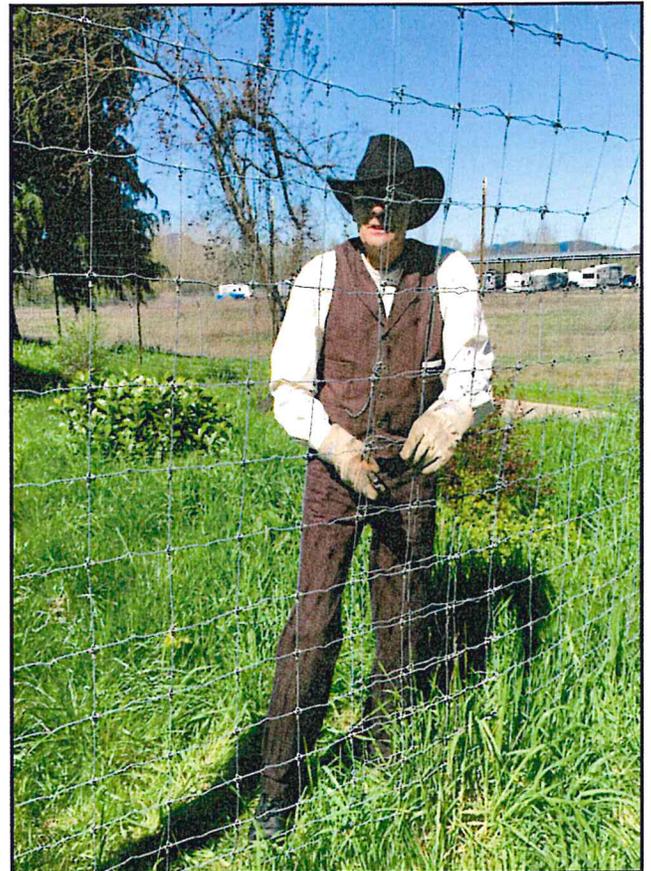
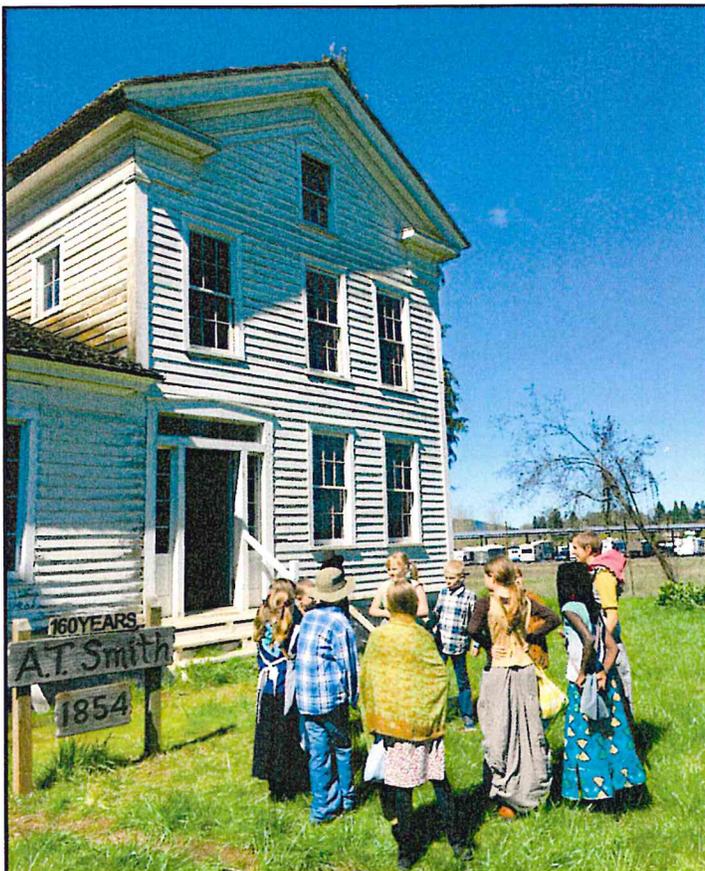
Thank you for listening to our concerns. We are including some photographs taken just this week to show you the true bottom-line reason for our apprehensions. This is what the AT Smith Restoration Vision is all about, and we hope you will agree that it is worthy of consideration.

Sincerely,

*Olave Morris, President*

*and* The FHFG Board of Directors

# Photos Taken at AT Smith House with Children from the Forest Grove Community School - March 30, 2016



# ATTACHMENT 5

## STAFF DECISION AND FINDINGS



April 18, 2016

Wayde Elliott  
34509 Millard Road  
Warren, Oregon 97053

Re: Forest Grove Storage Site Review @ 620 Elm Street  
File Number: 311-16-000005-PLNG

Dear Mr. Elliott:

The City has completed its review of the site plan for the storage building additions and agricultural use proposed for 620 Elm Street, based on the plans submitted February 23, 2016 and the revised site plans submitted March 14, 2016. The site plan is approved, with conditions.

Preliminary approval or the conditions established for approval may be appealed within fourteen (14) days of the date of this letter (by May 2, 2016 @ 4:30 pm). *Appeals must be filed in writing and be accompanied by a \$250 fee.* Failure to file an appeal within the specified time will preclude the ability to do so at a later date. If no appeal is filed, this decision will be final and this letter will serve as your official notice of approval of your application. Final approval will be subject to the conditions listed in the attached *Findings and Conditions*.

If you have any questions about any of the above items, please contact me at [jreitz@forestgrove-or.gov](mailto:jreitz@forestgrove-or.gov) or (503) 992-3233.

Sincerely,

James Reitz, AICP  
Senior Planner

Attachment

C Affected Parties w/attachment

*A place where businesses and families thrive.*

**FINDINGS AND CONDITIONS**  
**Forest Grove Storage**  
**Building Additions and Outdoor Marijuana Grow Operation**  
**620 Elm Street      File Number: 311-16-000005-PLNG**

BACKGROUND: Forest Grove Storage (Applicant) applied for a Site Development Review permit to construct additional storage buildings. The request was subsequently modified to include an outdoor recreational marijuana grow operation at 620 Elm Street. The subject property is located in a General Industrial (GI) zoning district.

The original application was submitted on February 23, 2016 and was modified on March 14, 2016, to include the marijuana grow operation. The modified application was deemed complete on March 17, 2016 and public notice was mailed on March 17, 2016.

DECISION: Based on the evidence in the record including the revised site plan submitted March 14, 2016 and the findings below, the application for Site Development Review for the proposed storage building additions and outdoor marijuana grow operation at 620 Elm Street is APPROVED with conditions.

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

FINDINGS:

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

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

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

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

The application proposes two new storage buildings – one canopy and one enclosed building. These buildings are within the definition of a “warehouse” use pursuant to DC Section 10.12.140(E) Warehouse / Freight Movement which allows for “uses involved in the storage and movement of large quantities of material or products indoors and/or outdoors.”

The application further proposes an outdoor marijuana grow operation. This use is within the definition of an “agricultural” use pursuant to DC Section 10.12.210(A9) which allows for “farming, dairying, pasturage, horticulture, floriculture, (and) viticulture”. Marijuana is a crop for

purposes of “farm use” as defined in ORS 215.203 (land use). Both the warehouse use and the agricultural use are permitted by right in the General Industrial zone district.

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

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

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

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

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

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

10.8.100 – 10.8.140 Access and Circulation. The canopy structure and open area are intended for vehicle storage purposes. The enclosed building is intended for the storage of personal, household goods. Access to and within the site is therefore expected to be by vehicle. The proposed vehicular access would comply with the provisions of this section. Because access to and within the site is expected to be almost exclusively by vehicle, no pedestrian connections between buildings will be required.

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

10.8.200 Open Space and 10.8.300 Hazards and Resources: Not applicable.

10.8.400 Landscaping. This section establishes landscaping standards. With the condition to install landscaping between the parking area and the street, landscaping

within the right-of-way, and landscaping along the south property line, the provisions of this section are satisfied.

10.8.500 Off-Street Parking. The site plan demonstrates compliance with this section. No approval conditions appear necessary.

10.8.600 Public Improvements. The site design shall be required to comply with City and CWS sidewalk, sanitary, street, and storm drainage standards and specifications. Pursuant to FGC Section 3.320, a condition of approval is included that requires the applicant to replace the unused driveway curb cut near the south property line with a standard curb. Further, because the existing street trees are defective (due to sun scald) and have not been adequately maintained, a condition of approval is included to require their removal pursuant to FGC Section 9.420; and that they be replaced pursuant to DC Section 10.5.120.

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

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

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

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

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

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

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

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

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

**FINDING:** The site is located in a General Industrial zone. No residential properties are located nearby, and none of the adjacent property is designated or zoned for residential use. Two properties located nearby are designated and zoned for Institutional use. One is vacant and owned by the City; its future use has not been determined. The other property is the site of a

historic home, but it is unoccupied as the owners intend to develop it for non-residential purposes. Because there are no residential uses located nearby, development of the site for the proposed uses will not have an impact on residential properties.

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

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

FINDING: The site has no significant vegetation or trees, no prominent topographic features, and no sensitive natural resource areas. Thus, development of the site will not impact any of these features.

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

FINDING: No historic structures are located on the site. An adjacent property is the site of a designated historic structure. Development of the project site will not have a direct impact on the preservation of the historic structure, as the proposed uses will have no off-site impacts. Pursuant to OAR 845-025-1470, a solid wall or fence at least eight feet high is required on all exposed sides of an outdoor production area. An eight-foot tall fence will be erected on along the common property line, in compliance with DC Section 10.7.045. Barbed wire will be allowed above a height of six feet six inches – but not greater than eight feet – in compliance the FGC Section 5.240(1). This fence will minimize the opportunity for trespass from the development site to the historic home site.

The applicant proposes to landscape the area along the south property line consistent with DC Section 10.8.425 Table 8-3 Buffer Combination “B”. However, the proposed buffer (with lawn or groundcover, and trees every twenty feet) would not provide an effective visual screen between the development site and the existing historic home. DC Section 10.8.425(A)(3) provides an alternative: a landscape and screening plan to be approved by the Director. With the condition to submit a landscape plan sufficient to create a minimum ten-foot-tall visual vegetative screen along the entire southern boundary of the development site within five years of its installation, for the purpose of mitigating the visual impact of the proposed industrial uses, the provisions of this section are satisfied.

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

FINDING: No additional right-of-way is needed to extend Elm Street adjacent to the site, and the street has already been improved including a sidewalk. The applicant is conditioned to remove and replace defective street trees, pursuant to DC Section 10.5.120. With this condition, this criterion is met.

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

FINDING: As noted above, the proposed uses are not anticipated to attract pedestrians. This section is not applicable.

CONDITIONS:

1. All construction, dedications, landscaping and other site improvements shall conform to the project description, site plan, engineering plans and other representations made by the applicant as part of the application and during the application review process.
2. Exterior solid waste collection areas and mechanical equipment – if any - shall be screened as required by DC Section 10.3.540(D) and (E), and Section 10.7.205.
3. The applicant shall maintain compliance with all applicable regulations of the State of Oregon Department of Environmental Quality, the U.S. Environmental Protection Agency, Clean Water Services, and Metro relative to noise, vibration, smoke and particulate matter, odors, heat, glare, insects and rodents, sanitary sewerage, storm drainage, and erosion control. Failure to comply with one or more of these regulations may result in the City revoking this permit.
4. Prior to the issuance of a final occupancy permit, all seven defective street trees shall be removed pursuant to FGC Section 9.420 and replaced in compliance with DC Section 10.5.120. The variety and location of the replacement trees shall be reviewed and approved by the City prior to installation.
5. All utility connections shall be underground (DC Section 10.8.645(A)).
6. Pursuant to OAR 845-025-1470, a solid fence or wall shall be required on all exposed sides of an outdoor production area. Fence height – including any barbed wire “topper” – shall not exceed eight (8) feet in height, pursuant to DC Section 10.7.045.
7. Pursuant to FGC Section 3.320, the applicant shall replace the unused driveway curb cut near the south property line with a City-standard curb.
8. Within thirty days of site plan approval, submit a landscape plan sufficient to create a minimum ten-foot-tall visual vegetative screen along the entire southern boundary of the development site within five years of installation. Installation shall be completed within 180 days of site plan approval.
9. This permit shall expire two years from the date it becomes final.
10. Any modifications to the approved activities on the site are required to undergo an additional Type II site plan approval review.

ATTACHMENT 6

ORDINANCE NUMBER 2016-10

**ORDINANCE NO. 2016-10**

**ORDINANCE AMENDING FOREST GROVE CITY CODE CHAPTER 5 BY ADDING  
NEW CODE SECTION 5.248 PROHIBITING THE ESTABLISHMENT OF  
RECREATIONAL MARIJUANA PRODUCER LOCATIONS WITHIN THE CITY OF  
FOREST GROVE AND DECLARING AN IMMEDIATE EFFECTIVE DATE**

**WHEREAS**, state law permits the establishment of various marijuana facilities including recreational marijuana producers;

**WHEREAS**, ORS 475B.800 expressly permits local jurisdictions to prohibit the establishment of certain marijuana facilities within their jurisdictional limits, and the City of Forest Grove desires to impose such limits pursuant to this authority;

**WHEREAS**, the City believes ORS 475B.800 is not the only source of authority for the city to prohibit the establishment of marijuana facilities;

**WHEREAS**, marijuana facilities are prohibited under federal law, and this federal preemption provides the City with an independent basis to prohibit the establishment of marijuana facilities in the City;

**WHEREAS**, the City of Forest Grove is an Oregon home-rule municipal corporation with a City Charter that grants it all the powers and authority that the constitution, statutes and common law of the United States and this State expressly or impliedly grant or allow as though each such powers were specifically enumerated; and

**WHEREAS**, the City's home rule power includes the authority to impose limitations on the establishment of marijuana facilities within the City; and

**WHEREAS**, the City finds that the public health, safety and general welfare of the City, its residents and its visitors necessitates and requires the adoption of this ordinance prohibiting the establishment and operation of recreational marijuana producers within city limits, and for it to take effect immediately upon its adoption.

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

**Section 1.** Forest Grove City Council hereby amends Forest Grove City Code Chapter 5 by adding new Code Section 5.248, titled "Marijuana Facilities" to read as follows:

**Section 5.248 Prohibition on Recreational Marijuana Producers.**

- (1) Prohibition. No person, business or entity may establish, maintain, or operate a recreational marijuana producer location within city limits. The establishment, maintenance, or operation of a recreational marijuana producer location by a person, business or any other entity within the City in violation of this subchapter is declared to be a public nuisance.

- (2) Definitions. For the purposes of this subchapter, the following mean:
- (a) Recreational Marijuana Producer Location includes any property on which a marijuana producer required to be licensed by the Oregon Liquor Control Commission is located.
- (3) Violations and Enforcement.
- (a) The establishment, maintenance or operation of a recreational marijuana producer location by a person, business or any other entity within the City in violation of the requirements of this chapter will be subject to any and all enforcement remedies available to the City under law and/or the Forest Grove City Code including but not limited to enforcement pursuant to Chapter 5 of the Forest City Code and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction.
  - (b) The City may abate a nuisance under this chapter either pursuant to Chapter 5 of the Forest Grove City Code or it may pursue any other remedies available to it, including but not limited to an action seeking declaratory relief and/or injunctive relief.
  - (c) If the City brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its Municipal Court for the enforcement of this chapter, the City shall be entitled to the award of its reasonable attorney fees in the event it is the prevailing party.

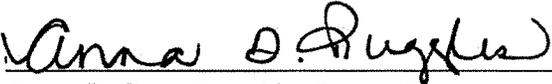
**Section 2.** In accordance with ORS 475B.800, the City Manager is hereby directed to provide a copy of this ordinance to the Oregon Liquor Control Commission in the form and manner that the Commission may require.

**Section 3.** 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 and clauses.

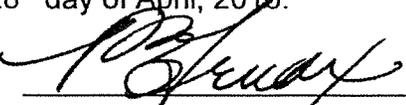
**Section 4.** This ordinance being necessary for the preservation of public peace, health, and safety is effective immediately and will automatically repeal on August 5, 2016.

**PRESENTED AND PASSED** the first reading this 25<sup>th</sup> day of April, 2016.

**PASSED** the second reading this 28<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 28<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Peter B. Truax, Mayor

# ATTACHMENT 7

## REVISED NOTICE OF DECISION

FOREST  
GROVE OREGON

April 29, 2016

Wayde Elliott  
34509 Millard Road  
Warren, Oregon 97053

Re: Forest Grove Storage Site Review @ 620 Elm Street  
File Number: 311-16-000005-PLNG

Dear Mr. Elliott:

The City has completed its review of the site plan for the storage building additions and agricultural use proposed for 620 Elm Street, based on the plans submitted February 23, 2016 and the revised site plans submitted March 14, 2016. The site plan as conditionally approved in the City's letter of April 18, 2016 is hereby modified as follows:

Section 10.1.125 of the Forest Grove Development Code requires that all actions initiated under this Code must be consistent with applicable regional, state and federal laws. The proposed agricultural use is prohibited by ORS 475B.800, which was implemented by the City with the adoption of Ordinance # 2016-10 (copy enclosed). For this reason, the proposed agricultural use cannot be approved at this time.

Preliminary approval or the conditions established for approval may be appealed within fourteen (14) days of the date of this letter (by May 13, 2016 @ 4:30 pm). *Appeals must be filed in writing and be accompanied by a \$250 fee.* Failure to file an appeal within the specified time will preclude the ability to do so at a later date. If no appeal is filed, this decision will be final and this letter will serve as your official notice of approval of your application.

If you have any questions about any of the above items, please contact me at [jreitz@forestgrove-or.gov](mailto:jreitz@forestgrove-or.gov) or (503) 992-3233.

Sincerely,



James Reitz, AICP  
Senior Planner

Attachment

C Affected Parties w/attachment

{00519269; 1} *A place where businesses and families thrive.*

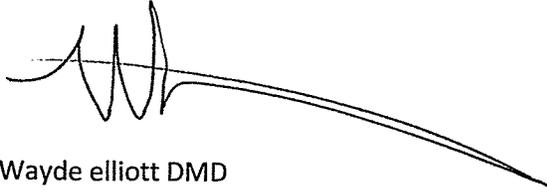
# ATTACHMENT 8

ELLIOTT LETTER OF APPEAL

To whom it may concern:

I would like to appeal the file number 311-16-000005-plng banning marijuana growing in the city limits.

Please find my check for \$250.00 and a copy of what I am appealing.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Wayde Elliott DMD

MAY 09 2016

RECEIVED  
MAY 09 2016

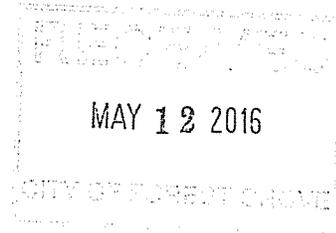
ATTACHMENT 9

FRIENDS OF HISTORIC FOREST GROVE  
LETTER OF APPEAL

Appeal File NO. 311-16-000068-PLNG

Friends of Historic Forest Grove  
PO Box 123  
Forest Grove, OR 97116  
May 2, 2016

James Reitz, Senior Planner  
Community Development Department  
City of Forest Grove  
Forest Grove, OR 97116



Dear Sir:

There has been much confusion in the past weeks about the filing and appeal process regarding the land use petition 311-16-000005-5-PLNG. After talking with Jon Holan following the Council meeting last Thursday, we understood that an appeal was unnecessary; all efforts for the site next to the AT Smith house must be filed anew in August. However, on advice of our lawyer, we decided it would be prudent to pay the \$250 fee and file this appeal to protect our rights. As a non-profit, we are reluctant to spend our organization's funds without just cause, and we would like to request a waiver of the filing fee. However, this is such an important issue that we feel bound to make our objections known.

Everyone at the meeting Thursday night realized how difficult it is to make decisions based on a highly fluid and evolving situation; growing marijuana is a subject none of us understand. We submitted a laundry list of concerns and objections in our letter of March 31, 2016, and we do not feel they were adequately addressed. Therefore we would like to submit our appeal based on the fact that there is insufficient response to the objections we have already submitted.

Sincerely,

Diane H. Morris, President,  
And the Board of Directors,  
Friends of Historic Forest Grove

# ATTACHMENT 10

## USA TODAY ARTICLE

Dated August 11, 2014

August 11, 2014

USA Today

DENVER — There's a little something extra drifting through the Colorado air these days: Marijuana.

The lush, skunky smell of growing pot hangs heavy over certain sections of the Mile High City as dozens of legal indoor grow operations turn electricity, water and fertilizer into mature marijuana plants. Those grow houses inside unmarked warehouses fitted with security cameras, heavy-duty electrical connections and shiny new ventilation systems are helping meet the demand for legal marijuana.

Long confined to isolated areas far from prying eyes and sniffing noses, the marijuana industry has gone mainstream, and that you-can-smell-it presence has upset some people. This year, about 30% of the smell complaints coming into Denver's code enforcement office are about the pot smell coming from the largely industrial areas away from most homes, schools and parks.

"No one ever complains about bakeries," said Ben Siller, a Denver code enforcement officer with the Department of Environmental Health. "I'd laugh if someone complained about cinnamon rolls, but it doesn't happen."

USA TODAY

Colo. fairgoers say they were given pot candy

Siller has received international attention for his use of what's known as a "Nasal Ranger," a special device that allows him to scientifically measure how strong an odor is. The device, which Siller allowed a *USA TODAY* reporter to test, combines specially filtered air with the outside air in measured increments. Even though the city has received dozens of complaints about pot smells, Siller has not yet measured any marijuana smell that violates the city's standard — no more than 1 part odor to 7 parts filtered air or five complaints from nearby residents within a 12-hour period.

"You do have people who just object to the whole idea. (The smell) is discernible. It's there but you get used to it, just like any odor."

Ben Siller, code enforcement officer, Denver Department of Environmental Health

He chalks the complaints up to people still getting used to the idea that marijuana is legal.

"You do have people who just object to the whole idea," he said. "(The smell) is discernible. It's there but you get used to it, just like any odor."

Marijuana growers say they understand neighbors' concerns and take steps to filter their grow-room exhaust. When marijuana was illegal in Colorado, growers often took multiple steps to filter the air coming out of their grow rooms in an effort to hide their existence.

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A Denver code enforcement officer sniffs for Marijuana

[Fullscreen](#)

Ben Siller, an environmental protection investigator in Denver's Department of Environmental Health, uses a Nasal Ranger to discern odorous air while investigating odor complaints around the city. Marc Piscotty for USA TODAY

Indoor growers often pump the room full of carbon dioxide, which helps the plants grow bigger and faster, but that requires massive quantities of air to be pumped through the facility. The filters on those illegal grows were designed to totally remove any marijuana smell — to keep from tipping off unsuspecting neighbors or patrolling cops.

Legal grow operations are allowed to emit a certain amount of odor, just like any other manufacturing operation or farm that fertilizes with manure. At [Denver's Discreet Dispensary](#), workers have installed special carbon filters to help head off neighborhood complaints, even though the store and grow operation sits amid an industrial area.

"It's just a flower," said Kurt Britz, the company's head of security. "They're afraid of a smell — but right up the street we have a dog food factory."

[USA TODAY](#)

[Marijuana tourists sparking up in Colorado's ski towns](#)

The conflict isn't just confined to industrial areas. In nearby Boulder, some rural residents are upset about a marijuana grow operation that is proposed for a farming area a few miles outside the city.

Farmer Bob Munson said many schoolchildren visit his property to learn where their food comes from, and local chefs host farm dinners there in the evenings. He said having a grow operation start up would change the character of the area.

"If there was a marijuana smell ... that would be pretty hard to explain to the kids and the families that came that there was a marijuana grow operation there," said Munson, who got his start growing organic vegetables fertilized with chicken manure. "It isn't appealing in an area like this."

Siller said the number of complaints about marijuana smells in Denver appears to be slowing down as people get accustomed to the new scent in the air. He said he encourages grow operations to voluntarily install better odor controls whenever possible, to help reduce the concern.

"For the most part, they want to be good neighbors," he said.

# ATTACHMENT 11

## SEATTLE POST INTELLIGENCER ARTICLE

Dated September 30, 2013

September 30, 2013

Seattle Post Intelligencer

Flowering marijuana plants put off a strong, sweet odor that may smell a lot like money to some. But even to those who use pot, the constant odor from the plants can become a bit much.

That's prompted air quality officials in Denver to trot out the Nasal Ranger. According to a TV news station in Denver, marijuana accounts for one out of every eight odor complaints there.

"For the odor check, we will use this Nasal Ranger," Ben Siller, an investigator for the Denver Department of Environmental Health, told 7News. Siller's folks will talk with the marijuana growers, but if the odor coming from their operations is too strong they could face a fine of up to \$2,000.

As the legal recreational markets take off here and in Colorado, this strong odor could become one of those unforeseen issues someone somewhere will have to take control of.

### **What about Seattle?**

In Seattle and the Puget Sound region, the one agency designated to specifically handle odors doesn't have the rules on its books or permitting leverage to do anything about the smell of growing marijuana.

The Puget Sound Clean Air Agency has had a "handful of complaints" about marijuana odors, said Mario Pedroza, the agency's supervising inspector. And the agency has discussed the issue internally, ... but there's nothing they can do.

"We took a look at the regulations and talked it over, but this isn't a place where we could do any good, from our perspective," he said.

Simply, the agency isn't involved in issuing permits for any part of a marijuana grow operation and the smell isn't coming from a process they have any control over, such as smoke from a chimney. So, he tells people complaining about the smell of pot that they need to track down whatever agency issued the business or building permit for the operation and file the complaint with them.

"This is a brave new world and some people are wondering who is going take care of my interest in this, and I don't have all the answers," Pedroza said.

### **Update 10-01:**

"The smell of marijuana is not harmful. (And) we don't have any regulations for odors that are not considered harmful," Bryan Stevens, spokesperson for Seattle's Department of Planning and Development.

For the department to take action on an odor, it would have to be from the type of business that creates an odor or fume that can be harmful to your health. But in that case, the city would have already worked with the Puget Sound Clean Air Agency.

Oh, and the agency doesn't use the Nasal Ranger or anything like it when investigating smells.

"We use our very own noses," Pedroza said.