

January-08

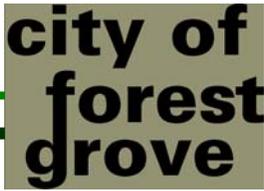
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 CITY OFFICES CLOSED HOLIDAY	2	3	4	5 COUNCIL WS 8am-10am Coffee Hour
6	7 Planning Comm 7pm CITY COUNCIL WORK SESSION - TBA	8 Fire Bd 7pm CCI 4pm	9	10 PAC 5pm	11 B&C Recognition Dinner 5:30pm Comm Aud JWC 12pm	12
13	14 CITY COUNCIL 5:30 PM - EXECUTIVE SESSION (Records) 6:00 PM - WORK SESSION (FireDept) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	15 Library 7pm	16 P&R 7am CFC 5:15pm	17 EDC Noon	<i>Oregon Mayors Assoc Board Meeting @ Pacific</i>	
20	21 CITY OFFICES CLOSED HOLIDAY	22 HLB 7pm Planning Comm 7pm	23 Joint Work Session PSAC & Council 7:30am	24 Fernhill Wetlands 6pm	25	26 ANNUAL TOWN MEETING 8:30am Comm Aud
27	28 CITY COUNCIL 6:00 PM - WORK SESSION (Reserves) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	29	30	31		

February-08

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						2 COUNCIL RETREAT 9am Comm Aud
3	4 Planning Comm 7pm CITY COUNCIL WORK SESSION - TBA	5 Fire Bd 7pm	6	7	8	9
10	11 CITY COUNCIL COUNCIL GOAL SETTING WORK SESSION 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	12 CCI 4pm	13	14 PAC 5pm	15	16
17	18 Planning Comm 7pm CITY COUNCIL WORK SESSION - TBA	19 EDC Noon? Library 7pm	20 P&R 7am CFC 5:15pm	21 Fernhill Wetlands 6pm	22	23
<i>Thompson out</i>						
24	25 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	26 HLB 7pm	27 PSAC 7:30am	28	29	

March-08

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 COUNCIL WS 8am-10am Coffee Hour
2	3 Planning Comm 7pm CITY COUNCIL WORK SESSION - TBA	4 Fire Bd 7pm	5	6	7	8
9 Daylight Savings Begins	10 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	11 CCI 4pm	12	13 PAC 5pm	14 Police Chief Retirement Reception 3:30 pm - Comm Aud	15
16	17 Planning Comm 7pm CITY COUNCIL WORK SESSION - TBA	18 EDC Noon? Library 7pm	19 P&R 7am CFC 5:15pm	20	21	22
23	24 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	25 HLB 7pm	26 PSAC 7:30am	27 Fernhill Wetlands 6pm	28	29
30	31					



FOREST GROVE CITY COUNCIL

Monday, January 28, 2008

6:00 PM – Work Session (Urban & Rural Reserves)
7:00 PM – Regular Meeting

Community Auditorium
1915 Main Street
Forest Grove, OR 97116

Thomas L. Johnston
Victoria J. Lowe
Camille Miller

Richard G. Kidd, Mayor

Ronald C. Thompson
Peter B. Truax
Elena Uhing

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

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

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

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

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

A G E N D A

6:00 **WORK SESSION: AGRICULTURE URBAN AND RURAL RESERVES:**
The City Council will convene in the Community Auditorium to conduct the above work session. The public is invited to attend and observe the work session; however, no public comment will be taken. The Council will take no formal action during the work session.

7:00 1. **REGULAR MEETING:** Roll Call and Pledge of Allegiance

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

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3. CONSENT AGENDA: See Page 3
4. ADDITIONS/DELETIONS:
- 7:10 5. LAND USE PUBLIC HEARING (CONTINUANCE FROM JANUARY 14, 2008):
SECOND READING OF ORDINANCE NO. 2007-21 VACATING WRIGLEY STREET AND SEGMENTS OF 36TH AVENUE, 36TH PLACE AND 37TH AVENUE. APPLICANT: CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (MARK COTTLE). FILE NO. VAC-07-01
- 7:15 6. RESOLUTION NO. 2008-14 AUTHORIZING THE CITY MANAGER TO ENDORSE THE MEMORANDUM OF AGREEMENT FOR PARTICIPATION IN THE TUALATIN BASIN WATER SUPPLY PARTNERSHIP FOR SCOGGINS DAM TITLE TRANSFER
- 7:30 7. CITY MANAGER'S REPORT:
- 7:45 8. COUNCIL COMMUNICATIONS:
- 8:00 9. ADJOURNMENT
- Jon Holan
Community
Development Director
- Rob Foster
Public Works Director
- Paul Downey
Administrative Services
Director
- Susan Cole
Assistance Finance
Director
- Michael Sykes
City Manager

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3. CONSENT AGENDA: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).
- A. Approve City Council Executive Session (Exempt Records and Attorney-Client Privilege) Meeting Minutes of January 14, 2008.
 - B. Approve City Council Work Session (Fire Department Annual Performance Review) Meeting Minutes of January 14, 2008.
 - C. Approve City Council Regular Meeting Minutes of January 14, 2008.
 - D. Accept Committee for Citizen Involvement Meeting Minutes of August 14, September 11, November 13, and December 11, 2007.
 - E. Accept Community Forestry Commission Meeting Minutes of December 12, 2007.
 - F. Accept Historic Landmarks Board Meeting Minutes of December 18, 2007.
 - G. Accept Parks and Recreation Commission Meeting Minutes of December 19, 2007.
 - H. Accept Planning Commission Meeting Minutes of November 5, November 19, December 3, 2007, and January 7, 2008.
 - I. Accept Public Safety Advisory Commission Meeting Minutes of November 28, 2007.
 - J. Fire Department Monthly Statistics Report for December 2007.
 - K. Library Department Monthly Circulation Statistics Report for January 2008.

**FOREST GROVE CITY COUNCIL EXECUTIVE SESSION
ORS 192.660(2)(F) EXEMPT RECORDS
JANUARY 14, 2008 – 5:30 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Richard Kidd called the Executive Session to order at 5:34 p.m. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Victoria Lowe, Camille Miller, Ronald Thompson, Peter Truax, Elena Uhing, and Mayor Kidd. **STAFF PRESENT:** Michael Sykes, City Manager; Jack Hammond, City Attorney; Paul Downey, Administrative Services Director; Susan Cole, Assistant Finance Director; Rob Foster, Public Works Director; Derek Robbins, Civil Engineer; Robert Mills, Fire Chief; and Anna Ruggles, City Recorder.

2. EXECUTIVE SESSION:

The City Council met in Executive Session in accordance with:

ORS 192.660(2)(F) to consider information or records that are exempt by law from public inspection and ORS 40.225 relating to lawyer-client privilege.

3. ADJOURNMENT

Mayor Kidd adjourned the Executive Session at 6:10 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

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**FOREST GROVE CITY COUNCIL WORK SESSION
(FIRE DEPARTMENT ANNUAL PERFORMANCE REVIEW)
JANUARY 14, 2008 – 6:00 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by the Council.

1. ROLL CALL

Mayor Richard Kidd called the Work Session to order at 6:12 p.m. **ROLL CALL:**
COUNCIL PRESENT: Thomas Johnston, Victoria Lowe, Camille Miller, Ronald Thompson, Peter Truax, Elena Uhing, and Mayor Kidd. **STAFF PRESENT:** Michael Sykes, City Manager; Jack Hammond, City Attorney ; Paul Downey, Administrative Services Director; Susan Cole, Assistant Finance Director; Robert Mills, Fire Chief; and Anna Ruggles, City Recorder.

2. FIRE DEPARTMENT ANNUAL REVIEW:

Mills facilitated the work session, noting the purpose of the work session was to provide an overview of the Forest Grove Fire and Rescue Emergency Response Performance Review. Mills reported the City and Forest Grove Rural Fire Protection District contracted with Emergency Services Consulting, Inc., to conduct an Emergency Response Performance Review of the Fire Department. Mills reported the purpose of the review was to give the City and Forest Grove Rural Fire Protection District a snapshot of its current emergency response delivery capability and to provide an analysis of future strategic planning processes. The review provides a baseline performance description based on 2004-2006 response data.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to the annual performance review. Mills gave a brief outline of the areas reviewed and answered questions pertaining to travel time capability, workload history, service demand, response time, fire, medical and cardiac arrest events, time goals, and deployment procedures.

At the conclusion of the work session, Mills announced he plans to retire, effective March 31, 2008, and thanked Council for their support during his tenure as Fire Chief. Council highly commended Mills for his service to the City and citizens of Forest Grove.

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

**FOREST GROVE CITY COUNCIL WORK SESSION
(FIRE DEPARTMENT ANNUAL PERFORMANCE REVIEW)
JANUARY 14, 2008 – 6:00 P.M.
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3. ADJOURNMENT

Mayor Kidd adjourned the work session at 6:50 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

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**FOREST GROVE CITY COUNCIL REGULAR MEETING
JANUARY 14, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Richard Kidd called the regular City Council meeting to order at 7:00 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Victoria Lowe, Camille Miller, Ronald Thompson, Peter Truax, Elena Uhing, and Mayor Kidd. **STAFF PRESENT:** Michael Sykes, City Manager; Jack Hammond, City Attorney; Paul Downey, Administrative Services Director; Susan Cole, Assistant Finance Director; Rob Foster, Public Works Director; Jon Holan, Community Development Director; James Reitz, Senior Planner; Janet Lonneker, Light and Power Director; Rob DuValle, Human Resources Manager; Jeff King, Economic Development Coordinator; and Anna Ruggles, City Recorder.

2. CITIZEN COMMUNICATIONS:

Jack Rock, Claire Berger, and Alan Hershman, Oregon Citizens Against Pipeline, presented a PowerPoint presentation titled “No Liquid Natural Gas (LNG) Terminal” and reported that three major pipelines and two LNG processing terminals were already in the final stages of receiving federal approval to begin construction, noting two of the pipelines will traverse Gales Creek Valley and pass close to the Forest Grove city limits. The group urged Council to submit a resolution to Governor Kulongoski and State representatives reinforcing the “NO LNG” citizen inputs, noting citizens have eloquently expressed anger and fear about the project and the damage the project would do to their land, livelihoods, and their communities.

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

- A. Approve City Council Work Session (B&C Interviews) Meeting Minutes of December 10, 2007.
- B. Approve City Council Regular Meeting Minutes of December 10, 2007.
- C. Approve City Council Special Meeting Minutes of December 14, 2007.
- D. Approve City Council Special Work Session (B&C Interviews) Meeting Minutes of December 14, 2007.

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- E. Accept Community Forestry Commission Meeting Minutes of February 21, March 21, May 16, September 19, and October 17, 2007.
- F. Accept Historic Landmarks Board Meeting Minutes of November 27, 2007.
- G. Accept Library Commission Meeting Minutes of October 16 and November 20, 2007.
- H. Accept Parks and Recreation Commission Meeting Minutes of November 21, 2007.
- I. Community Development Department Monthly Building Activity Informational Report for December 2007.
- J. Fire Department Monthly Statistics Report for November 2007.
- K. Endorse New Liquor License Application (Full-On Premises Sales) for Zero Gravity Café, 1921 Main Street (Applicant: Lina Len Lei).
- L. RESOLUTION NO. 2008-01 DESIGNATING CITY OF FOREST GROVE CITY COUNCIL MEETINGS FOR YEAR 2008.
- M. RESOLUTION NO. 2008-02 MAKING APPOINTMENTS TO BUDGET COMMITTEE (REAPPOINT AARON HASLEM, TERM EXPIRING DECEMBER 31, 2010, AND APPOINT CHERE SANDUSKY, TERM EXPIRING DECEMBER 31, 2010).
- N. RESOLUTION NO. 2008-03 MAKING APPOINTMENTS TO COMMITTEE FOR CITIZEN INVOLVEMENT (CCI) (REAPPOINT EDWARD NIGBOR AND JOLYNNE PENA, TERMS EXPIRING DECEMBER 31, 2011, AND APPOINT N. MO NKIWANE AND AARON SAVAGE, TERMS EXPIRING DECEMBER 31, 2011).
- O. RESOLUTION NO. 2008-04 MAKING APPOINTMENTS TO COMMUNITY FORESTRY COMMISSION (CFC) (REAPPOINT STEPHANIE BEALL, MARK NAKAJIMA, AND DALE WILEY, TERMS EXPIRING DECEMBER 31, 2010, AND APPOINT SCOTT HANSELMAN, TERM EXPIRING DECEMBER 31, 2009).
- P. RESOLUTION NO. 2008-05 MAKING APPOINTMENTS TO LIBRARY COMMISSION (REAPPOINT ANITA ELLER, KAREN SHEPARD, AND DEBORAH SMITH, TERM EXPIRING DECEMBER 31, 2009, AND APPOINT DAYLA SMOLAND, TERM EXPIRING DECEMBER 2009).
- Q. RESOLUTION NO. 2008-06 MAKING APPOINTMENTS TO PARKS AND RECREATION COMMISSION (P&R) (REAPPOINT QUINN JOHNSON AND RICHARD KOVER, TERMS EXPIRING DECEMBER 31, 2011, AND APPOINT STEPHANIE VASQUEZ, TERM EXPIRING DECEMBER 31, 2010).
- R. RESOLUTION NO. 2008-07 MAKING APPOINTMENTS TO PLANNING COMMISSION (REAPPOINT THOMAS BECK AND CINDY MCINTYRE, TERM

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EXPIRING DECEMBER 31, 2011).

- S. RESOLUTION NO. 2008-08 MAKING APPOINTMENTS TO PUBLIC ARTS COMMISSION (PAC) (REAPPOINT JULIE ALDERSON, REPRESENTING PACIFIC UNIVERSITY, AND PATTY SCHMITZ-THURSAM, REPRESENTING CHAMBER OF COMMERCE, TERMS EXPIRING DECEMBER 31, 2010, AND APPOINT LINDA TAYLOR, AT-LARGE, TERM EXPIRING DECEMBER 31, 2010).

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

4. ADDITIONS/DELETIONS:

Sykes removed and rescheduled to a future agenda date Item 9: Public Hearing and Resolution No. 2008-10 Setting Business License Fees and Repealing Sections of Resolution No. 2007-31.

5. PRESENTATIONS:

5. A. Historic Landmarks Board (HLB) Project Status:

James Reitz, Senior Planner, and Jon Stagnitti, HLB Chair, provided an update on the Southside National Register Historic District, noting HLB is reviewing the consultant's data in efforts to establish a boundary for a potential Southside National Register Historic District, noting the highest concentration of eligible resources is located along Birch Street, from 16th to 12th Avenues, with a lesser concentration located along 15th Avenue, from Birch Street to Elm Street. Reitz and Stagnitti explained the process for establishing a historic district designation, noting a district could only be nominated if at least 50 percent, plus one, of the structures are within an area that has a concentration of structures that over 50 years old and retain a high degree of historic character and integrity and represent an important aspect of the City's history. Reitz advised that once the boundary of the district is determined, staff would begin the public outreach process. The process also requires a letter of support from Council to be forwarded along with the nomination and supporting documents to the State Historic Preservation Office. In addition, Reitz and Stagnitti provided an update on the Clark District Design Guidelines, noting HLB is reviewing the consultant's draft of the design guidelines, which would be used to guide how the structures within the district are remodeled or updated. Reitz and Stagnitti advised that once the design guidelines are distributed and the public has

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had an opportunity to comment, HLB will forward its recommendation to Council.

5. B. Bonneville Power Administration (BPA) Regional Dialogue and Tiered Rate Proposal:

Janet Lonneker, Light and Power Director, presented a PowerPoint presentation summarizing how BPA's tiered rates proposal will affect Forest Grove and reported on the steps the Light and Power Department is taking in anticipation of BPA's proposal. Lonneker explained for all loads that exceed the utility's High Water Mark (HWM), the utility will be responsible for obtaining another power supplier or purchase power from BPA at the Tier Two rate. Lonneker reported BPA is proposing to create standardized regional dialogue contracts, which would be signed by April, 2008; power service would begin October, 2011; and contracts would be effective 20 years, noting the City's concerns include the current electric load requirements; forecasted HWM level in 2010; Tier Two proposals; options for additional power suppliers post 2012; renewable energy requirements; future growth; and adding large load post 2010.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to BPA's proposal and the City's concerns. Mayor Kidd stressed the importance of Forest Grove providing fair and equitable electric rates to its customers.

6. PUBLIC HEARING TO SOLICIT INPUT REGARDING THE POLICE CHIEF CANDIDATE PROFILE RECRUITMENT PROCESS

Staff Report:

DuValle reported the City has initiated an executive search process to fill the upcoming Police Chief vacancy, noting the purpose of the Public Hearing is to solicit input from citizens regarding the proposed Police Chief Candidate Profile, which was drafted by various community stakeholders. DuValle noted the candidate profile would become a baseline for evaluating applicants during the selection process.

Council Discussion:

Mayor Kidd opened the floor and roundtable discussion ensued pertaining to the proposed Police Chief Candidate Profile and the importance of seeking a variety of citizen input on the selection process. Mayor Kidd suggested seeking input from the Chamber of Commerce. Uhing suggested seeking

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input from a smaller business owner, new business owner, hospital administration, and local citizens. Lowe suggested seeking input from a high school student and local citizens. Thompson suggested seeking input from a Pacific University student. Truax suggested seeking input from the senior community and noted the Police Chief is not a Charter-appointed position and the final decision will be at the City Manager's discretion. Hearing no further discussion from the Council, Mayor Kidd opened the Public Hearing to allow citizen input on the proposed Police Chief Candidate Profile.

Public Hearing Opened:

Mayor Kidd opened the Public Hearing.

Proponents:

No one wished to testify and no written comments were received.

Opponents:

No one wished to testify and no written comments were received.

Others:

No one wished to testify and no written comments were received.

Public Hearing Closed:

Hearing no testimony from the audience, Mayor Kidd closed the Public Hearing.

7. RESOLUTION NO. 2008-09 ADOPTING THE REVISIONS TO CITY OF FOREST GROVE EMPLOYEE HANDBOOK

Staff Report:

DuValle presented the above-proposed resolution and requested adopting the proposed revisions to the Employee Handbook as outlined in Exhibit A of Resolution No. 2008-09. DuValle reported the language modifications comply with recent changes in legislation, policy, and best practices.

Before proceeding with Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2008-09.

Hammond read Resolution No. 2008-09 by title.

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MOTION: Councilor Miller moved, seconded by Councilor Lowe, to adopt Resolution No. 2008-09 Adopting the Revisions to City of Forest Grove Employee Handbook.

Council Discussion:

In response to Mayor Kidd's inquiry pertaining to a security policy, DuValle advised the City has an existing policy as prescribed by an administrative executive order.

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

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

**8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2008-01
REPEALING AND REENACTING CHAPTER 7 OF THE FOREST GROVE CODE,
ENTITLED "BUSINESS" TO ESTABLISH AN ANNUAL BUSINESS LICENSE
PROGRAM**

Staff Report:

Downey, Cole, and King presented the above-proposed ordinance and requested establishing an annual business license program as identified by City Council as part of its goal setting for 2007-08. Staff reported the purpose of establishing a business license program is to facilitate the collection of vital information about businesses for public safety, to enhance economic development strategies, and provide revenue. The proposed ordinance requires businesses within the City to obtain an annual business license and repeals the requirement of a 10-year general occupancy permit. The business license would be effective the date of issuance and would expire each March 31st, to be renewed annually thereafter. Staff explained the March 31st expiration date best accommodates existing administrative workloads. In addition, staff proposed setting the fee structures based on the number of employees of the business (capped at \$250.00); certain entities and organizations would be exempt; and special provisions would be included for community-sponsored events.

Questions of Staff:

In response to Lowe's inquiry pertaining to door-to-door sales, Cole explained that temporary/transient businesses would need to obtain a

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business license regardless of the number of days of operation. Downey concurred that staff needs to revisit Code Section 7.405, Residential Solicitors, to determine if language should be added to clarify a temporary business license would be required.

Thompson suggested adding language to the ordinance pertaining to Code Section 7.405, Residential Solicitors, to allow placement of written material.

In response to Johnson's inquiry pertaining to independent contractors, King explained that independent contractors would not need to obtain a business license if the initial business already obtained the license, noting the ordinance is structured so the initial business is required to obtain the business license and pay fees based on the number of employees.

In response to Mayor Kidd's inquiry pertaining to shared lease, residential rental units, and 501c, King explained shared lease and per unit/residential rental would not need to obtain a business license if the initial business already obtained the license, noting the ordinance is structured so the initial business is required to obtain the business license and pay fees based on the number of employees. King also confirmed that a 501c is exempted. Downey concurred that staff needs to revisit Code Section 7.010, Definitions, "Apartment House" to determine if this definition is relevant.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Ordinance No. 2008-01.

Hammond read Ordinance No. 2008-01 by title for first reading and attested his firm conducted a legal review of the ordinance.

MOTION: Councilor Uhing moved, seconded by Councilor Lowe, to adopt Ordinance No. 2008-01 Repealing and Reenacting Chapter 7 of the Forest Grove Code, Entitled "Business" to Establish an Annual Business License Program.

The second reading of Ordinance No. 2008-01 by title is scheduled to occur at the meeting of February 11, 2008 (refer below).

Public Hearing Opened:

Mayor Kidd opened the Public Hearing.

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Declaration of Ex-parte Contacts, Conflicts of Interest, or Abstentions:

Johnston disclosed he had contact and spoke with several community business owners. He declared no conflict of interest.

Miller disclosed she had contact and spoke with several community business owners. She declared no conflict of interest.

Thompson disclosed he had contact and spoke with several community business owners. He declared no conflict of interest.

Truax disclosed he had contact and spoke with several community business owners. He declared no conflict of interest.

Challenges from Parties:

None declared.

Proponents:

No one wished to testify and no written comments were received.

Opponents:

Bob Browning, Attorney, PO Box 430, Forest Grove, testified in opposition and cited concerns pertaining to the purpose of the City establishing a business license program and imposing annual fees, noting his business license, based on the proposed fees, would increase 1,271 percent over a ten-year period. Browning cited various language discrepancies and suggested adding language to the ordinance to prohibit commercial solicitation; suggested allocating revenue to code enforcement; and suggested seeking more public input. In addition, Browning questioned if fees were being imposed for residential rentals, to which King clarified that per unit/residential rentals would not need to obtain a business license if the initial business already obtained the license, noting the ordinance is structured so the initial business is required to obtain the business license and pay fees based on the number of employees.

Other:

Teri Koerner, Chamber of Commerce Director, testified on behalf of the Chamber of Commerce members and cited concerns pertaining to the purpose of the City establishing a business license program and imposing annual fees, noting the proposed fees would substantially impact current businesses and discourage new businesses from coming to Forest Grove.

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Koerner suggested imposing a flat administrative fee; suggested allocating revenue to public safety and economic development; and suggested seeking more public input from the business community. In addition, Koerner questioned if the City would be refunding existing general occupancy permits, to which Cole advised staff is exploring the best options on how to treat the remaining term of the general occupancy permit.

Council Discussion:

Johnston commented that it was important the fees be consistent with the costs to administer the business license program. Johnston proposed designating revenue allocations as follows: 70 percent to public safety; 30 percent to economic development; and 10 percent for administrative services.

Miller concurred with Johnston pertaining to allocating revenue to economic development and public safety.

Thompson suggested allocating revenue to code enforcement.

Truax suggested seeking input from the Public Safety Advisory Commission and Economic Development Commission.

Public Hearing Left Opened:

Mayor Kidd left the Public Hearing opened and continued the above matter until the meeting of February 11, 2008, to allow additional time to seek input from the business community, Economic Development Commission, and Public Safety Advisory Commission.

9. **PUBLIC HEARING AND RESOLUTION NO. 2008-10 SETTING BUSINESS LICENSE FEES AND REPEALING SECTIONS OF RESOLUTION NO. 2007-31**
Sykes removed and rescheduled the above-noted item to a future agenda date.

10. **PUBLIC HEARING AND RESOLUTION NO. 2008-11 ADOPTING THE 2007 STORM DRAINAGE MASTER PLAN AND WASTEWATER SYSTEM MASTER PLAN**

Staff Report:

Foster and Robbins presented the above-proposed resolution and requested adopting the 2007 Storm Drainage and Wastewater System Master Plans prepared by Kennedy/Jenks Consultants. The Master Plans are an update to

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the previous 1989 Master Plans. The scope of the Master Plans includes an evaluation of current and future needs, a projection of future flows, proposed programs, facility and system improvements, and a Capital Improvement Plan (CIP). Robbins indicated the Master Plans would serve as guidance documents to be used in the development of storm drainage and wastewater system improvements over the next seven to ten years.

Questions of Staff:

In response to Miller's inquiry pertaining to existing systems, Robbins explained the Master Plans identified existing systems, as well as inventoried known problem areas, noting projects identified in the Master Plans are required by the Engineering Department to be constructed as part of new development; however, conditions may change over time that require new or upgraded improvements to existing systems.

Johnston voiced the importance of Community Development and Engineering Departments discussing projects as development occurs, to which Robbins advised the projects identified in the Master Plans would guide communication during the development phases of the projects.

Before proceeding with the Public Hearing and Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2008-11.

Hammond read Resolution No. 2008-11 by title.

MOTION: Councilor Johnston moved, seconded by Councilor Uhing, to adopt Resolution No. 2008-11 Adopting the 2007 Storm Drainage Master Plan and Wastewater System Master Plan.

Public Hearing Opened:

Mayor Kidd opened the Public Hearing.

Proponents:

No one wished to testify and no written comments were received.

Opponents:

No one wished to testify and no written comments were received.

Others:

No one wished to testify and no written comments were received.

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Council Discussion:

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

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

11. **RESOLUTION NO. 2008-12 ADOPTING AN INTERGOVERNMENTAL AGREEMENT (IGA) FOR BROADBAND USER'S GROUP (BUG)**

Staff Report:

Downey presented the above-proposed resolution and requested adopting the changes to the existing BUG IGA, noting the intent of the new IGA is to restructure the BUG governing body to allow for executive level oversight and planning for the BUG.

Before proceeding with Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2008-12.

Hammond read Resolution No. 2008-12 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Uhing, to adopt Resolution No. 2008-12 Adopting an Intergovernmental Agreement (IGA) for Broadband User's Group (Bug).

Council Discussion:

In response to Mayor Kidd's inquiry pertaining to the City's cost to participating in the BUG, Downey referenced Exhibit B, noting the BUG provides the City with shared-use of the public communication network, internet access, and security for computer connections.

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

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

12. **RESOLUTION NO. 2008-13 APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE CITY OF HILLSBORO FOR THE PROVISIONS OF**

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LAND DEVELOPMENT AND BUILDING INSPECTION SERVICES

Staff Report:

Holan presented the above-proposed resolution and requested adopting the IGA with the City of Hillsboro to provide the City with an additional source for plumbing inspection services, noting the IGA is identical to the existing IGA with Washington County, which will remain in effect. The City of Hillsboro will charge a reimbursement rate of \$55 per hour for inspections, plus 50 percent of the plan review fees, which is the same rate as Washington County.

Before proceeding with Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2008-13.

Hammond read Resolution No. 2008-13 by title.

MOTION: Councilor Johnston moved, seconded by Councilor Miller, to adopt Resolution No. 2008-13 Approving an Intergovernmental Agreement (IGA) with the City of Hillsboro for the Provisions of Land Development and Building Inspection Services.

Council Discussion:

In response to Uhing's inquiry pertaining to the purpose of the IGA, Holan advised that the City does not have a certified staff person to provide A-Level plumbing plan check or inspection services, which the City of Hillsboro does, and by contracting with the City of Hillsboro, staff would not need to wait for an available County Inspector.

In response to Johnston's inquiry pertaining to costs differential, Holan advised it would cost the City more to hire a full-time A-Level plumbing inspector.

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

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

13. **PUBLIC HEARING (CONTINUANCE FROM DECEMBER 10, 2007):**

SECOND READING OF ORDINANCE NO. 2007-21 VACATING WRIGLEY

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**STREET AND SEGMENTS OF 36TH AVENUE, 36TH PLACE AND 37TH AVENUE.
APPLICANT: CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (MARK
COTTLE). FILE NO. VAC-07-01**

The first reading of Ordinance No. 2007-21 by title and motion to adopt occurred at the meeting of December 10, 2007.

Staff Report:

Holan asked for a continuance of the Public Hearing to January 28, 2008, due to staff has not completed its review of the traffic analysis and the Planning Commission has not completed its review of the conditional use permit.

Council Discussion:

Mayor Kidd asked for Council approval to continue the Public Hearing to January 28, 2008, to which Council collectively agreed to approve the continuance.

14. PUBLIC HEARING (CONTINUANCE FROM DECEMBER 10, 2007):

**SECOND READING OF ORDINANCE NO. 2007-23 ANNEXING CERTAIN TRACTS
OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND WITHDRAWING
THE TRACTS FROM WASHINGTON COUNTY ENHANCED LAW ENFORCEMENT
DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT,
AND THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT. THE
TERRITORY TO BE ANNEXED CONSISTS OF 2.82 ACRES, LOCATED AT 2741
JUNIPER STREET. WASHINGTON COUNTY TAX LOT MAP NO. 1N3 3100-
1005. PETITIONERS: DARREN AND PATTY PANG, PROPERTY OWNERS,
AND PAM DANZER, APPLICANT. FILE NO. ANX-07-02**

The first reading of Ordinance No. 2007-23 by title and motion to adopt occurred at the meeting of December 10, 2007.

Staff Report:

Holan confirmed the above petitioners submitted the Measure 37 waiver covenant as required.

Public Hearing Continued:

Mayor Kidd continued the Public Hearing from the meeting of December 10, 2007.

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Proponents:

No one wished to testify and no written comments were received.

Opponents:

No one wished to testify and no written comments were received.

Others:

No one wished to testify and no written comments were received.

Council Discussion:

Hearing no discussion from the Council, Mayor Kidd asked for a roll call vote on the motion made December 10, 2007.

Hammond read Ordinance No. 2007-23 by title for second reading.

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

15. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes provided insight on the various City departments' SWOT Analysis (a strategic planning exercise to help identify Strengths and Weaknesses and examine Opportunities and Threats). Sykes reported he is working with staff on plans to develop an internal and external informational City newsletter. Sykes reported Fire Chief Mills has announced plans to retire and has submitted resignation. Sykes commended Fire Chief Mills and Police Chief VanBlarcom, who also announced plans to retire, for their service to the City and citizens of Forest Grove. In addition, Sykes reported the Land Use Board of Appeals upheld the City's decision to deny the Ortman appeal pertaining to Building Permit No. BLD-06-00220 (Vanderkin).

16. COUNCIL COMMUNICATIONS:

Johnston reported on the upcoming meetings he was planning to attend and reported the Forest Grove School District was recently recognized for being a recipient of several awards and scholarships. In addition, Johnston commended Fire Chief Mills and Police Chief VanBlarcom for their service to the City and citizens of Forest Grove.

Lowe provided an update on Fernhill Wetlands and reported on the

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upcoming meetings she was planning to attend.

Miller provided an update on the Sister Cities and reported the Committee for Citizen Involvement is busy planning the Annual Town Meeting, which will be held Saturday, January 26, 2008. Miller commended Kerstin Cathcart, Senior Planner, who recently submitted resignation, for her service to the City and citizens of Forest Grove. In addition, Miller concurred with Sykes about the City needing an internal and external newsletter as a tool to recognize employees for their outstanding work.

Thompson reported on the upcoming meetings he was planning to attend.

Truax reported on the Forest Grove Rural Fire Protection District, noting the Board received its copy of the Fire Department Annual Review. Truax provided statistical information pertaining to the Fire Department calls for service and reported on the Community Development Block Grant process. Truax reported the Library Commission is drafting a policy for use of the piano in the Rogers Room and is assessing the survey results. In addition, Truax commended Fire Chief Mills for his service to the City and citizens of Forest Grove.

Uhing reported the Historic Landmarks Board is planning to attend a legal training class and the Economic Development Commission is moving forward with its bylaws and mission statement.

Mayor Kidd reported on various Metro and Washington County meetings and tours he attended and upcoming meetings and events he was planning to attend. Mayor Kidd reported on various regional and local transportation issues and reported on the Community Development Block Grant process. Mayor Kidd reminded Council of the upcoming joint work session with the Public Safety Advisory Commission, noting he would be unable to attend the work session due to a prior meeting commitment. Mayor reported on the Boards, Committees, and Commissions reception, noting the event was well attended. In addition, Mayor Kidd reported the City was recently awarded the 2009 Mayors' Conference, which will be held at Pacific University.

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17. ADJOURNMENT:

Mayor Kidd adjourned the meeting at 10:35 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

APPROVED

3D

COMMITTEE FOR CITIZEN INVOLVEMENT
Tuesday, August 14, 2007
Community Auditorium Meeting Room

1. **ROLL CALL:**

Chair Jolynne Pena called the meeting to order at 4:05 p.m.

Members: Michelle Ashton, Deborah Delfs, Ed Nigbor, Jolynne Pena, Dennis Stoddard, Jerry VanderHout, Wendell Webber

City Staff: Kerstin Cathcart (Jon Holan, absent)

City Council Liaison: Camille Miller

3. **APPROVAL OF MINUTES:** The July meeting minutes were approved.

2. **COMMUNITY INBOX:** None.

5. **ACTION ITEMS/DISCUSSION:**

PERIODIC REVIEW aka COMP PLAN UPDATE

The entire meeting focused primarily on public involvement for the **Periodic Review**. Kerstin Cathcart, Senior Planner reviewed the materials in the agenda packet about Periodic Review.

Kerstin explained that she needed input from the CCI about the public involvement for Phase 1 which starts in October and will last 6 months. During that time, staff will be creating a Work Program that will cover 3 years worth of work, most of it required by the state. Public involvement is critical to the success of the Comp Plan Update.

The discussion centered on Phase 1 Proposed Public Involvement. Members of the Committee had the following observations:

- Overall the proposed program looks good – no changes recommended
- The more public involvement, the better
- Explain to the public that they have to “speak now or forever hold your peace” because residents will be unable to object to any part of the process unless they have been formally involved in the process
- Concern expressed about the timing of input from the public – “formally involved” means signing in at a public meeting, testifying at a public hearing, signing up as a “party of interest”
- Make it clear that these issues around involvement are a state regulation, not something the City is putting on people

- Committee members liked the idea of summarizing past public input about the City in a report tentatively titled “What We’ve Heard So Far”
- Involve John Schrag to participate by having good newspaper coverage
- Don’t use the term “Periodic Review” – use “Comp Plan Update” and explain that the Comprehensive Plan is “comprehensive” and includes other planning documents – it’s the “plan for where the City is going and what the City will be working on”
- Explain what a Comprehensive Plan is in the first newsletter
- Living Room meetings worked well in the past (about 20 years ago to fundraise for new stadium)
- Discussion about how to get people to host Living Room meetings; meeting content and recording comments. City staff would attend the meetings to take notes and guide the discussion. There will be a discussion guide or list of questions available to give to people before the meeting so that they have time to think about things.
- Living Room meetings could be explained at the ATM
- “Walk the (UGB)Line” would only be a good use of staff time if:
 - it was well-promoted (make it sound interesting – i.e. walk the 100-yr. flood plain)
 - has a clearly explained purpose
 - reservations required to ensure turn-out
 - during non-rainy season
 - connect with environmental or hiking groups to encourage turn-out
- Youth involvement ideas were well-received – it was recommended to contact Connie Potter (FGSD Communications Director) to find out what staff to contact
- Photo Contest for Best/Worst of Forest Grove should be open to all residents
- Kerstin suggested that the CCI publicize and judge the contest and the winners could be shown at the ATM in January. CCI members could also seek out prizes by contacting local businesses so that there is some real incentive to do the contest.
- High school students have to do a “Senior Project” and perhaps one or two students may want to master-mind youth involvement as their project

ANNUAL TOWN MEETING (ATM 08)

CCI was asked to think about Comp Plan Update info & topics that would be best suited for the ATM in January. The Public Involvement Program handout has suggestions. Staff needs your input about what would be most interesting meeting topic; how to draw people to the meeting & what methods would be best to present info and gather input.

COMP PLAN UPDATE – PHASE 2 PUBLIC INVOLVEMENT

Kerstin explained that, at this time, there is no specific public involvement program for Phase 2 (doing the work of the Work Program) because it is best to wait until the Work Program is drafted and then devise public involvement that fits the tasks. However, staff is seeking CCI's input about whether or not the project needs a citizen steering committee. If yes, what form would that committee take?

There was detailed information about different kinds of steering committees in the Agenda Packet. Due to the lack of time at the meeting, discussion of this topic will begin at the next CCI meeting.

CCI members acknowledged at volunteer burn-out would be a challenge for such a lengthy project.

6. OTHER BUSINESS:

CCI members also brought up the following concerns:

- The tree removal at Bard Park was a shock and surprise to many people. Most people don't know that the City is going to replant in the fall. The City lost an opportunity to do some educational outreach prior to cutting down the trees. Committee members suggested putting up a sign explaining what happened to the trees and why and about the replanting.
- Many residents feel as if Pacific University has "taken Lincoln Park away from them." Few people are aware of neither the reopening date nor the new amenities. Particular concern was expressed about rebuilding the walking path. Some residents are reluctant to use Rogers Park because of "the drug dealing that goes on there" and many of the other smaller parks lack bathrooms – a big concern for mothers of young children. Again, this is another lost opportunity for the City to do public education and to put to rest people's concerns, as well as promote other park facilities in town.
- In both these cases, there were newspaper stories – but many people don't read the paper. Other means of communication should be explored.
- Sunset Drive is looking good however committee members noted that the entrances to both Willamina and 26th Avenues look very narrow and will cause problems for drivers in the future. In addition, committee members asked about sidewalks along Thatcher Road. In all these situations – the roads are under County jurisdiction. It would be helpful to create a map that shows city streets and county road so that the public could understand why things seem illogical and unsafe.

7. NEW BUSINESS: None

8. ADJOURNMENT:

The meeting ended at 5:10 pm.

ANNOUNCEMENT OF NEXT MEETING: Next meeting SEPTEMBER 11, 2007.

Respectfully Submitted
Kerstin Cathcart
City of Forest Grove – Senior Planner

APPROVED

COMMITTEE FOR CITIZEN INVOLVEMENT
Tuesday, September 11, 2007
Community Auditorium Meeting Room

1. **ROLL CALL:**

Chair Jolynne Pena called the meeting to order at 4:10 p.m.

Members: Michelle Ashton, Deborah Delfs, Jolynne Pena, Wink Webber

Absent Members: Ed Nigbor, Dennis Stoddard, Jerry VanderHout

City Staff: Jon Holan, Kerstin Cathcart

City Council Liaison: Camille Miller

3. **APPROVAL OF MINUTES:** The August meeting minutes were approved.

2. **COMMUNITY INBOX:** None.

5. **ACTION ITEMS/DISCUSSION:**

COMP PLAN UPDATE

Kerstin handed out a list of public involvement done on the original Comp Plan to show the extent of past public involvement on the plan.

1. ***Feedback from Council & DLCD about Public Involvement Program***

- Council concerned that there is adequate public involvement
- Recognized that process will be expensive & time-consuming
- It will be important to get things done on time
- Recommendation from Mayor to have open house before public hearings/work sessions – could be more like “Planner Is In” and have staff available for people to come talk with prior to the meeting
- Temporary DLCD rep, Meg Fernekees emailed that the plan looked “stellar”

OTHER BUSINESS:

Michelle suggested that the City have a weekly presence at the Farmer’s Market, especially on the First Wednesdays. CCI members discussed having a City Booth. It was felt that the CCI should head up this effort both for the benefit of the City and to give CCI some visibility in the community. Organizing the booth supplies and promoting its use would be CCI project.

CCI members would volunteer to staff the booth once a month – to accompany whoever is at the booth in order to see how the interaction goes and help promote public involvement. CCI would also figure out what specific items are needed to make the

booth useful and look professional.

Debra volunteered to talk with Adalante Mujeres (Gina Bell – Market Manager) about the cost for an entire season and best location for the City’s booth – possibly near the eating area? Jolynne volunteered to draft a letter to the City Manager regarding the booth and details, suggesting that the City fund the booth fees and keep the reservations for various city departments, boards & commissions. Jolynne will bring the letter to the next CCI meeting for review. Wink offered to investigate costs for a booth banner and CCI t-shirts. The CCI members would pay for their t-shirts. The shirts could be worn at any CCI event such as the ATM and at the booth. Wink also will investigate display options for materials such as handouts so that all that City staff or volunteers would need to do is show up and there would be supplies to keep papers from blowing away. Finally, Wink noted that having candy available would draw people to the booth. After Halloween would be a most advantageous time to shop for candy. Any chocolate candy could be stored in a freezer until needed.

Camille said that the CCI could borrow a canopy from the Chamber of Commerce. CCI also felt that City zoning & comprehensive plan maps should always be at the booth for people to view and to provoke discussion and awareness.

2. *Address question – Does the Comp Plan Update require an advisory or steering committee? (see memo from K. Cathcart – dated 8/2/2007)*

After a detailed discussion about steering committees, the CCI recommended that the City use TOPICAL working groups during Phase 2 – Work Program. Here are the details of the major points made in the discussion and ideas on how to make the topical groups work:

Discussion Points

- Everyone agreed that some kind of steering committee is needed.
- People participate because of “one burning issue” so having topical groups will harness this energy.
- Staff can put together a timeline that shows WHEN each topic will be addressed so that people can pay attention at that time.
- It is very important to get input from both demographically and geographically different residents (people on David Hill have different perspective than people downtown or in Old Town).
- What will be the POWER and RESPONSIBILITY of any group? What can they DO? To what extent will their input be used?
- In order to reach special populations (elderly, Hispanic, women, long-term residents, etc.) staff may seek input from different groups such as clubs, social organizations on specific topics in order to reach special populations that don’t normally participate.
- The need for public input on different topic won’t happen until the City starts to work on the Work Program next summer.

- Have a clear picture in advance of the number of meetings needed for each topic so that people know what they are signing up for.
- Remind people that this is the way to voice their interests and preferences and that participating gives them standing to set forward any objections in the future to the City and DLCDC.

Topical Working Groups

- Will have at least 5 topic groups – Required State Goals: 9 - Economic Development, 10 - Housing, 11 - Public Facilities, 12 - Transportation, 14 - Urbanization
- Other topics that will likely have a group will be Parks & Recreation (Goal 8) and Historic Preservation/Tree Preservation (Goal 5)
- Existing boards & commissions could be core of the topical group
- The Work Program & public interest may determine other groups.
- Groups may meet once or regularly depending on topic and product (report, analysis, etc.)
- Groups can have the role of information providers – data collectors. This happened during the original writing of the Comp Plan.
- Groups will form by the following methods:
 - (1) Open call for interested people in project newsletters/newspaper
 - (2) CCI will recommend people to specifically invite to each topic group (CCI will prepare lists during this winter so that they are ready when the topic comes up.) Staff will send special invitations or call these individuals. This method will help recruit people who don't normally participate.
 - (3) Boards & Commissions will be asked to recommend individuals for different topical groups.
 - (4) People can sign up for groups at City's Booth at Farmer's Market
 - (5) When people sign up to be on the Comp Plan Update mailing list on-line, they will be asked to indicate topics that they are interested in. When those topics come up – they will receive an email alerting them to upcoming meetings and/or groups on the topic.

OTHER BUSINESS:

Jon mentioned that October 13th is the Open House at the Fire Station and that staff would be there to promote the Comp Plan Update, sign people up and generate interest in the upcoming ATM.

3. *Annual Town Hall Meeting – Discuss topic, format, roles & responsibilities*

CCI members brainstormed about the upcoming ATM and came up with the following ideas:

DATE: Saturday, January 26, 2008

TIME: Keep the usual time of 9 to noon – be careful with agenda because we tend to run out of time

FORMAT: Mixture of presentations & participation – limiting opening comments so there is more time for meeting content

ADVERTISING: Get banners made for Pacific Avenue and figure out how to get one hung over or near Thatcher (where more traffic is); News-Times; 11x14 glossy posters to be put on store windows downtown & at Ballard Towne Square; Ask Carl Heisler if ATM could be put on his reader board at Quince; get notice of ATM on Chamber & service groups' agendas and/or newsletters

CONTENT: Notes from brainstorming session and post-meeting conversation between Jon & Kerstin –

- Pictures are needed – from citywide photo contest, from students, Now –Then photos
- Meeting should be about CHANGE – how has FG changed in last 20 years – how will it change in the next 20 years?
- Talk about how things have changed and how has the Comp Plan influenced the changes
- Ask people what they think will be the biggest factors affecting change?
- Changes in demographics, age, race, income, lifestyle, family composition
- Use layman's terms so people understand
- Explain why bother paying attention to this project – Wink explained how TRAFFIC influenced his life/property and how that is the major reason to pay attention
- Give overview of Comp Plan Update
- Get together a panel of speakers who can talk about change over the last 20 years (*Could this be a video made a Pacific U media student?*)
- = possible people to interview: Glenn VanBlarcom, Police Chief – has worked in FG over 30 years; Herb & Carol Drew – met at PU, own business, very involved; Lisa Nakajima – describe how Ace has changed; David Morelli – changes in land use patterns and how that affects everyone; other ideas???
- Looking forward to the next 20 years – ask people to respond to question: What do you see as the trends in the next 20 years that will influence/affect FG from your perspective? What will (your area of expertise) be like in 20 years?
- Topics to explore for next 20 years –
 - Land Use (Jon)
 - Pacific University/education (Phil Creighton, Jack Musser)

- Senior Care/Health – ask Luann Arnott for ideas/Tuality?
 - Homebuilding (Homebuilders' Association)
 - Transportation/Traffic (Metro Transportation Planners)
 - Demographics – How our community will change (PSU Planning Professor or Demography Expert from Population Center)
 - Influence of Metro region on FG (???)
 - Energy Changes (Janet Lonneker?)
 - Business/Economy (???)
 - One 'wild eyed thinker/visionary' – any ideas?
- POSSIBLE AGENDA -
 - Looking Back 20 years (video)
 - Looking Forward 20 years (panel)
 - Small Group Discussions with goal of coming up with the four major factors will influence FG's future
- POSSIBLE MATERIALS –
 - (1) Make a booklet that contains:
 - Mayor & City Council members with photos (one picture of them 20 years ago and one recent photo?) and statements about their goals and their ideas/vision for next 20 years
 - Info about Comp Plan Update
 - Data about FG 20 years ago, now and forecasts for future
 - Maps of FG 20 years ago and now
 - Info about speakers and synopsis of their statements
 - Blank pages for note-taking
 - Input sheets – meeting review in general, your ideas of future changes, sign up to be on Comp Plan mailing list
 - (2) Set up displays in Conference Room – historic photos (ask Historic Landmarks Board to help out)
 - (3) Consider opening doors 30 minutes to 1 hour early and invite people to come look at pictures and info

4. Phase 1 Public Involvement Materials – CCI members needed to be 'review committee' – need volunteers who like to read

Volunteers include Ed, Jolynne and Debra – Kerstin will send materials out to all CCI members but expect comments (either a 'thumbs up' or corrections/advice) from Ed, Jolynne and Debra. Key thing is that there won't

be much time to give input so CCI members need to act fast.

5. ***CCI Photo Contest – “Best & Worst of FG” – need project coordinator, figure out guidelines, seek out prizes (CCI takes responsibility for project)***

Wink volunteered to start rounding up prizes. He can ask businesses. Kerstin offered CFC’s letter that gets sent to businesses asking for donations. CCI members suggested that Kerstin send out email asking entire CCI for a project coordinator. Staff felt that project needs to get underway as soon as possible. The first newsletter for the Comp Plan Update is being prepared over the next two weeks and it would be a great way to announce the contest.

Agenda Topics reserved for next CCI meeting:

Youth Activities Update – any more ideas for involving young people?

Vision Statement Program

7. **ADJOURNMENT:**

The meeting ended at 5:30 pm.

ANNOUNCEMENT OF NEXT MEETING: Next meeting OCTOBER 9, 2007.

Respectfully Submitted,
Kerstin Cathcart
City of Forest Grove – Senior Planner

APPROVED

COMMITTEE FOR CITIZEN INVOLVEMENT
Tuesday, November 13, 2007
Community Auditorium Meeting Room

1. ROLL CALL:

In the absence of the Chair Jolynne Pena, the meeting was called to order at 4:05 p.m.

Members: Michelle Ashton, Deborah Delfs, Ed Nigbor, Dennis Stoddard, Jerry VanderHout, Wink Webber

Absent Members: Jolynne Pena

City Staff: Jon Holan, Kerstin Cathcart

City Council Liaison: Camille Miller

2. APPROVAL OF MINUTES: The September 11th meeting minutes were approved.

3. COMMUNITY INBOX: None.

4. ACTION ITEMS/DISCUSSION:

(1) Comp Plan Update – Project Status

- The Evaluation was reviewed at a joint hearing of the Planning Commission and City Council on November 10th. Jon said that the comments received from the Commission, Council and the attending public primarily concerned economic development, transportation and concerns about affordable housing.
- The project website is up and running. Please take a look at it in your spare time.
- The first newsletter went out in the October utility bill mailer.
- The “official” project mailing list has been established.

(2) Comp Plan Update – Photo Contest (Best & Worst of FG)

The contest has been advertised in the newsletter, on the website and at presentations to students. The students have expressed interest in it. Specific CCI members were reluctant to take charge of the contest so it was decided that it would be “CCI project.”

Wink expressed concern that photos of “the worst” may target an individual. Kerstin assured him that the CCI and hopefully the Arts Commission would screen the entries. Wink offered to get some prizes. Kerstin explained that she had tried to make contact with the Public Arts Commission chair twice without luck. She also said that she’d pass along the letter used by the CFC when asking for prizes.

As yet, no photos have been entered into the contest.

(3) **Comp Plan Update – Youth Activities**

Kerstin reported that she has given presentations about the Comp Plan Update to students at the Community School. Other presentations have been scheduled. The Committee briefly discussed the challenge of getting connected with students, particularly in the difficulty in getting the school's schedule and the project schedule to mesh.

(4) **Comp Plan Update – Work Program Development**

The Committee discussed two ways to get input on the Work Program. One way is to have topical meetings where the entire meeting is focused on one topic. These meetings would run during January and February and would allow in-depth discussion and input on a single topic. Another method is to have "Living Room Meetings" where a people invite their neighbors to come over and city staff comes too. The discussion would center on people's ideas for the future of Forest Grove.

Overall the Committee preferred the topical meetings citing that people generally come out for one 'burning issue.' The meetings will be videotaped. Recordings of the meetings would be kept in the Library in case people wanted to observe the proceedings. Most of the Committee members felt that few people would want to host a "Living Room Meeting." Jon explained his past success with such meetings and Jerry volunteered to host a meeting. Wink talked about how such meetings were used years ago when fundraising for the school's playing field. He said the key is getting people to host the meetings and getting the right people to come.

Deb suggested having a "Living Room Meeting" with local civic groups. The one drawback would be that most groups have their own agendas and time would be limited. Wink suggested having a "Living Room Meeting" at the Elks Club – that way there wouldn't be a problem finding enough space in someone's living room.

Deb said the key is giving enough information to potential hosts so that they know what they are hosting and can recruit friends to come. Michelle suggested a 'cheat sheet' that explains the meetings' purpose.

Ed suggested having a meeting at different churches. He felt the UCC church would certainly host a meeting. Camille said that the Chamber board members could be encouraged to each host a meeting.

There was not enough time to cover the remainder of the agenda so the Committee agreed to meet on November 27th to address the upcoming Annual Town Meeting.

7. **ADJOURNMENT:**

The meeting ended at 5:00 pm.

ANNOUNCEMENT OF NEXT MEETING: Next meeting DECEMBER 11, 2007.

Respectfully Submitted,
Kerstin Cathcart
City of Forest Grove – Senior Planner

APPROVED

COMMITTEE FOR CITIZEN INVOLVEMENT
Tuesday, December 11, 2007
Community Auditorium Meeting Room

1. **ROLL CALL:**

In the absence of the Chair Jolynne Pena, the meeting was called to order at 4:15 p.m.

Members: Ed Nigbor, Dennis Stoddard, Jerry VanderHout, Wink Webber

Absent Members: Michelle Ashton, Jolynne Pena, Deborah Delfs

City Staff: Jon Holan, Kerstin Cathcart

City Council Liaison: Camille Miller (absent)

2. **APPROVAL OF MINUTES:** The November 13th meeting minutes were approved with Jerry motioning for approval and Wink seconding. All were in favor.

3. **COMMUNITY INBOX:** None.

4. **ACTION ITEMS/DISCUSSION:**

(1) **Comp Plan Update – *Project Status***

- Staff continues to work on the website, grant application, inter- & intra-agency coordination.
- Setting up topical meetings for January and February

(2) **Comp Plan Update – *Photo Contest (Best & Worst of FG)***

As yet, no photos have been entered into the contest.

(3) **Annual Town Meeting**

The meeting will focus on change – asking the question – what do you think are the biggest opportunities and challenges facing FG in the next 20-25 years? CCI began by talking about what has changed the most in the last 20-25 years.

- Establishment of Metro – previously no regional perspective or rules (Wink) – it was suggested that Metro be a topic of a Jan/Feb meeting.
- Housing – more houses added, more schools (Dennis)
- People move to town but don't really live here – don't use library, pool or other city facilities – don't know the story of FG (Dennis)
- Connections between people & the town are lacking, in part due to how people settle here. For example, 20 years ago Dennis first lived in a Main Street apartment, then moved to Quail Run and now settled in a 1970s house. Newer resident move into brand new houses and don't experience the rest of the community.

CCI members felt that among the biggest future challenges will be: population change, growth, and on-going lack of economic development, especially in terms of commercial development.

Residents will be asked answer the same questions at the ATM. The discussion moderator will need to set down the 'rules of engagement', set the tone, and emphasize that this is not a 'gripe session.' CCI members were eager to try the 'open mic' discussion process again. They offered to get up to talk at the meeting, if needed to keep the discussion on topic.

Next, the CCI members discussed ATM speakers. At the previous special meeting on Nov. 27th, it was decided to ask several residents to talk about the past 20 years. David Morelli, emphasizing land use changes and Mark Nakajima, describing the history of a family business will talk. A variety of ideas were discussed for the 'future discussion.' It was decided that someone from the Vision Update Committee will be asked to present the vision statement and then Jon Holan would present overall ideas about future trends.

It was recommended to specifically invite the chairs of the different boards and commissions to come to the ATM, prepping them with the questions so they can help the discussion along.

The meeting agenda was adjusted according to CCI suggestions. Jolynne will be asked to tell people about the Comp Plan Update – Periodic Review project to give context to the meeting. Kerstin will write up notes for Jolynne.

Wink is ready to make advertising banners for three locations – north entry, on Ace Hardware's lawn and at the Rotary Club garden triangle on the couplet. Kerstin will send him the wording and will look for the Pacific Avenue banner, if it exists. Kerstin was also reminded to get out notice to any local clubs or organizations, to put in their members email and/or newsletters. CCI also recommended that staff do a press release, purchase a display ad and use the City column to promote the meeting. There was general support for the idea of making posters to put up in Safeway and other high-traffic locations.

Jon reminded the CCI there is a possibility of two meetings in January to prepare for the ATM.

7. **ADJOURNMENT:**

Jerry motioned for adjournment at 4:15 and was seconded by Wink. All were in favor.

ANNOUNCEMENT OF NEXT MEETING: Next meeting JANUARY 8, 2008.

Respectfully Submitted,
Kerstin Cathcart
City of Forest Grove -- Senior Planner

3E

APPROVED

COMMUNITY FORESTRY COMMISSION
COMMUNITY AUDITORIUM – CONFERENCE ROOM
December 12, 2007

1. **ROLL CALL:**

Chair Stephanie Beall called the meeting to order at 5:25 p.m.

Members present: Stephanie Beall, David Hunter, Mark Nakajima, Dale Wiley

Staff: Steve Huffman, Kerstin Cathcart

Council Liaison: Ron Thompson

Not Present: Brandy Dodd

2. **CITIZEN COMMUNICATIONS:** None.

3. **APPROVAL OF MINUTES:**
The November meeting minutes were unavailable

4. **ADDITIONS/DELETIONS:**

5. **ACTION ITEMS/DISCUSSION:**

- **Sunset Drive Tree Update** – Kerstin reported that a letter from the CFC was sent to Washington County reiterating that the County needs to follow their own project specifications. Steve has been talking with Al Girard, the project manager about trees. Kerstin was contacted by a landscape designer from WRG Designer who is working on the project.

- **CFC Membership Recruitment** – Nothing has been done yet to formally recruit another commissioner. Dale and Stephanie reapplied to be on the commission. The CFC recognizes that its membership has exceeded the residency requirement because Stephanie moved out of town.

- **Project Reports:**

- (1) Arbor Day Fun Run/Walk & Library Display – Brandy absent.

- (2) Neighborwoods – Dale

- Application for a City Enhancement Grant will be in March
 - Aim for a November planting
 - Need to work out more advertising to get more trees planted
 - Possibly get out in Spring to photograph the oldest NW trees for our records and future website

- (3) Street Tree Inventory – David

- Need to review past inventories
 - Look for old data put together by Tim Shiel & David about couplet trees because they identified future tree locations

- Strategy could be to divide city into quadrants, use satellite photos to number each street tree – then go out and check each tree
- Volunteers can be trained to do this work (seniors?)
- David willing to do the training
- Survey form could include: status (good, bad), utility conflict, sidewalk issues, blocking street signs, damage, topped or pruned poorly
- Surveyors could also identify future sites for street trees & then we could contact those property owners specifically about the Neighborwoods Program
- Best time to do this would be Spring or Summer

(4) Register of Significant Trees – Pam (Work-Study Student/Kerstin)

- Pam has completed the comparison of past lists
- She has also drafted a letter and survey form for January mailing
- Need to bring updates to Council
- Need to consider if trees on list are truly significant and determine if they have been topped, or badly pruned

(5) Farmer's Market & Website & Tree City Growth Award – Stephanie

- CFC agreed to continue presence at Farmer's Market
- Suggested getting a city grant to buy a sturdy table, chairs, canopy and display boards – CCI is pursuing the Farmer's Market idea for all city boards, commission and staff needs. Kerstin will send grant idea to CCI & Stephanie will supply estimates for display boards. Key point will be to get decent equipment because it will be well-used by many groups.
- Ideas for webpage making include asking student to do the work (high school or college) or asking City for grant to hire someone to do it
- New city website has standard format that everyone needs to use
- Growth Award is given for extra efforts – CFC brainstormed ideas including:
 - advocating for an arboretum in proposed Thatcher Park (Stephanie will attend planning meeting)
 - Master Plan for Reforestation of Rogers Park – this is very long-range. The park is essentially an oak grove being used as a park. Its aging and needs a long-term plan for trees and use. The Parks Dept. will do the facility planning, but the CFC can start thinking about the trees. Residents will need a couple years of education about why the park's trees are coming down (displays in park, mailings to neighborhood, info on website). The City isn't able to afford large trees so the CFC could start a nursery on city property so that in 10 years, we'll have replacement trees available.

(6) City Wood Ornaments – Steve

- Idea still on the table – goal is to make ornaments as a CFC fundraiser
- Mark talked with high school wood shop – they might be able to produce the ornaments
- Using oak (the City tree) – a design could be ‘burned’ on the disk of wood or a cut-out could be made – Steve willing to experiment
- Ron will find out what has happened to the wood sent out to be milled for city use

(7) Tree Tour Guide – Harold absent.

(8) Commemorative Trees – Mark – no details yet

6. **OTHER BUSINESS:**

Storm Report – Steve reported that the City only lost one tree, a pine that had been leaning. In addition, the City has been sending firewood to Vernonia.

Chamber Tree – The lighting up of the Chamber Christmas tree brings up, once again, the CFC’s concern about the health of the tree. David said that the tree is rotten and may split. Commissioners felt that the Chamber should designate a new City Christmas tree and remove the hazardous tree in front of their building.

Wal-mart Community Funds for Trees – Mark brought in an email about Wal-mart giving Florida residents \$100 gift cards for their Garden Center. The residents have had citrus trees problems – many trees removed under a citrus canker eradication program. Stephanie explained that Wal-mart has a commitment to spend a specific amount of money in community grants, in each community where they have a store. They have apparently experienced problems spending their grant funds and so they did this unusual state-wide program in Florida. It’s a funding source to keep in mind when Wal-mart comes to Cornelius.

7. **ADJOURNMENT:**

The meeting ended at 6:30 pm. Motion to adjourn by Dale, seconded by David with all in favor.

Respectfully submitted by:
Kerstin Cathcart

ANNOUNCEMENT OF NEXT MEETING: Next meeting JANUARY 16, 2008

3F

APPROVED

Members Present: George Cushing, Cindy Kistler, Neil Poulsen, Claude Romig, Jon Stagnitti, Margie Waltz-Actor
Members Absent: Kevin Kamberg
Staff Present: James Reitz
Council Liaison: Elena Uhing
Citizens Present: -0-

1. **Call to Order:** The meeting was called to order at 7:22 at the home of Margie Waltz-Actor. **The November 27, 2007 meeting minutes were approved as submitted.**

2. **Citizen Communication:** None.

3. **Action Items/Discussion:**

- **Southside District:** Reitz had surveyed the proposed boundaries for the Southside District and suggested that the Board consider adding properties along 16th Avenue between Birch and Douglas streets, as it appeared many of them could be considered contributing. After discussion the Board agreed that Kim Fitzgerald should study this further and report back at the next meeting.
- **Newsletter:** Kistler volunteered to do an article on the evolution of the high school athletic field. Cushing volunteered to see if Holly Tsur would do an article on her re-roofing experiences.
- **Clark District Design Guidelines:** Reitz and Stagnitti reviewed a memo they've written to update the City Council on the guidelines, and the Board agreed that it was very complete. Kistler questioned whether the guidelines if approved would apply to the Southside District as well as the Clark District. After discussion it was determined that the two districts would be dealt with separately. Poulsen volunteered to be liaison to a citizen review committee. It was determined that he would serve as temporary chair until a permanent chair was selected by the committee. Poulsen would contact some possible members and determine when and where the meetings could take place. It was suggested the Board might contact other jurisdictions to see what worked for them. It was also suggested that possibly another article on the review committee for the newsletter would be appropriate.

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

- **Council Liaison Update:** Uhing noted that the Board and Commission annual report and reception would be on Friday January 11th. She also reported that Federal control of the Hagg Lake dam is ending soon and that the City is considering purchasing a share of the future water rights.
- **A. T. Smith House:** No report.
- **Staff Update:** Reitz reported that the Blank House renovation project was complete. Stagnitti volunteered to perform the inspection.
- **January 22 Agenda:** Reitz reminded the Board that the meeting will be on the fourth Tuesday of the month, not the last Tuesday.

5. **Adjournment:** The meeting adjourned at 8:22 pm.

These minutes respectfully submitted by George Cushing

APPROVED

36

Minutes
Forest Grove Parks and Recreation Commission Meeting
Wednesday, December 19th, 2007

7:00 am

Park Shop

1. Roll Call: Commission members Susan Taylor, Ralph Brown, Quinn Johnson, Don Jones, Paul Waterstreet, Duane Anderson and Greg Kriebel are present. City staff member Tom Gamble and Steve Huffman are present. Council member Victoria Lowe and School District Superintendent Jack Musser are in attendance
2. Citizen Communication: None.
3. Approval of Minutes: Minutes from the November 21st, 2007 meeting were approved.
4. Additions/Deletions: None
5. Action Items/Discussion: None
6. Commissioner's Reports:

Metro activities; Don Jones reported on the Green Space Committee. He took a tour of the area, and indicated the two major areas of interest by the committee was the watershed and animals, and maintaining a balanced focus.

7. Staff Reports:

Park staff: With the budget back a laid off maintenance worker was hired back. It is still being decided whether to add one more full time staff member or add 2 seasonal/temporary workers.

Lincoln Park: There is some agreement issues with Pacific University regarding; a reluctance to put in swings, the use of asphalt instead of concrete to replace the basketball court surface, a change of thinking about the additional parking by the swimming pool, and the fence slats in the fence of the ball fields... which Pacific wants but obstructs a view from Sunset Drive. Tom Gamble is meeting with Pacific's finance director to discuss these issues.

Aquatic Center: Has reopened on weekends.

8. Old Business:

Lincoln Park Grand Opening: Pacific conducting a dedication for each of the new fields. Park and Rec. is planning an entire park grand opening in June 08 once the park is completely done. It was mentioned that this grand opening would be discussed further in January. Pacific has already had a dedication for the track and turf field. Tom will report back to the commission about the specifics of Pacific's other field dedication dates.

High school field turf proposal: Jack Musser addressed the commission on the following points were discussed.

- ★ City/School District partnership
- ★ School district fields are part of formula for city park master plan
- ★ It's an all encompassing project
- ★ Displayed an artist rendering of the project

- ★ 7 years ago, the school district sold 13 acres on Thatcher to the city at an affordable price... "the school district has been a good neighbor"
- ★ The school board will not take an official position, but supports the project and will approve the expenditure
- ★ School district will fund project up front
- ★ It was mentioned that a joint session be formed to discuss a use agreement/inter-governmental agreement.
- ★ Some money had already been put up b the school district
- ★ Replacement cost
- ★ Revenue from user fees (300K), boosters (300K), and school district (300K)
- ★ The use of Atlas field turf consortium will save 150K on the project
- ★ Total project will cost \$1.6 mil.
- ★ User fees for events and activities for general community use and games, tournaments, special events, youth and adult use.
- ★ The commission's recommendation and city's agreement to provide SDC funds has to be justified as those SDC funds relate to other fund expenditure priorities.
- ★ The school district's project might not be in sync with the budget process.

9. New Business: None

10. Next Meeting: Jan 16th, 2008

11. Adjournment: Meeting adjourned.

Minutes recorded by Duane Anderson

**PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM CONFERENCE ROOM**

November 5, 2007 -7:00 P.M.

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3H

APPROVED

1. CALL TO ORDER:

Chairman Beck called the meeting to order at 7:01 p.m. **Planning Commission Present:** Tom Beck, Carolyn Hymes, Ed Nigbor, Luann Arnott, Lisa Nakajima, Cindy McIntyre, and Al Miller **Staff Present:** Jon Holan, Community Development Director; Anna Ruggles, City Recorder, CMC.

2. PUBLIC MEETING:

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

2.2 PUBLIC HEARING:

Amendment Number 1 to Pacific University Master Plan: Pacific University, as applicant, is requesting an amendment to the Master Plan to remove Cannery Field as the athletic field facility and replace it with Lincoln Park. The amendment is consistent with an Easement and Agreement for Shared Use of Lincoln Park authorized by the City Council on February 26, 2007.

Chairman Beck asked for disclosure of any conflicts of interest, ex-parte contacts, bias or abstentions. Chairman Beck stated that he is employed part time by Pacific University and formerly worked full time for the University. There were no objections and no challenges from the audience. Chairman Beck did not read the hearing procedures, because all the participants are familiar with the provisions. He noted for the record that there were written hearing procedures

Chairman Beck opened the public hearing at 7:04 p.m. and called for Jon Holan to present the staff report.

Mr. Holan stated that the approved Master Plan proposes the athletic facilities be located at Cannery Field on Cedar Street. The City Council approved a resolution authorizing an easement and shared use agreement with Pacific University for Lincoln Park. The University is submitting an amendment to the Master Plan to move the athletic facilities from Cannery Field to Lincoln Park consistent with the agreement. The policy issue of whether a facility should be located at Lincoln Park has already been decided by the Council and the University, so that is not an issue with respect to the proposed amendment. From staff's viewpoint, the amendment is basically making the Master Plan consistent with where Pacific University is going.

The amendment to the Master Plan includes a new section, Opportunity Site K, for the Lincoln Park Athletic complex. The only other amendments outside of this was an amendment to Table 2 of the Master Plan to reference Opportunity Site 2, and an additional policy with regards to storm water facilities on page 3-10 of the document. That policy objective has already been met by the replacement of an existing storm water facility which transects the park.

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Chairman Beck said he saw no language addressing what will happen to Cannery Field. There should be a statement which states that Cannery Field is being removed from the Master Plan.

Holan said the Commission may remember that the Planning Commission did a Comprehensive Plan Amendment with respect to Cannery Field to remove the University designation, and redesignate Cannery Field as high density residential. Cannery Field is no longer a part of the Master Plan.

In the original Master Plan there were three future parking areas one of which was at the Cannery Field site. Now there are only two future parking areas; one at the corner of Cedar Street and University Avenue, and the other is west of the gymnasium. The question is whether, with the removal from the Master Plan of parking at Cannery Field, the total number of parking spaces will remain the same, or will it change. Pacific University has submitted a parking exhibit which shows that the University proposes to increase the parking in current lots on the campus from 307 spaces to 354 spaces to keep the total number of spaces the same. In the new parking areas, the number of spaces can be increased. Based on the analysis provided by the applicant's representative, it has been demonstrated that the 709 spaces identified as total off street parking in the original Master Plan is being maintained as a result of the amendment, however the configuration is different.

Chairman Beck asked how many parking spots they need now, and how long do they have to meet the new requirements for parking?

Holan explained that as Pacific University expands, staff looks at whether the parking requirements are being met. the Master Plan actually has higher parking requirements than the City general requirements.

Chairman Beck said he recollected that Parking Lot C was bigger than 50 spaces when the Planning Commission approved the original Master Plan.

Holan said he remembers the discussion, but will have to double check.

Commissioner Nakajima asked whether the spaces will be signed for Athletic Facilities Use Only. How will it be managed?

Holan stated that the Master Plan does not specify whether it will be used for athletic events only or general University use. There was no distinction at the Cannery Field site as to how many parking spaces were for general university use versus athletic activities. The amendment has actually reduced that potential conflict from 151 spaces to about 94 spaces shown in that one location.

Chairman Beck asked for the City requirements for the stadium.

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Holan said the parking rate for the stadium is one space for every six feet of linear seating.

Chairman Beck said the stadium holds over 1500 people, so that would be over 500 parking spaces.

Holan said the parking was looked at as part of the original agreement, and the City felt satisfied with the proposed parking, which included shuttling and satellite parking facilities. Holan said staff feels convinced that the University has provided adequate documentation to show there is adequate parking not only overall, but also in light of the agreement for potential parking.

APPLICANT:

Darlene Morgan, 2043 University Avenue, Forest Grove, OR 97116. Ms.

Morgan said rather than going through a presentation, she and the two people from Sera Architects would answer questions. She stated that she had written down three questions from the Commission's discussion. The first was regarding the actual number of spaces in Lot C, and has that changed. Ms. Morgan asked Eric Redenaur to answer that question.

Eric Redenaur, Sera Architects. The resolution that the Commission came to the last time the Master Plan was presented, was that 80 spots would have to be provided in that area; fifty spots in Lot C, and thirty within a particular radius that was defined in the accepted Master Plan. That is why it was necessary to go back and look at the other lots in that general southeast corner of campus, and why in the new Table 10-A there is an increase in some of the existing lots within the radius defined by the accepted Master Plan.

Ms. Morgan said a second question asked by the Commission was regarding use and management of lots near the Pacific University athletic center. The parking lot to the north has been there for years, but has not been utilized. Part of the reason it was not used was because it was perceived to be the "backdoor", and there was a safety issue. That lot is being utilized by students who are athletes, because they start their morning in the Pacific Athletic Center and they end their day in the PAC. The University feels it is good use of that lot. When there is an event with a lot of people attending, basically there is open parking for that facility including the lots along Main Street. All of the parking lots along Main Street from the new residence hall northward would be open. In working with Parks and Recreation bringing in events was discussed, and it was determined that usually these types of events are held on Fridays and Saturdays, so it was felt that would definitely give the opportunity for parking.

Ms. Morgan said the final question she wrote down, was regarding the lot next to

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the swim center which was acquired by the University. It is not in the University's current plans to make that into parking. It will be reserved for future parking. The University has no gated parking lots, however, a permit is required to park in University parking lots.

Chairman Beck asked when the new big parking lot on Cedar Street will be developed.

Ms. Morgan stated she believed it was tied to enrollment in the Master Plan. The University agrees with staff that this is a much better parking plan. Expanding Lot 2 along Main Street will probably be a first priority for the University.

Chairman Beck closed the public hearing at 7:40 p.m.

COMMISSION DISCUSSION:

Chairman Beck said the staff report summed up the amendment nicely. The numbers look good, and the parking is geographically closer and better located which is good.

Commissioner Miller said there is parking almost everywhere.

Commissioner Nakajima made a motion to approve Amendment # 1 to Pacific University's Master Plan as described. Commissioner Arnott seconded. Motion passed 7-0.

2.3 Action Items:

A. Chairman Beck said the next item on the agenda was reader board signs.

Mr. Holan said staff has received inquiries about installing reader board signs for individual commercial activities. Municipal Code Section 8.503 (1) (b) (ii) states in part that a sign permit for a sign otherwise conforming in all respects to the Uniform Sign Code shall not be issued if any of the following conditions exist. Illuminated signs which do not meet the following conditions: no sign shall have blinking, flashing or fluttering lights or other illuminating devices such as a changing light intensity, brightness or color, except as approved by the Planning Commission.

Staff believes that the intent of this section is to prohibit signs that are blinking, etc, unless authorized by the Commission. Staff is also interpreting this section to apply to reader board signs since the text on the sign is changing and the text is created by lights or other illuminated devices.

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Staff has received a letter from Von Tidwell about a proposed reader board sign at his establishment located at the southwest corner of Cedar Street and Pacific Avenue. Staff has no objections to the proposal. There are other reader board signs in the community in both residential and commercial areas. The proposed board is relatively small (11 sq. feet) in size with a height of less than two feet. Staff does not believe it will detract from the area in respect to compatibility since it is in a commercial area and across the street from classroom buildings at Pacific University. The sign would face Cedar Street. None of the lights would be directed into a living area. Staff does not believe it would pose a traffic hazard due its size and its location at the upper portion of a one story building. The setback would be about twenty feet from the curb, so it is not in the line of sight for drivers. The posted speed limit in that location is twenty-five miles per hour, so people are not traveling at a high rate of speed.

For these reasons staff has no objections to the proposed reader board, but it does require Commission approval based on the provisions in the Municipal Code.

Commissioner Miller asked whether the next sixty buildings that want to do reader boards would require Commission approval.

Holan said based on staff's interpretation that is correct. The Commission may want to think about a policy about the number of reader board signs in a particular area or separation of reader board signs.

Commissioner Miller said he was concerned about how often the Commission would have to meet to approve these types of signs.

Commissioner Hymes said there is a huge variation to these signs as far as size, etc.

Commissioner Miller stated that this is a very visible sign, and if one business is going to have such a sign, other businesses may want to also.

Chairman Beck said several Commissioners have raised the question of what kind of City we want Forest Grove to be. It seems to be within our jurisdiction to say no to a reader board sign.

Chairman Beck said he objects to reader board signs due to the potential traffic hazard, and also for aesthetics reasons.

Commissioner Arnott said by allowing this sign, it opens the door for every other business to have a sign.

Commissioner Hymes agreed.

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Holan said each sign would require Commission approval. Holan said he could see the potential for proliferation of signs. The Commission may want to set a policy regarding size, etc. Staff has not had a lot of requests for reader board signs.

Commissioner Miller made a motion to approve the request for the reader board sign. Commissioner Nakajima seconded. Motion failed by a vote of 2 to 5.

B. Chairman Beck brought up the matter of Smith's Orchard.

Chairman Beck said that when the Commission approved the Smith's Orchard Planned Residential Development and sent it to City Council, the Commission had reduced the number of lots from 13 down to 11 lots. The Council approved 13 lots, and said the Commission's action violated the rules on PRDs. Chairman Beck asked Mr. Holan to spend some time with the Commission going over the rules for PRDs.

Holan said that towards the end of the Council meeting, the applicant's attorney said the applicant met all of the findings for the 13-unit development. As a result, there was no basis for reducing the number of units from 13 lots to 11 lots, because none of the criteria for a PRD has to do with compatibility with the surrounding area. That is essentially what the Commission's argument was for reducing the number of lots. It would make it more compatible with the surrounding neighborhood. Criteria 2 (d) talks about the creation of functional and interesting residential areas. It was under this criteria that the finding was made by the Commission, because it was decided that reducing the number of lots would make a more functional and interesting neighborhood.

The attorney representing the applicant challenged that issue. The City Council concurred and stated that there was no compatibility factor, and as a result the Council felt they were compelled to maintain the thirteen lot development.

Chairman Beck said if the Council holds its own hearing, what the Planning Commission does is irrelevant. The Council could have decided on eleven lots and quoted Section (2) (d), but instead they said they could not. Chairman Beck said it seemed to him that the Council was wrong, because the Council said it could not. Not that it did not want to, but that it could not.

Commissioner Arnott said some of the changes the Commission made were not just for compatibility, but also to address access and parking issues.

Commissioner Nigbor said he believes it is the job of the Planning Commission to look at an application and consider very carefully the compatibility, etc.

**PLANNING COMMISSION MEETING MINUTES
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Chairman Beck said it is not about being on the same page as the Council. The Commission has to be clear on the criteria being used. He stated that what bothered him was that the City Council asserted that they did not have the power. The Council has unduly limited itself. The Council did not even talk about it, but just caved to the lawyer.

Holan said that his impression was that the Council was going with the Commission's recommendation until the lawyer raised the objection. Then the question was asked why this objection was not addressed at the Planning Commission level. The response was that it was not presented to the Commission for consideration.

Chairman Beck said that once in awhile he has attended a Council meeting to represent what the Planning Commission did, but this kind of thing made him feel like he should always attend the Council meetings. This was not about the Council disagreeing with the Commission. The Council has a right to do that. This was about what is possible. Chairman Beck said he did not know whether to depend upon staff to represent the Commission, or whether the Commission chairman should attend the City Council meetings.

Holan said the Council was expecting a proposed development map showing the eleven lots. That was not what was before the Commission or the Council. What was before the Commission and Council was what has been requested by the applicant (13 lots), and the Commission recommended the elimination of two lots. Because the application was for thirteen lots, that is what gets carried forward to the Council with no type of redesign as a result of the Commission's decision. If the Council requests a redesign, which they did in this case, then it is supplied by the applicant.

Chairman Beck said that the reason he wanted to discuss this was to understand whether the Commission was on solid ground with what took place, which it was. The Council misunderstood what the various grounds were for the Commission's recommendation. For that reason the Council did what they did.

Holan said the parking issue did not show up as part of the Planning Commission Findings, and that should have been done.

Chairman Beck said that when the Commission gets down to the final discussion before the final vote, the Commission needs to say specifically what the findings are to justify the vote. Each Commissioner is asked to comment during that discussion period. The fact that it was discussed thirty minutes earlier does not matter. It needs to be stated during that discussion time just before the vote.

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3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: Commissioner Miller made a motion to approve minutes from the September 4th and 17th Planning Commission meeting. Commissioner Nigbor seconded. Motion passed 7-0 by voice vote.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:

Chairman Beck, Commissioner Nigbor and Commissioner McIntyre are up for renewal.

3.3 DIRECTOR'S REPORT:

The first Planning Commission meeting in December will be to hear the Conditional Use Permit Application for the LDS Church .

3.4 ANNOUNCEMENT OF NEXT MEETING: There will be a joint meeting of the Planning Commission and City Council on November 19, 2007 at 7pm regarding Periodic Review.

3.5 ADJOURNMENT: The meeting was adjourned at 8:22 p.m.

Respectfully submitted by:
Marcia Phillips

**PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM CONFERENCE ROOM**

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APPROVED

1. CALL TO ORDER:

Mayor Kidd called the joint meeting of the Planning Commission and City Council to order at 7:01 p.m. **Planning Commission Present:** Tom Beck, Ed Nigbor, Lisa Nakajima and Al Miller. **Absent:** Luann Arnott, Cindy McIntyre, and Carolyn Hymes. **City Council Present:** Mayor Richard Kidd, Ron Thompson, Tom Johnston, Elena Uhing, Pete Truax. **Absent:** Camille Miller and Victoria Lowe. **Staff Present:** Jon Holan, Community Development Director; Marcia Phillips, Permit Coordinator/Recorder.

2. PUBLIC MEETING:

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

2.2 PUBLIC HEARING:

Mayor Kidd welcomed everyone to the first public hearing on the Comprehensive Plan Periodic Review and called for the staff report.

Mr. Holan said the first formal step of Periodic Review, as required by OAR 660-025-0090, is the evaluation of the City's Comprehensive Plan and regulations. The evaluation criterion is provided by ORS 197.628. Based on these provisions, the Department of Land Conservation and Development provided an evaluation form that was used by city staff. The evaluation form is based on the four criteria or factors found in the state law. Mr. Holan then summarized the analysis provided in the evaluation form staff proposed.

The first factor is to (questions 1-6 on the evaluation form) evaluate any change in circumstances that makes the comprehensive plan or land use regulations not in compliance with statewide planning goals related to five different policy areas (economic development, housing, transportation, public facilities and services, and urbanization). Generally, the City's current Comprehensive Plan is so old that on this criterion alone, the plan needs to be updated. This may also mean changes in the City's regulations.

The second factor (questions 7 and 8) is if implementing regulations are inadequate to carry out the policies of the Comprehensive Plan and state planning goals. The City is not obligated to update its plans and regulations to comply with changes in state planning goals until the City goes through Periodic Review. So the plan and implementations measures are out-of-date as a result of changes to Goal 9 (Economic Development). The City will need to address affordable housing issues related to Goal 10 and Title 7 of Metro's Functional Plan requirements. Hazard considerations may also need to be updated.

The third factor (questions 9 and 10) is if there are issues of regional or statewide significance, intergovernmental coordination or state agency plans that must be

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addressed to bring the Comprehensive Plan and land use regulations into compliance with the five state goals.

The fourth factor pertains to where the existing Comprehensive Plan and land use regulations are not achieving statewide planning goals. The plan does not address Goal 9 (economic development), potential issues associated with Goal 10 (housing), and Goal 12 (transportation).

The evaluation form concludes with two additional questions (question 11 and 12) to identify other issues. The other issues are taken from the previous Periodic Review presentations made by staff.

According to OAR 660-025-0080, citizens must have an opportunity to present comments orally at one or more public hearings on the Periodic Review Evaluation and local government must provide a response to comments at or following the hearing.

The purpose of this public hearing is to review staff's evaluation of the City's Comprehensive Plan and regulations. The Council and Commission may also accept testimony on the scope of the plan update. Early next year, after formation of a work program, another public hearing will be held. Afterwards, the Council will finalize a decision to submit the evaluation and work program to DLCDC. There will be a formal adoption of the evaluation at that time, April 2008.

The question before the Council and Commission at this hearing is whether Staff's conclusion is a basis to proceed with the Periodic Review. There will be one or more public hearings, which will provide an opportunity for people to come and make comments. Staff will be available to do presentations in people's homes if requested. If anyone is interested in hosting a meeting in their home, please contact staff. The City's website will also announce topical meetings. A sheet was passed around for people in the audience to sign with the option to be added to the mailing list.

COMMISSION/COUNCIL DISCUSSION:

Counselor Uhing: What is the cost to the City for the Periodic Review?

Holan: Money has been budgeted for staff (Holan, Cathcart, Phillips and possibly VanWinkle). Staff is putting together a grant application for an Assistant Planner, which could provide \$50,000 to \$75,000 in state fund grant money, and perhaps more money will be available. The draft of the grant has been sent to the state for comments.

Counselor Uhing: Is there any protection for mobile home parks which provide affordable housing?

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Holan: As part of the Periodic Review the City can explore many types of affordable housing options.

Mayor Kidd opened the public hearing at 7:19 p.m. There were no comments from the audience at that time.

Mayor Kidd introduced the representative from Metro, Kathryn Harrisngton.

Commissioner Miller arrived at 7:20 p.m.

Counselor Truax: Transportation is a big concern. The City needs to look at light rail. The City also needs to look at improvements to streets that abut Forest Grove (i.e. Thatcher and Purdin Roads). If that area is annexed, the City would be asking those roads to do things they were not designed to do. My concern is that the area will be annexed before these roads are brought up to Forest Grove standards.

In response to a question, Mr. Holan showed a map and indicated property outside the city limits, but inside the UGB. He explained that these properties have kept the county zoning. Most of this property is being farmed now.

Counselor Thompson: I am concerned that the City is not meeting the needs of its citizens. We need balanced transportation of our people. The high school is not tied to public transportation. The Aquatic Center barely meets the criteria of three blocks from public transportation. The handicapped and aging do have public transportation, but much of it through other agencies such as Ride Connection. The City needs a plan to address the wild fire issue. As we expand to the west, we put our citizens more at risk. Through the Periodic Review the City needs to look at fire, flood and earthquake hazards.

Counselor Johnston: We want a community sustainable within itself. We have not done that. We seem to be going away from the ideas that made our neighborhoods.

Chairman Beck: In the Comprehensive Plan review will we deal with gross generalities, or will we deal with how the City will actually expand? Are we going to be that specific? There was a recent update on global warming, which predicts a significant change by the year 2020. That is soon. Sustainability and transportation in theory is one thing, but we need to plan what people can actually do.

Holan: Regarding global warming, the amount of water we have is based on snow pack, which is stored water. If there is not sufficient stored water, how do we deal with this issue?

Counselor Uhing: We have an aging population that is looking for "master on the main" type housing. I know of only one new housing development that offers this.

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We need to discuss this issue, and provide more of the type of housing our citizens want.

Mayor Kidd: Many people move out of Forest Grove to find single story housing. What do we envision our community will look like in the year 2040, with a potential population of 33,000. Part of Periodic Review is to determine if that population number is valid.

Holan: In explanation to the audience, if Forest Grove were not part of Metro, part of Periodic Review would be to determine how much additional growth we would need to accommodate. But we are in Metro. We still need to look at twenty year growth, but also where Metro sees future growth. This does not necessarily mean an increase in the UGB for Forest Grove, because that determination is made by Metro.

Chairman Beck: Forest Grove needs to have a continuous twenty year supply of land.

Holan: In this state Periodic Review is done every 10-12 years, but the City needs to look at land supply more often.

Chairman Beck: Regarding the City's tax base, do we need to determine what type of land we need in order to afford the City?

Counselor Johnston: We must look at economic trends.

Paula Adams, 1724 Ash St., Forest Grove, OR 97116. Are we obliged to accommodate that type of population growth? Is this compulsory? Is Metro telling us we must expand? Does Annexation change the UGB?

Chairman Beck: People will move to Forest Grove. We have no control over where people want to live. It depends upon demand.

Holan: Annexation does not change the UGB. Metro determines the UGB.

Kathryn Harrington: Soon Metro's website will show a map of the UGB and Metro boundary.

Mayor Kidd: We need to make the assumption that we are our own identity and need our own land supply. We need rural reserve areas. This will be our working tool.

Roy Adams, 2326 B St., Forest Grove, OR 97116. We have to plan for twenty years out, but Metro may say we do not get that space. So the City's plan is null and void.

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Holan: The City looks at population growth and the twenty year land supply. We can provide that number when Metro does their Periodic Review, and it allows us to build a case for expansion. It does not invalidate what we do, since there are other policy issues within the current UGB the community must address.

Chairman Beck: By doing this, we have some control over the future.

Roy Adams: Forest Grove is a bedroom community. I am one of the many people who live in Forest Grove and work elsewhere. With traffic patterns the way they are, I am very glad for the roundabouts. Bicyclists are afraid to ride in Forest Grove. Doing something about traffic internally is not enough. We need to look outside of the City. Do we have any say so outside of the City?

Holan: If the City has an adopted policy, it can be presented to outside entities. One purpose of Periodic Review is communication and coordination with the State, DLCD and other state agencies as well as Washington County, Metro, etc.

Counselor Johnston: People are bitter about Metro. Forest Grove takes a back seat every time.

Holan: The City is updating its Transportation System Plan to respond to with the regional transportation plan update. Changes in the Comprehensive Plan may cause changes in the TSP, so the TSP may have to be revisited during Periodic Review.

Roy Adams: The City must plan smarter if we are going to pack people in with high density housing.

Counselor Uhing: Right now the builders are concerned whether they can sell units. Will the units revert to rentals?

Holan: Just because the City does an approval does not mean the project will be built. There are economic considerations. The applicant has one year in which to file for improvements and build.

Mayor Kidd: I would like Staff to develop a road map of tasks for Periodic Review.

Holan: That is why comments are welcome. Staff wants to make sure it addresses topics relevant to the City. A schedule of tasks will be developed. Staff believes the current Comprehensive Plan is so old most of it is unusable. So we will be basically starting from scratch. Staff is asking for initial direction to continue and move forward with the Periodic Review.

Mayor Kidd closed the Public Hearing at 8:35 p.m. City Council members and the people in the audience were allowed to leave.

**PLANNING COMMISSION MEETING MINUTES
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November 19, 2007 -7:00 P.M.

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Chairman Beck continued the Planning Commission meeting.

Commissioner Miller made a motion to recommend approval that City staff's report be accepted and staff be given direction to move ahead with the Periodic Review. Commissioner Nighbor seconded. Motion passed 4-0.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: None.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT:

The next Planning Commission meeting will involve a Conditional Use Permit for the Church of Latter Day Saints located within The Parks at Forest Grove subdivision.

3.4 ANNOUNCEMENT OF NEXT MEETING: Next meeting will be held on December 3, 2007.

3.5 ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

Respectfully submitted by:
Marcia Phillips
Recorder

**PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM CONFERENCE ROOM**

December 3, 2007 -7:00 P.M.

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APPROVED

1. CALL TO ORDER:

Chairman Beck called the meeting to order at 7:00 p.m. **Planning Commission Present:** Tom Beck. **Planning Commission Excused:** Carolyn Hymes, Ed Nigbor, Luann Arnott, Lisa Nakajima and Cindy McIntyre. **Absent:** Al Miller **Staff Present:** Jon Holan, Community Development Director; Marcia Phillips, Permit Coordinator/Recorder.

2. PUBLIC MEETING:

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

2.2 PUBLIC HEARING:

Conditional Use Permit to construct a new Church of Jesus Christ of Latter Day Saints and carpark. The proposal would result in a new 25,000-square-foot one-story building and 302-space carpark. (Washington County Tax Lot Numbers 1N4 25DB-100 through 4300). (Staff is requesting a continuance.)

Chairman Beck and Jon Holan, Community Development Director were present to hear testimony from citizens. There were no people in the audience, and there was no testimony given. Mr. Holan explained that staff is waiting for a traffic analysis from the applicant.

Chairman Beck granted a continuance of the hearing to January 7, 2008.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: None.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT: None.

3.4 ANNOUNCEMENT OF NEXT MEETING: Next meeting will be held on January 7, 2008.

3.5 ADJOURNMENT: Meeting was adjourned at 7:05 p.m.

Respectfully submitted by:
Marcia Phillips

**PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM CONFERENCE ROOM**

January 7, 2008 -7:00 P.M.

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APPROVED

1. CALL TO ORDER:

Chairman Beck called the meeting to order at 7:00 p.m. **Planning Commission Present:** Tom Beck **Excused:** Carolyn Hymes, Ed Nighbor, Luann Arnott, Lisa Nakajima, Cindy McIntyre, and Al Miller **Staff Present:** Jon Holan, Community Development Director; Marcia Phillips, Permit Coordinator/Recorder.

2. PUBLIC MEETING:

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

2.2 PUBLIC HEARING:

Conditional Use Permit to construct a new Church of Jesus Christ of Latter Day Saints and carpark. The proposal would result in a new 25,000-square-foot one- story building and 302-space carpark. (Washington County Tax Lots Numbers 1N4 25DB-100 through 4300). (Staff is requesting a continuance to January 22, 2008.)

Chairman Beck and Jon Holan, Community Development Director were present to hear testimony from citizens. There were no people in the audience, and there was no testimony given. Mr. Holan explained that staff received the traffic analysis from the applicant, but there was not enough time for staff to send the information to Washington County for comment and incorporate the traffic analysis into the staff report.

Chairman Beck granted a continuance to the next Planning Commission meeting, which will be on January 22, 2008.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: None.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT: None.

3.4 ANNOUNCEMENT OF NEXT MEETING: Next meeting will be held on Tuesday, January 22, 2008.

3.5 ADJOURNMENT: Meeting was adjourned at 7:05 pm.

Respectfully submitted by:
Marcia Phillips

APPROVED

PUBLIC SAFETY ADVISORY COMMISSION
FOREST GROVE FIRE STATION,
1919 ASH STREET
November 28, 2007
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31

1. **ROLL CALL:**

Chair Randy Roedl called the meeting to order at 7:33 a.m.

ROLL CALL: MEMBERS PRESENT: Randall Roedl, Herb Drew, Rod Fuiten, Russell Redmond, Sharon Boge, and Susan Aguilar

LIAISONS PRESENT: Naomi Montelongo, Tim Dierickx, Tom Johnston, Bob Davis

STAFF PRESENT: Fire Chief Bob Mills, Police Chief Glenn VanBlarcom, and Carol Lorenz.

MEMBERS NOT PRESENT: Dan Hornberger

LIAISONS NOT PRESENT: Brandon Hundley, Melanie Stagnitti, and Ralls Hall

2. **CITIZEN COMMUNICATIONS:**

3. **APPROVAL OF MINUTES:** November 28, 2007

4. **ADDITIONS/DELETIONS:**

5. **ACTION ITEMS/DISCUSSION:**

City Council Invitation: The PSAC group has invited the council to the January 23rd meeting at 7:30 am. The council had requested a later time to meet, possibly 12:00 or 4:00 pm, on January 23, 2008. It was voted on by PSAC and it passed 5 to 0 to keep the meeting at their regular scheduled hours of 7:30 am. They would like to talk with the council regarding going down to Salem to discuss ways of funding public safety. Sharon with Forest Grove Fire would be asked to add the council onto the January agenda.

Public Safety Levy: The 1.35 was based on new homes being built and sold. The amount that should have been asked for on the levy was 1.75 per 1,000. With the slowing economy, is 1.35 per 1,000 going to be enough? Could PSAC ask for another levy just for public safety of .35 in 2008? Are the reports still valid regarding the city running out of money in 5 years with the new levy? PSAC would like to look into a future levy that would be specifically for public safety.

Post levy for Fire Department: With Rick Schneider's retirement, the fire department had a list of applications already to choose from. So with the levy passing, the fire department feels they should be fully staffed by January 2008.

**PUBLIC SAFETY ADVISORY COMMISSION
FOREST GROVE FIRE STATION,
1919 ASH STREET
November 28, 2007
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Post levy for Police Department: The city had posted the position last Saturday in the paper and the positions are set to close on December 31, 2007. The paper had 43 open police officer positions in Washington County alone. The police department is looking at uncertainties for bringing in lateral police officer's. The City of Forest Grove Police Department has to compete against other departments offering higher salaries, positions that are not levy funded, other areas of assignments, and industrial growth for taxes. Another concern was the amount of room in the police department and how to pay for future growth.

PSAC's response: PSAC feels that they need to go before the council to be more competitive against other departments. Regarding what we offer vs other departments.

Max: PSAC has strong concerns about Max coming to Forest Grove. PSAC brought up the problems that the Max has brought to the City of Gresham and are concerned about it happening in Forest Grove. PSAC has brought up the idea of going in front of the city council regarding this issue. PSAC would like to see Tri-Met offer public transportation further out on Hwy 8.

Hwy 47 / Purdin Update: A meeting with ODOT regarding this intersection has brought about a reduction in speed to 50 mph and a flashing light. They are still looking into future changes to make this intersection safer. The idea of connecting David Hill Rd to Purdin was also talked about so that there would be only one major intersection on Hwy 47. Hwy 47 and "B" Street is also an intersections that is becoming a major concern for the community. The idea of candles on Hwy 47 was brought up but PSAC mentioned that if those were used farmers could not get their equipment down the Hwy.

Friends of Public Safety: Cindy has a group of about 100 people. Cindy would like to see them become more visible in support of public safety.

Neighborhood Watch: There are about 200 active members in neighborhood watch. There are regular meetings and they receive press release information to try to keep the group informed. Chief Mills has expressed interest in the fire department being part of this group. They would like to be able to share fire information through this group.

Presentation to City Council: 15,000 Grant – on December 10, 2007 there is a presentation to the City Council for a grant to go towards a program to reduce alcohol use in teens and educating merchants.

6. **COMMISSIONER'S REPORTS:** None

7. **STAFF REPORT:** None

**PUBLIC SAFETY ADVISORY COMMISSION
FOREST GROVE FIRE STATION,
1919 ASH STREET
November 28, 2007
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8. OLD BUSINESS:

PSAC Information: Randy informed the PSAC commission group present that bylaws have not been written or published. He stated that he would start working on this. He also stated that we will need to elect a chair representative in Jan. 2008.

Meeting Date: It was motioned and seconded that the PSAC meetings move from the 3rd Wednesday of the month to the 4th. It was passed by everyone present to the 4th Wednesday of the month at 7:30 am.

Levy: The PSAC group and volunteers handed out over 5,500 pamphlets by going door-to-door. The response from the public seemed to be positive. They have also talked to neighborhood watch groups. The PSAC group feels that with measures 49 and 50 on the

ballot that the chance of the levy passing the 50% + 1 is very good. If a City of Forest Grove voter turns in their ballot and only votes for measure 49 and 50 their ballot still counts towards the 50% + 1. On Halloween the PSAC group has plans to hand out pamphlets regarding the levy outside the police and fire stations.

If Levy Fails: If this levy does not pass, PSAC will have to raise funds for the next campaign with only around \$200.00 left in the campaign fund. PSAC will also look at the idea of the next levy being just a Police and Fire levy. The council is also talking about the idea of putting a flat rate on meters.

Legislation: The PSAC group is requesting a dedicated work session with city council to discuss issues regarding public safety. They would like to see the City of Forest Grove council stand behind the idea of going down to Salem in support of coming up with a way to support public safety without going out for a levy every 4 to 5 years.

Staffing levels: The Police Department is currently at a staffing level under what it was in 2000. Senate Bill 400 is in regards to staffing and safety levels. The unions are going to be looking into the idea of minimum staffing requirements for police and fire in their contracts.

**PUBLIC SAFETY ADVISORY COMMISSION
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Districts: PSAC asked about the idea of districts for Parks and Recreation and in regards to the library being run by the county. PSAC also wanted to know about the idea of merging with other Police and/or Fire Districts. Would this be cost effective? It was stated that Forest Grove would be looking into how the cities of Newberg and Dundee merged their two police departments. They would like to see if it would work for the City of Forest Grove and Cornelius. A concern with the idea of consolidation is if we could continue to provide the same type of services.

ODOT: Hwy 47 / Verbort - growth of the City of Forest Grove. This intersection is becoming a genuine concern regarding traffic safety. PSAC feels that maybe they could help with contacting ODOT in regards to helping get something resolved with this intersection. The PSAC group felt at least a light should be put in

9. **ANNOUNCEMENT OF NEXT MEETING:** January 23, 2008

10. **ADJOURNMENT:**

Chair Randy Roedl adjourned the meeting at 08:38 a.m.

Respectfully submitted by:
Carol Lorenz

FIRE DEPARTMENT MONTHLY REPORT

Month: DECEMBER 2007

35

ALARM RESPONSE	THIS MONTH			7 AM - 4:59 PM			5 PM - 6:59 AM		
TOTAL CALLS	217			106			111		
MANPOWER	VOL	ON	OFF	VOL	ON	OFF	VOL	ON	OFF
AVERAGE RESPONSE	9	4	0	9	3	0	8	4	0
LARGEST RESPONSE	16	5	2	11	4	0	16	5	2
SMALLEST RESPONSE	9	2	0	10	3	0	9	2	0
TYPES OF ALARMS	THIS MONTH			THIS Y-T-D			THIS MONTH	LAST	
	City	Dist	Total	City	DIST	Total	LAST YEAR	Y-T-D	
Rescue & First Aid	114	30	144	1578	211	1789	158	1665	
Structure Fire	1	2	3	30	6	36	4	30	
Vehicle Fire (mobile property)	1	0	1	7	3	10	1	19	
Brush, Grass, Leaves	0	0	0	28	17	45	0	42	
Trash, Rubbish	0	0	0	10	3	13	0	11	
Smoke & Odor Investigation	5	4	9	62	23	85	8	54	
Illegal Burn	1	0	1	22	20	42	4	58	
Hazardous Mat/Situation	0	0	0	14	2	16	7	24	
Public Service/Good Intent	27	9	36	241	42	283	26	264	
Mutual Aid	0	0	12	0	0	108	4	121	
False Alarm/Alarm Malfunctions	10	1	11	177	15	192	23	204	
Other	0	0	0	2	0	2	0	1	
TOTAL CALLS	159	46	217	2171	342	2621	235	2493	
CAUSES OF FIRES	City	Dist	Total	City	Dist	Total	Last Year	Last Y-T-D	
Matches, smoking, discarded matl	-	-	-	25	3	28	-	30	
Electrical	-	1	1	7	3	10	4	16	
Appliance Malfunction	-	-	-	-	-	-	-	3	
Chimneys - Flues	1	1	2	4	4	8	1	7	
Spontaneous Combustion, Rekindle	-	-	-	2	1	3	-	1	
Machinery/Mechanical	-	-	-	1	3	4	-	-	
Ignition of Hot Grease/Cooking	-	-	-	5	-	5	-	3	
Explosions	-	-	-	1	-	1	-	-	
Fuel System Malfunction	-	-	-	1	1	2	-	2	
Sparks, Embers, Rekindle	-	-	-	5	3	8	-	8	
Fireworks	-	-	-	5	-	5	-	1	
Contact W/Heating Device	-	-	-	4	-	4	-	3	
Incendiary/Suspicious	1	-	1	13	4	17	-	6	
Undetermined	-	-	-	1	3	4	-	4	
Juveniles Playing W/Fire	-	-	-	2	-	2	-	3	
Burning Out of Control	-	-	-	1	4	5	-	11	
Vehicle Problems, oil, trans, etc.	-	-	-	-	-	-	-	4	
Other	-	-	-	-	-	-	-	1	

LEADING CAUSE THIS MONTH: Chimneys

LEADING CAUSE THIS Y-T-D: Matches, smoking, discarded material

CAUSE LAST YEAR: Electrical

LAST YEAR TO DATE: Matches, smoking, discarded material

FIRE DEPARTMENT MONTHLY REPORT

Month: DECEMBER 2007

	This Month	This Y-T-D	Last Year	Last Y-T-D
Calls occurring at same time	31	369	44	366
FIRE COSTS	This Month	This Y-T-D	Last Year	Last Y-T-D
Persons Injured by Fire	0	1	0	3
Fatalities by Fire	0	1	0	0
Total Fire Loss	\$ 7,500	\$ 306,395	\$ 30,600	\$ 708,235
Total Fire Savings	\$ 1,294,000	\$ 59,487,744	\$ 294,500	\$ 25,509,013
TRAINING	This Month	This Y-T-D	Last Year	Last Y-T-D
Total Hours	354.75 hrs	9,731.95 hrs	555.45 hrs	11,293.95 hrs
COMPANY ACTIVITIES	This Month	This Y-T-D	Last Year	Last Y-T-D
Assemblies	8	137	16	223
Educational Inspections	3	66	3	44
Institutional Inspections	1	53	13	43
Residential/Apts.,Motels,etc.	9	168	19	302
Stores & Offices	24	221	15	278
Industrial & Mfg Inspection	1	36	0	34
Storage/Farm,wrhses,etc.	1	15	0	13
Special/Bridges,vacant blds	1	23	1	31
Complaint Inspections	1	13	0	22
Home Occupations	1	9	1	23
Driveway Inspections	1	43	2	44
Smoke Alarms	1	27	0	14
Self Inspected Businesses	0	30	9	97
Total Inspections	52	841	79	1,168
PERSONNEL		This Month	Last Month	Last Year
Total Paid Personnel		18	18	19
Volunteer Roster		43	43	46
Total Hours Lost for Sickness (paid)		48.50 hrs	150.25 hrs	314 hrs
Total Hours Lost for Injury		16 hrs	85.50 hrs	0 hrs
APPARATUS		This Month	Last Month	Last Year
Gasoline		gals	19.90 gals	24.30 gals
Diesel		gals	567.90 gals	614.20 gals
Total Fuel Usage		gals	587.80 gals	638.50 gals
Total Pump Hours		6 hrs	6.25 hrs	3.25 hrs

REMARKS:

31 calls occurring @ same time. 24 times 2 calls @ same time, 2 times 3 calls @ same time, 1 time 4 calls @ same time.

40 calls to Assisted Living Facilities

1 Firefighter on Family Medical Leave. 1 Firefighter on light duty

MONTHLY RECORD

MONTH/YEAR: DECEMBER 2007

NEW SMOKE ALARMS	1	COMPLAINTS	1	DRIVEWAYS	1
LOANER SMOKE ALARMS	0	INVESTIGATIONS	2	PLANS REVIEWED	
SELF INSPECTED BUSINESSES	0	JUVENILES	0	- COMMERCIAL	1
HOME OCCUPATIONS	1	ADDRESS SIGNS	3	- SUB-DIVISIONS	1

OCCUPANCY	REGULAR INSPECTION	RE-INSPECTION	SPECIAL INSPECTION	HAZARDS NOTED	HAZARDS ABATED	PUBLIC EDUCATION PROGRAMS
ASSEMBLIES Amusement, recreation, churches, restaurants, clubs, etc.	1	5	2	5	9	0
EDUCATIONAL Schools, Colleges, Trade Schools, etc.	0	2	1	1	4	7
INSTITUTIONAL Day care, Hospitals, Assisted Living, Nursing, Jails, etc.	0	0	1	0	0	0
RESIDENTIAL Apartments, Hotels, Dorms, Motels, etc.	0	4	5	8	6	1
STORES AND OFFICES Retail, equipment sales and service, offices, repair shops, etc.	14	10	0	16	14	0
INDUSTRIAL AND MANUFACTURING Labs, Farms, Metal, Wood Products, Petroleum, Textile, Chemical, etc.	0	0	1	0	0	0
STORAGE Farms, Lumber, Petroleum, Chemicals, General Warehouses, etc.	0	0	1	0	0	0
SPECIAL PROPERTIES Vacant property, equipment, vehicles, bridges, etc.	1	0	0	0	0	0

MONTHLY INSPECTION TALLY

Month DECEMBER 2007

	INSPECTION	REINSPECTS	SPECIAL	HAZARDS	ABATED	PROGRAMS
A SHIFT	0	0	0	0	0	0
B SHIFT	0	0	0	0	0	0
C SHIFT	0	0	0	0	0	0
400	0	2	11	0	5	0
405	1	10	4	14	16	7
411	15	9	0	16	12	1

3K

FOREST GROVE CITY LIBRARY
CIRCULATION STATISTICS REPORT: JANUARY 2008

	DEC 2007	NOV 2007	DEC 2006
Total Check-outs:	19,453	21,366	19,995
Total Check-ins:	15,495	17,198	16,889
New Registrations:	105	101	107
Intra-library Holds To Forest Grove:	7,531	7,852	7,144
Intra-library Holds From Forest Grove:	5,708	6,020	4,647
Children's Programs:	8	8	5
Average Attendance at Children's Programs:	21	24	25
ILLs (Inter-library loans/out of county):	124	112	93
Self-Check Out* Patrons Accepted	527	816	NA
Self-Check Out* Patrons Denied	123	168	NA
Self-Check Out* Total Items	1,842	2,342	NA
Self-Check Out* Items Denied	21	55	NA
Self Check-Out* Items Renewed	8	27	NA
Reference Questions	NA	NA	NA
Eye Count:	9,494	11,065	15,916
Number of Days Open:	19	19	28
SAM Stats for FGL			
# of users logged	774	789	1,101
# of sessions	2,450	2,574	3,795
Total user hours	1,324	1,406	2,025
Average session time in minutes	32	32	32

RENOVATED AREA/WHOLE LIBRARY OPENED JUNE 21, 2007
***SELF-CHECK OUT MACHINES BEGAN OPERATIONS 3-17-2007**
KH/FGL 1/7/08

5.

Second Reading

ORDINANCE NO. 2007- 21

ORDINANCE VACATING WRIGLEY STREET AND SEGMENTS OF 36TH AVENUE, 36TH PLACE, AND 37TH AVENUE

WHEREAS, petitions have been filed with the City of Forest Grove to initiate the vacation of Wrigley Avenue and segments of 36th Avenue, 36th Place, and 37th Avenue; and

WHEREAS, the City Council held public hearings concerning this vacation on December 10, 2007, January 14 and January 28, 2008, and has made a determination pursuant to ORS 271.120 on the basis of the findings contained in Section 1 below;

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

Section 1. The following findings are hereby adopted:

- (1) Notice of the proposed vacation was published in the *Forest Grove News-Times* on November 28 and December 5, 2007, as required by ORS 271.110(1).
- (2) Notice of the proposed vacation was posted on and adjacent to the site proposed for vacation on November 26, 2007, as required by ORS 271.110(2).
- (3) Notice of this proposal was mailed on November 20, 2007, to property owners and residents within 300 feet of the site, as required by Zoning Ordinance Section 9.915.
- (4) Vacation of these rights-of-way is required in order to allow for the assemblage of a larger development site. The existing platted lots will be consolidated into a single parcel with access to Brooke Street, rendering these rights-of-way unnecessary for public access.
- (5) Based upon the above findings, and the reservation of utility easements in Section 2 below, the public interest will not be prejudiced by the vacation of Wrigley Avenue and segments of 36th Avenue, 36th Place, and 37th Avenue as described herein.

Section 2. On the basis of the above findings, those segments of Wrigley Street, 36th Avenue, 36th Place, and 37th Avenue rights-of-way as described in Exhibit "A" are hereby vacated, subject to the retention of a public utility easement over all existing public utilities in said rights-of-way. This easement shall be to the City of Forest Grove and shall extend a minimum of 10 feet on either side of the centerline and terminus of each utility.

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

PRESENTED AND PASSED the first reading the 10th day of December, 2007.

PASSED the second reading the 28th day of January, 2008.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 28th day of January, 2008.

Richard G. Kidd, Mayor

January 28, 2008

**STAFF REPORT AND RESOLUTION OF THE CITY OF FOREST GROVE
AUTHORIZING MEMORANDUM OF AGREEMENT
FOR PARTICIPATION IN THE TUALATIN BASIN WATER SUPPLY
PARTNERSHIP FOR SCOGGINS DAM TITLE TRANSFER**

PROJECT TEAM: Robert Foster, Public Works Director
Paul Downey, Finance Director
Susan Cole, Assistant Finance Director
Derek J. Robbins, City Civil Engineer
Michael Sykes, City Manager

ISSUE: The partners involved in the Scoggins Dam Title Transfer and dam raising have determined pursuing the title transfer and raising the dam are necessary to meet future water supply needs.

BACKGROUND: The partners include Tualatin Valley Water District (TVWD) and the cities of Hillsboro, Beaverton, Forest Grove, and Tigard, who together make up the Joint Water Commission (JWC), Tualatin Valley Irrigation District (TVID); Clean Water Service (CWS), Lake Oswego Corporation, and Washington County. These partners have selected the title *Tualatin Basin Water Supply Partnership* for their new collective management structure. The partners and Bureau of Reclamation (BOR) have been cooperating on studies to assess alternatives for meeting future water supply needs in the Tualatin River Basin.

On November 13, 2007, staff updated the City Council on this partnership and goals and presented Council a Memorandum of Agreement (MOA) between the partners. This MOA provides a governance framework and principles of agreement, which allows the partners to work together in determining the consequences of the title transfer and the dam raise. Council voiced several concerns about going forward with the agreement and postponed action until staff could obtain resolution on these issues. The issues the Council raised were:

- 1) The potential costs to Forest Grove for subsidizing TVID's electric rates. The Council does not want to approve the MOA as written when the potential costs are unknown. Currently, it appears to be a blank

check, and they do not want to commit to subsidizing TVID's electricity costs without more specific information.

- 2) The cost to each partner of the Title Transfer. Those partners driving this project should bear the brunt of the title transfer costs.
- 3) Concern about our current level of participation in the dam raise. Our future water supply needs are much greater than the current 420 acre feet currently identified. Forest Grove has limited options for future water supplies, and looks to Hagg Lake as the primary source for future water. Without a guarantee of additional water allocation in the dam raise project, our Council is taking a close look at whether our participation in this project is worthwhile at 420 acre feet, or if the risks to our community are just too great to justify at this level of allocation.
- 4) That new partners will gain substantial advantage of the existing project with its associated water rights, once the dam is raised, without compensation to the existing contract holders. Council members pointed out that previous leaders of Forest Grove had the foresight to invest wisely in securing water supply, and expressed concern that other jurisdictions now hope to gain advantage from that foresight.
- 5) More clarity of dam operations once the dam is raised, specifically in terms of flood control, the timing of filling the lake, and how water will be allocated if the second dam does not fill when it is not drought conditions. The Council is concerned that once the dam is raised, certain conditions related to weather patterns, flood control and pump back could potentially threaten our existing 4,500 Ac-Ft. reliability, when such reliability would not be in question without the dam raise. In other words, the Council understands that the existing contract holders have a senior water right, and are unclear how a pool atop the current pool will affect these rights.
- 6) Progress in the discussions between the City and Clean Water Services regarding the potential trade of Gales Creek in-stream flow for additional stored water in the dam raise before it can fully endorse the MOA.

Since November, staff has been working with CWS to resolve as many of these issues as possible. Although not completely resolved, staff feels that the issues have been addressed to the point where approval of the MOA is recommended.

More specifically staff would like to report the following progress:

- 1) All partners agree that title transfer cannot go forward if the TVID power issue is not resolved.

- 2) One of the purposes of the MOA is to allow the investigation of the title transfer to proceed. Part of the investigation will be to detail the costs and obligations of transferring the title of the dam to the local partners. At the point the investigation is complete, the Council will have the opportunity to accept title to the dam or decline if the costs and obligations are too great.
- 3) The concern about our level of participation in the dam raise is being addressed through a pending agreement with CWS for a buy back of 1,500 acre-feet.
- 4) Although the new partners gain advantage of the existing project, they will also assume the responsibility for major capital investments needed on the current structure prior to the dam raise, for example, seismic retrofitting.
- 5) Regarding clarifying dam operations once the dam is raised, staff is continuing to work with partners to develop operational procedures for the raised dam. The agreement with CWS will protect Forest Grove's existing water supply of 4,500 acre feet in either a one pool or two pool scenario.
- 6) Discussions with CWS regarding the use Gales Creek have reached conclusion; CWS at this time is not interested in the in-stream flow of Gales Creek due to low flow in the late summer months when they need it most. However, the pending agreement with CWS allows Forest Grove to buy back 1,500 acre-feet of water when it is needed in the future. In addition, CWS will lease up to 2,000 acre-feet of unused water from our 4,500 acre feet allocation until such time as Forest Grove needs the water.

At this time staff feels the issues raised by Council regarding the MOA have been addressed to the point where approval is recommended. This will start the title transfer investigation which is scheduled to be complete this spring. Once the investigation is complete, staff will bring to the City Council an Intergovernmental Agreement (IGA) between the partners that will allow the title to be transferred, or allow the Council to decline.

Attached is a resolution that will approve the Memorandum of Agreement for participation in the Tualatin Basin Water Supply Partnership.

RECOMMENDATION: Staff recommends the City Council approve the attached resolution and authorize the City Manager to endorse the Tualatin Basin Water Supply Partnership Memorandum of Agreement (attached as Exhibit A).

RESOLUTION NO. 2008-14

**RESOLUTION OF THE CITY OF FOREST GROVE AUTHORIZING
MEMORANDUM OF AGREEMENT FOR PARTICIPATION
IN THE TUALATIN BASIN WATER SUPPLY PARTNERSHIP**

WHEREAS, the partners include the following entities: Tualatin Valley Water District (TVWD) and the cities of Hillsboro, Beaverton, Forest Grove, and Tigard, who together make up the Joint Water Commission (JWC); Tualatin Valley Irrigation District (TVID); Clean Water Service (CWS); Lake Oswego corporation; and Washington County; and

WHEREAS, the partners have selected *Tualatin Basin Water Supply Partnership* as the designation for their new collective management structure; and

WHEREAS, the partners have determined raising the dam is necessary to meet future water supply needs; and

WHEREAS, the Partners and Bureau of Reclamation (BOR) have been cooperating on studies to assess transferring title of the Scoggins Dam to the partners and alternatives for meeting future water supply needs in the Tualatin River basin and are currently working on a Draft Planning Report/Environmental Impact Statement (PR/EIS) to evaluate alternatives involving a potential dam raise at Scoggins Dam; and

WHEREAS, the Partners have developed a Memorandum of Agreement (MOA) that is most suited to, and politically accepted by, the partnering agencies. This MOA contains five agreements among the Tualatin Partners:

1. An agreement to continue to investigate title transfer of the Tualatin Project.
2. An agreement to continue to pursue the potential expansion of the Tualatin Project.
3. An agreement to abide by the Principles of Agreement as developed by the Governance Task Group.
4. An agreement to abide by the Governance Structure and Operating Framework as developed by the Governance Task Group.
5. An agreement to continue to work collaboratively on the "next steps" required to enact this MOA; and

WHEREAS, this MOA will lead to a final Intergovernmental Agreement (IGA) between the partners that will define and solidify the governance of the Tualatin Project; and

WHEREAS, the Forest Grove City Council on November 13, 2007, raised various concerns about the MOA which will be addressed as part of the title transfer investigation and during negotiations for the final Intergovernmental Agreement between the partners.

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

Section 1. The Forest Grove City Council approves and authorizes the City Manager to sign the Tualatin Basin Water Supply Partnership Memorandum of Agreement, dated October 31, 2007, attached as Exhibit A, on behalf of the City of Forest Grove.

Section 2. Upon execution of the Memorandum of Agreement by the City of Forest Grove, Tualatin Valley Water District, Hillsboro, Beaverton, Tigard, Clean Water Services, Tualatin Valley Irrigation District, Lake Oswego corporation, and Washington County (Tualatin Basin Water Supply Partners), the City of Forest Grove agrees to work cooperatively with the other Tualatin Basin Water Supply Partners to pursue the Tualatin Water Basin Supply Project and investigate title transfer as set forth in the Memorandum of Agreement.

Section 3. The City of Forest Grove and the other Tualatin Basin Water Supply Partners are hereby authorized to perform other technical or administrative tasks associated with the proposed transfer as authorized in the Memorandum of Agreement.

Section 4. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 28th day of January, 2008.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 28th day of January, 2008.

Richard G. Kidd, Mayor

TUALATIN BASIN WATER SUPPLY PARTNERSHIP

MEMORANDUM OF AGREEMENT

OCTOBER 31, 2007



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1) INTRODUCTION

After several months of preliminary discussions, representatives of the Tualatin Basin Water Supply Partners began meeting as a “Governance Task Group.” The Task Group was responsible for selecting a governance structure and framework that would serve to cohesively bind the group together in a manner that will allow for efficient and effective ownership and management of the Tualatin Project.

The Task Group met ten times between June and October 2007. The final product of the Task Group is this Memorandum of Agreement (MOA).

The group began its work by clarifying the goals, perceptions, issues, and concerns of each of the represented organizations. This led to the completion, in July 2007, of the Task Group’s *Principles of Agreement*, which are part of this MOA.

The Task Group reviewed and evaluated a number of potential governance models as part of its work, and after significant discussion and debate, determined that a structure similar in form and function to the area’s Joint Water Commission would be a governance structure most suited to, and politically accepted by, the partnering agencies. This *Governance Structure and Operating Framework* is also included in this MOA. The participating agencies selected the **Tualatin Basin Water Supply Partnership** as the title for their new, collaborative management structure.

This Memorandum of Agreement, which has been signed by all of the represented organizations, is meant to serve as the basis for a more legalistic Intergovernmental Agreement, which will follow. This memorandum contains five agreements among the Tualatin Partners:

1. An agreement to continue to pursue title transfer of the Tualatin Project.
2. An agreement to continue to pursue the potential expansion of the Tualatin Project.
3. An agreement to abide by the *Principles of Agreement* as developed by the Governance Task Group.
4. An agreement to abide by the *Governance Structure and Operating Framework* as developed by the Governance Task Group.
5. An agreement to continue to work collaboratively on the “next steps” required to enact this MOA.

2) AREAS OF AGREEMENT

We, the undersigned, as Partners in the Tualatin Basin Water Supply Partnership, agree to the following:

AGREEMENT ONE: THE PARTNERS WILL CONTINUE TO PURSUE TITLE TRANSFER OF THE TUALATIN PROJECT.

The Partners recognize the benefits of local ownership and control of the Tualatin Project, which includes Scoggins Dam and its associated facilities. The Partners will continue to work together to foster the successful transfer of the project from the U.S. Bureau of Reclamation to the Tualatin Partnership. This will include participation in meetings and discussions, review of evaluative information as it becomes available, and general good will and political support for the transfer of title. The Partners agree to work actively to ensure that title transfer is successfully completed by March 2008.

The Partners recognize that final decisions on title transfer cannot be made until additional assessments have been completed. These include an assessment of the potential environmental impacts and benefits of the transfer, the costs associated with the transfer, and the liabilities the Tualatin Partnership will assume as a result of title transfer. These evaluations are due to be completed in December 2007. Upon their completion, the Partners will meet to review the data and make the decisions necessary and appropriate regarding the transfer of title.

AGREEMENT TWO: THE PARTNERS WILL CONTINUE TO PURSUE THE TUALATIN WATER BASIN SUPPLY PROJECT.

The Partners recognize that there could be significant benefits in increasing the amount of water stored behind Scoggins Dam, and in improving the infrastructure necessary to supply that water to the entities that make up the Tualatin Partnership. The Partners recognize there are a number of unknowns associated with the supply project, including cost, potential environmental impacts and benefits, water allocations, pricing, and numerous other issues. Nonetheless, the Partners agree that the project is a worthwhile pursuit. The Partners pledge that they will continue to work in good faith with one another to pursue the project to a successful conclusion.

AGREEMENT THREE: THE PARTNERS WILL ABIDE BY THE *PRINCIPLES OF AGREEMENT* THEY HAVE CRAFTED TOGETHER.

The Partners acknowledge that they worked in a collaborative, open, and participative manner to develop the *Principles of Agreement* included in this MOA. The Partners acknowledge that the *Principles* were written to address the numerous issues, concerns, and priorities of the various Partners. The Partners pledge that they will uphold these *Principles* as title transfer and the water supply project continue to be pursued.

AGREEMENT FOUR: THE PARTNERS WILL ABIDE BY THE *GOVERNANCE STRUCTURE AND OPERATING FRAMEWORK* THEY HAVE CRAFTED TOGETHER.

The Partners acknowledge that they worked in a collaborative, open, and participative manner to select a governance model that best serves the needs of the entire Partnership. Discussions on that model led to the development of the *Governance Structure and Operating Framework* included in this MOA. The Partners pledge that they will uphold the decisions that led to the development of this *Governance Structure*, and further pledge that the Intergovernmental Agreement will incorporate the precepts included in the *Governance Structure*.

AGREEMENT FIVE: THE PARTNERS WILL ACTIVELY PARTICIPATE IN THE “NEXT STEPS” REQUIRED FOR IMPLEMENTATION OF THE ELEMENTS OUTLINED IN THIS MOA.

Those action items include:

- The formation of an intergovernmental agreement that will incorporate the precepts provided by this Memorandum of Agreement.
- Review of, and decisions related to the environmental, cost, and liability impacts associated with title transfer.
- Continued meetings among the Partners to review new information, developments, outstanding issues, and activities associated with title transfer and the supply project.
- Continued willingness to meet with and brief policy makers at all levels regarding the Tualatin Project and Partnership.

3) PRINCIPLES OF AGREEMENT

BACKGROUND ON THE PROJECT

The Tualatin Partnership is currently comprised of the cities of Beaverton, Forest Grove, Hillsboro and Tigard, Clean Water Services, the Tualatin Valley Water District (TVID), the Tualatin Valley Irrigation District, Washington County, and the Lake Oswego Corporation. These nine Partners have worked together over the past year to develop a governance agreement that will enable them to assume ownership of the Tualatin Project - Scoggins Dam and its associated facilities - from the U.S. Bureau of Reclamation.

While numerous benefits will be achieved through title transfer alone, a number of the Partners are actively pursuing, and hope to invest in, the Tualatin Water Supply Project, which would raise the level of Scoggins Dam, and would provide a substantial new source of water supply.

Each of the Partners appointed representatives to the Tualatin Partners Governance Task Group, which began working together in June 2007 to collaborate, and agree on, a new governance structure. The Task Group developed these draft *Principles of Agreement* during July 2007. These *Principles* were followed, in turn by the development of a *Governance Structure and Operating Framework*, which is also included in this Memorandum of Agreement.

As background on the overall effort, it is helpful to first understand the interests of the various parties involved.

Currently, The Tualatin Valley Irrigation District is contracted to use 27,022 acre/feet of the stored water in Hagg Lake (the water reservoir behind Scoggins Dam). TVID is satisfied with its existing contracts with the Bureau of Reclamation. TVID does not need additional water and has no plans to invest in the new water supply project.

Likewise, the Lake Oswego Corporation, which has an existing contract with the Bureau for 500 acre/feet of the stored water volume, has not committed funding toward the new water supply project at this point.

Washington County does not have contracts for any of the stored water in Hagg Lake, but it does lease property from the Bureau of Reclamation for County park facilities. It does not plan to invest in the water supply project, and will want assurances from the Partnership that the original project purpose of recreation continues to be recognized, and that those park facilities will be replaced if the dam is raised.

These three entities are commonly referred to as “repayment contractors,” since they have remaining loan payments to, and existing contracts with, the Bureau of Reclamation.

The other Partners plan to invest in the new water supply project, which is currently estimated to cost between \$300-\$400 million. The Tualatin Valley Water District (TVWD) proposes to invest the most money; current plans are for the TVWD to own up to 44% of the new water supply project. The other investors in the new water supply project include the cities of Hillsboro, Beaverton, Tigard and Forest Grove, as well as Clean Water Services.

With the exception of Tigard and TVWD, all of these entities also have existing water supply contracts with the Bureau of Reclamation for water stored in Hagg Lake. The proposed percentage of their new investments in the water supply project varies from 1-50%, based on the volume of water that will be available once the dam is raised.

TVWD, Hillsboro, Beaverton, and Tigard are in need of new water supplies in the immediate future, ranging from 2016 to 2020. Forest Grove will not need additional water for an estimated 30-35 years.

Clean Water Services (CWS) is a public utility committed to protecting water resources in the Tualatin Watershed. In order to protect watershed health, CWS releases water from Hagg Lake to enhance the ecological functions of the Tualatin River and its tributaries. It requires that there be adequate storage capacity in Hagg Lake to ensure sufficient ecological stream flows throughout the basin during critical periods of the year. CWS is currently under contract with the Bureau for 12,618 acre/feet of the stored water at Hagg Lake.

In a sense, then, it is useful to view the Partners through two different lenses – those with existing contracts and no immediate need for additional supplies – the “repayment contractors” and those we might term “new investors,” which are the entities that are actively pursuing both the title transfer and the water supply project.

BENEFIT STATEMENTS AND PRINCIPLES OF AGREEMENT

These *Principles of Agreement* will serve as a framework for how the nine Partners will work together over the long term to manage the water supply provided by the Tualatin Project. These *Principles* also served as the starting point for the Task Group’s *Governance Structure and Operating Framework*, which was completed in

September 2007. As it initiated its work, the Task Group also developed a number of benefit statements associated with the title transfer and the water supply project.

Benefit Statement: What will the Tualatin Basin gain through title transfer?

Even without the new water supply project, title transfer of the Tualatin Project will be beneficial:

- It will provide the participating entities with local control over the source of supply.
- It will build ownership equity in the Scoggins Dam system. The local Partners will own the system, rather than lease water from the Bureau of Reclamation.
- It allows for the entities with existing contracts, and some amount of excess water, to buy, sell, lease, and/or trade that water directly to the other Partners.
- Title transfer enables the participating Partners to greatly increase the flexibility with which they can manage their water resources, enabling them to move water where and when it is needed the most for a wide variety of needs, ranging from drinking water to irrigation to the improvement of water quality in the Tualatin River.
- Local ownership will allow the Tualatin Partners to integrate the operation of Scoggins Dam with other water supply resources for enhanced efficiency.
- Title transfer allows the Partners to obtain ownership of a water supply system at a very low relative cost. It is also likely to allow those Partners to make structural and other improvements to the existing dam more quickly, efficiently and inexpensively than could be achieved through the current arrangement with the federal government.
- In general, title transfer will enable the Partners to manage the dam and its associated facilities with greater cost and operational efficiency.
- Local ownership will enable the Partners to significantly increase their ability to share and trade staff resources, expertise, and technological capabilities among all of the entities involved.

Benefit Statement: What will the Tualatin Basin gain through the new water supply project?

If the new water supply project is built, all of the benefits associated with title transfer will continue to remain in effect. In addition, the water supply project will benefit the Partners by:

- It will significantly increase the volume of water available to the entities which need that water.
- The project will enhance the overall reliability of the water supply, and will greatly increase operational flexibility – there will be more supply to meet the growing needs of the region.

- Design and construction of the new dam can be achieved at a substantial cost and time savings if it is accomplished through a locally-controlled management authority. Current estimates are that the project can be designed and built within six years, which is estimated to be three years shorter in duration than the construction time required with the federal government in control. Current estimates of the potential cost savings achievable through local control range from \$30-\$40 million.

TEN PRINCIPLES OF AGREEMENT FOR THE TITLE TRANSFER

The nine participating Partners have agreed to the following ten principles related to title transfer:

1) All Partners will be made whole.

The benefits and costs of each Partner's participation in the long-term water supply Partnership will be thoroughly evaluated. All Partners will be *made whole* – that is, no Partner will be asked to sacrifice an existing water supply, pay a disproportionate share for their water, or otherwise “lose” any existing benefit by participating in the Partnership. By joining the Partnership for the long term, no single entity is going to be worse off than they are today, and the ultimate goal of the Partnership is to ensure that those entities enjoy substantial benefits. This is a bottom-line criterion for the entire Tualatin Basin Water Supply Partnership. The Partnership will continually question and check itself: *Have all of the Partners been made whole as we are moving ahead?*

2) The Tualatin Partnership will provide liability protection.

Existing repayment contractors will be protected against liability to the same degree they are currently protected through the Bureau of Reclamation. For example, all entities with current contracts are protected from lawsuits that could occur related to earthquake or flood damage. Protection against those disasters, as well as any other risk protection currently provided by the Bureau, will be maintained by the Tualatin Partnership.

Some risks are not currently protected by the Bureau, and those risks will continue to remain unprotected. For example, if drought conditions prohibit the dam from being filled, neither the Bureau nor the Tualatin Valley Irrigation District can be held liable for the financial losses that might be associated with crop failure. Likewise, the Tualatin Partnership will not provide any type of liability protection that is currently not provided by the Bureau of Reclamation.

Existing responsibilities will also remain in force and will not be covered by the Tualatin Partnership. For example, Washington County is responsible for

insuring itself against any lawsuits that could arise if park users are injured. The County's risk responsibilities, as well as the current risk responsibilities of any of the other entities, will not change under the title transfer.

Bottom line: Liability risks that are currently protected by the Bureau of Reclamation will continue to be covered by the Tualatin Partnership. Liability risks that are currently the responsibility of the individual partner entities will remain the responsibility of those entities.

This Principle has also been included in the *Governance Structure and Operating Framework*. Work will continue between October-December 2007 to further define the risks, liabilities, and insurance necessary to manage the liability associated with title transfer.

3) Power costs will remain stable.

Federal law allows the Tualatin Valley Irrigation District access to power from the Bonneville Power Administration at cost, plus a fee for wheeling the power to the TVID by a local utility. This is a significant cost benefit for the TVID, and one that will continue to be maintained in the future. The Tualatin Partnership will work closely with the Bureau of Reclamation to understand the options related to power supply costs as the title transfer transaction is developed. Through these negotiations, the Tualatin Partnership will find a way to assure the TVID of its current power rate, plus or minus any normal changes to the BPA and wheeling costs. This is implicit through Principle #1, which is to *make all of the Partners whole*.

Investigations will continue throughout 2007 to determine whether the BPA subsidy will be available after title transfer. If the subsidy will not be available, the Partnership will work to determine how those power costs can be assumed as part of overall project costs.

4) Access to fundamental water supplies will be protected.

Every participating entity will have guaranteed access to the same proportion of water it now has under contract with the Bureau. Furthermore, that access will be guaranteed in the same priority order currently in place through the Bureau of Reclamation contracts. Details of these water allocations are included in the *Governance Structure and Operating Framework*.

5) Regulatory and other obligations will be fulfilled.

The Bureau of Reclamation currently abides by a number of regulatory mandates that govern how the dam is managed and operated. These include federal and state statutes, as well as environmental obligations, for example habitat mitigation and the protection of fish species and elk herds. Any and all regulatory obligations currently fulfilled by the Bureau of Reclamation will

continue to be fulfilled by the Tualatin Partnership. These obligations are identified in the *Governance Structure and Operating Framework*.

6) Washington County's recreational resources will be maintained.

Currently, the public has access to recreational resources around Hagg Lake, which Washington County maintains. Under title transfer, the Tualatin Partnership will support access to these existing recreational resources.

Likewise, the Partners have committed to a strong, ongoing communication effort with homeowners in close proximity to the lake. The communication program will be instrumental in sustaining positive relationships with the public.

The details of public access to the park and recreational facilities at Hagg Lake are included in the *Governance Structure and Operating Framework*.

7) Drought plans will be established.

A central question for the Partnership is what happens if and when Scoggins Dam cannot be completely filled due to drought conditions. Which of the Partners will take cuts in their water allocations, and how will those decisions be made? The principles for a drought management plan are included in the *Governance Structure and Operating Framework*. As the Partners continue to work together in managing and operating the Tualatin Project, they will further refine this drought management plan.

8) Water sales and transfers will be facilitated through the Partnership.

One of the major benefits of the Partnership is to share and transfer water to where it is needed the most. The Partnership agreement has been structured in a way that allows for the sale, transfer, and wheeling of water from one Partner to another. With local control and collaboration, it is anticipated that the Partners will be able to more readily move water to accommodate the needs of the region as a whole – whether it be for drinking water, other municipal water uses, irrigation, or water quality.

Core elements of water leasing, sales, and transfers are included in the *Governance Structure and Operating Framework*. As the Partners continue to work together in managing and operating the Tualatin Project, they will further refine the details of these agreements.

9) Partners can enter and exit as necessary.

Although the title transfer is being accomplished through the Partners currently at the table, it is anticipated that other entities may be added to the Tualatin Partnership as time passes, and especially if the water supply project is pursued. The governance agreement agreed to by the Partnership includes

the flexibility for new entities to join, and for existing Partners to exit should they find it necessary to do so. Basic principles related to new and/or exiting members of the Partnership are included in the *Governance Structure and Operating Framework*.

10) Partners will have the first right of refusal.

This will occur on two different levels. First, if any of the Partners have water available to lease or sell, the governance agreement requires them to offer the water first to the other Partners, before pursuing outside buyers. Secondly, if an entity wishes to exit the Partnership altogether, the governance agreement requires that entity to offer its ownership shares first to other Partners, before pursuing an outside buyer. This Principle is included in the *Governance Structure and Operating Framework*.

FOUR ADDITIONAL PRINCIPLES OF AGREEMENT FOR THE WATER SUPPLY PROJECT

The Partners have agreed to the following four principles related to the water supply project:

1) Title Transfer principles will remain in force.

All of the principles that have been agreed to for the title transfer will be adhered to for any new projects or other improvements associated with Scoggins Dam.

2) Park reconstruction costs will be paid for by the new entity.

If the dam is raised, the ability of Washington County to provide access to park facilities at Hagg Lake will be impacted. The Partnership agrees that it will pay for the design and construction costs to replace these park facilities. The Partnership will also compensate the County for any revenue losses it experiences during construction of the new dam and new park facilities. Details of the financing, design, and construction required for park replacement will be determined as part of the overall cost estimating for the dam raise.

3) Other water rights will be protected.

The Tualatin Partnership recognizes that some of the individual Partners may have existing or pending water rights in the region. The Partners will work in collaboration with one another to address issues and opportunities related to these water rights. One example of this is the pending Gales Creek water right certification currently being pursued by the City of Forest Grove. Forest Grove and Clean Water Services will work together to find a mutually

beneficial arrangement that meets Forest Grove's future water supply needs, as well as Clean Water Services' environmental goals. Other such water right decisions are likely to arise from time to time throughout the life of the Partnership, and will continue to be addressed on a case-by-base basis.

4) "New water/old water" agreements will be forged in advance of the dam raise.

If the dam is raised, there will be a significant new amount of "new water" available to the Partners. A primary concern among the Partners has been the way in which water rates for the existing entities vs. the new investors would be determined. Another concern has been the overall reliability of the new supply – what happens in those years when we cannot completely fill the dam? Would those entities with existing contracts be fully guaranteed their supplies, and would the supply for new investors be interrupted as a result? Conversely, how will overuse be monitored and enforced?

To answer these concerns, the Partners will continue to explore various mechanisms for how to identify and allocate the water that will be available once the dam is raised. During their August 2007 meetings, the Partners determined that the final details of these allocations can be worked out after title transfer has been completed, especially with the reassurance provided by Agreement Two, that the Partnership would continue to act in good faith to pursue the water supply project together.

4) GOVERNANCE STRUCTURE AND OPERATING FRAMEWORK

SECTION ONE: MANAGEMENT AND OPERATIONS

1) Purpose

The Tualatin Basin Water Supply Partnership has been formed for the following purposes:

- Assume ownership of the Tualatin Project (Scoggins Dam and its associated facilities) from the U.S. Bureau of Reclamation.
- Manage and operate Scoggins Dam according to the best interests of all of the Partners. At a minimum, this means that the Partners will have the right to continue to receive the amount of water they are currently allocated from Hagg Lake, and that they will be able to continue to lease any excess water for their own financial benefit.
- Comply with the regulatory, mitigation, and operational responsibilities as detailed in the *Statement of Proposed Action* between the Partnership and the Bureau of Reclamation. The *Proposed Action* is attached as an appendix to the *Memorandum of Agreement*.
- Establish a drought management plan. It will be a primary responsibility of the Partnership to develop and implement a drought management plan that will guide water distribution in years of short supply.
- Conduct all operations according to the *Principles of Agreement* that have been developed by the Partnership. The *Principles of Agreement* are included in this *Memorandum of Agreement*.
- Pursue additional water supplies in the future to meet the economic and ecological needs of the Tualatin Watershed. One option under consideration is the expansion of Scoggins Dam/Hagg Lake.

2) Partner Signatories to the Intergovernmental Agreement

The Tualatin Basin Water Supply Partnership is comprised of the following Partners:

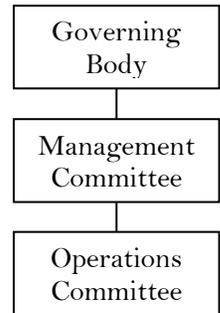
- Tualatin Valley Irrigation District
- Tualatin Valley Water District
- City of Hillsboro
- City of Beaverton
- City of Tigard
- City of Forest Grove
- Clean Water Services
- Washington County

Under this governance structure, all of the Partners will work collaboratively to manage the water supply stored in Hagg Lake, including distribution and leasing for municipal water supplies, for irrigation, and for ecological instream flows that support the health of the Tualatin Watershed. Lake Oswego Corporation will have a seat on the board as a non-voting representative, not counted for quorum purposes.

3) Structure for Shared Ownership

The Tualatin Partnership has entered into a “shared ownership agreement” that is structured according to the following:

- A governing body consisting of appointed representatives of each member agency to provide broad policy oversight and to provide a public forum for discussion of issues.
- A management committee with general manager level representatives from each agency to negotiate policy and to establish planning priorities.
- A technical/operations committee with representatives of each agency to develop the implementation details of budgets, operations and projects; and with management provided by a managing agency, selected from among the member agencies.



Each of the Partners will hold an interest in the Tualatin Project’s facilities and land once title transfer has been completed.

4) Continued Exploration of Regional Ownership

Although the governance structure outlined in this document has been agreed to by the Tualatin Partnership, the Partners also recognize the potential for possible benefits through the establishment of a separate “supply agency” governance structure. In acknowledgement of these possible benefits, the Partners will continue to explore the financial and management feasibility of such a supply agency, or of any other governance structure that can best meet the long-term water management interests and demands throughout the region. Work to evaluate the potential benefits and costs of such a structure will commence in 2008.

5) Functions of the Governing Body

The governing body for the Tualatin Basin Water Supply Partnership will consist of one voting member and no more than two alternates from each of the participating Partners. These members must be appointed by each of the Partners.

Members of the governing body must have the authority from their appointing agencies to approve the highest-level policy and financial decisions that may be made by the Partnership. At least one representative from each of the Partners must be in attendance at meetings of the governing body in order to constitute a quorum of the

governing body. The governing body will meet as needed; at a minimum on a quarterly basis.

Although many decisions from the governing body will be determined through a simple majority vote, some of the group's decisions must have unanimous approval in order to be enacted. The Partners have tentatively identified the following list of those items that will require unanimous approval. This list will continue to be refined throughout the development of the Intergovernmental Agreement.

- The annual budget of the Partnership
- Annual work plan and capital improvement plan
- Selection of the managing agency for the Partnership
- Recommendations for changes to the Partnership's Intergovernmental Agreement
- Changes to contracts let by the Partnership to various parties
- Sales of real estate or other Partnership assets
- Changes to the members of the Partnership
- Permanent changes to the water allocations for various Partners
- Drought management plan
- Policies related to, and leases of, excess water

It is recognized that new, major capital investments will be necessary should the Partnership decide to expand the capacity of Scoggins Dam and/or its related facilities. If these capital investments are pursued, only those Partners that will invest in and benefit from the improvements will vote on those capital expenditures. As noted in the "made whole" concept embedded in the Partnership's *Principles of Agreement*, any new facilities cannot be built or operated to the detriment of any of the Partners associated with this agreement. There can be no future impairments to the assets and rights that are guaranteed under current contractual agreements with the Bureau of Reclamation.

The Partnership may find that, as Scoggins Dam is being expanded, and after the improvements have been made, further refinements to the voting procedures of the Partnership's governing body are required. If needed, and by mutual consent, the Partnership will review the role of the governing body and make these adjustments.

6) Functions of the Managing Agency

The governing body of the Tualatin Partnership may appoint a Managing Agency from among the Partners, or may elect to hire a General Manager and associated staff to serve in the management role. The Managing Agency/General Manager will have the power to approve contracts and change orders consistent with adopted purchasing rules, take actions that are reasonable and necessary during an emergency, and assume any other powers the Tualatin Partnership may grant.

7) Functions of the Management Committee

Each of the Partners will appoint its Chief Executive Officer or their designee to serve on the Management Committee. The Management Committee will review the business operations of the Tualatin Partnership, such as planning and operations, and will make recommendations to the General Manager. The Management Committee will meet as needed; at a minimum on a quarterly basis.

Lake Oswego Corporation will have a seat on the Management Committee as a non-voting representative, not counted for quorum purposes.

8) Functions of the Operations Committee

Each of the Partners will appoint at least one person to the Operations Committee. Each Partner will have one vote in making a recommendation to the Management Committee. Lake Oswego Corporation will appoint a non-voting member to the Operations Committee. The Operations Committee will meet as needed; at a minimum on a quarterly basis.

9) Asset Management Program

The Partnership will thoroughly inventory all of the assets associated with the Tualatin Project, including physical facilities and real estate holdings. The Partnership will create an asset management program that describes the current conditions of these facilities, their current value, and repairs and replacements that may be necessary. The program will include a schedule for repairs and replacement of the project's facilities. The Partnership will create policies that guide this repair and replacement as part of the asset management program.

10) Operations Manual

The Partners will write and agree on an Operations Manual for the System, which will include protocols and methodology to provide for the equitable, effective, and efficient operation of the Tualatin Project. The existing Bureau of Reclamation manual will be modified as necessary and adopted within two months of the assumption of title transfer, and will be updated periodically thereafter as needed, with not less than two years between updates.

11) Contract with Washington County

The Partnership will maintain a contract with Washington County for the ongoing maintenance of the recreational facilities at Scoggins Valley Park. The Partnership and Washington County may elect to adopt the existing contract as established between Washington County and the Bureau of Reclamation, or to negotiate a new contract. Either way, the County's role in managing the facilities and park areas will

not be diminished. If Scoggins Dam is raised and the recreational facilities need to be replaced, the Tualatin Partnership will pay for this replacement.

12) Interests of the Lake Oswego Corporation

The Partnership will continue discussions about the appropriate structure for its relationship with the Lake Oswego Corporation. In addition to the options of assigning to the Partnership the existing contract between the Lake Oswego Corporation and the Bureau of Reclamation or of creating a new contract with the Partnership, other options for the involvement of the Lake Oswego Corporation in the governance structure will be discussed.

13) Agreement to Abide by all Other Existing Contracts and/or Obligations

The U.S. Bureau of Reclamation currently maintains operational and other contractual obligations with a variety of agencies, including, but not limited to, the following:

- Dam Operations contract with TVID
- Water Service contracts - Pumpkin Ridge, The Reserve Golf Course and Stimson Lumber
- License Agreement for Soil Disposal with Washington County
- Flood Control Agreement - Army Corps of Engineers
- Electrical Power - wheeling contract with PGE and TVID
- Existing Operations Mitigation contract with Tualatin Basin Watershed Council and Washington County
- Existing Elk Mitigation Contract
- National Historic Preservation Act; National Environmental Protection Act, Endangered Species Act, Indian Trust Resources; Safe Drinking Water Act.

The rights and obligations inherent in these contracts will continue to be fulfilled by the Partnership. The Partnership will work with the Bureau of Reclamation to determine how to best assume these obligations, either through the assignment of existing contracts, or through the creation of new contracts with the various entities involved.

SECTION TWO: ALLOCATION OF WATER AND WATER RIGHTS

1) Allocation of Water

Under this agreement, all of the Tualatin Partners currently receiving water from Scoggins Dam will continue to have the right to receive that water in the allocations they are currently contracted for with the Bureau of Reclamation. These Hagg Lake “stored water” allocations – out of a total of 53,640 acre/feet -- include:

- Tualatin Valley Irrigation District: 27,022 acre/feet
- Clean Water Services: 12,618 acre/feet
- City of Hillsboro: 5,000 acre/feet
- City of Forest Grove: 4,500 acre/feet
- City of Beaverton: 4,000 acre/feet
- Lake Oswego Corporation: 500 acre/feet

These numbers do not account for the natural and return flows allocated to TVID and CWS, which contribute to the total allocated stored water amount of 53,640 acre/feet. The current allocations of natural flows to CWS and TVID will not change.

2) Water Rights

The primary natural flow and stored water rights currently owned by the Bureau of Reclamation will be assigned to the Tualatin Partnership. The Partnership will continue to own these water rights in perpetuity.

SECTION THREE: OWNERSHIP OF ASSETS

1) Owned Assets

The Tualatin Project consists of three tangible assets for the Partnership. 1) a block of stored water in Hagg Lake (as described in Section Two); 2) a number of physical facilities (listed below); and 3) Hagg Lake and the adjacent property (also described below). Ownership of Scoggins Dam and Henry Hagg Lake will need to be negotiated before title transfer. As identified below, the Patton Valley and Spring Hill plants are single-purpose facilities whose ownership will, most likely, remain the same after title transfer. The assets known at this time include:

- **Patton Valley Pumping Plant (single purpose):** Real estate parcels, five vertical shaft turbine pumps, fish screens, a steel discharge line, regulating tank, and a 3.5-mile gravity-fed distribution pipeline.

- **Spring Hill Pumping Plant (single purpose):** Real estate parcels, nine irrigation pumps, four municipal/industrial pumps (currently owned by JWC); fish screens, a discharge line, regulating tank, and a 95-mile buried pressure pipeline distribution system.
- **Scoggins Dam (multiple purpose):** a 151-foot-high zoned earthfill structure, its spillway, intake structure and outlet works. A fish collection facility at the dam has been partially removed and is not currently in use.
- **Henry Hagg Lake and its adjacent property:** A 1,182-acre water reservoir, surrounding lands in Federal ownership, including elk mitigation lands; recreational facilities and a perimeter road (currently operated and maintained by Washington County).

As noted in Section One of this agreement, an Asset Management Program will be established to inventory and quantify the value of these, and any other assets that are included in the Tualatin Project. These assets will be jointly owned by the Partnership.

SECTION FOUR: PROJECT FUNDING

1) Background

The Partners endeavor to develop an equitable method to allocate the costs of title transfer. In order for the benefits of title transfer to outweigh the costs in the long run, including costs of financial resources, risks and new assumed liabilities, the Partners agree the method of allocating costs for title transfer must also give consideration to raising Scoggins Dam.

While there are potential benefits to title transfer without raising Scoggins Dam, the principal benefits accrue in terms of the cost savings of raising Scoggins Dam. Recognizing that one shared pool is more advantageous to the Partners acquiring water or significantly increasing their current water allocation, the parties agree that some form of compensation for the current municipal water right holders is appropriate. Therefore, the two projects of transferring title and raising Scoggins Dam are combined in the discussion of a cost allocation methodology.

There are four foundational components to consider in developing a cost allocation methodology: 1) the amount paid by Partners for their contracted water allocations; 2) the debt outstanding by Partners for their contracted water allocations; 3) the percent of water held by each Partner behind the current dam; 4) the percent of water that will potentially be held by the Partners who invest in the raising of Scoggins dam.

The costs to be allocated can be broken down into the following categories:

- Debt outstanding from the existing water allocation contracts;
- Costs for refinancing this debt to pay the Bureau of Reclamation;
- Potential costs for capital improvements on the current dam;
- Other costs associated with title transfer (e.g. environmental review, legal costs, etc);
- Payment to the Bureau of Reclamation for revenue foregone on contracts;
- Estimated cost to raise Scoggins Dam.

2) Funding Principles

The Tualatin Partners have established the following principles related to funding:

1) The Partnership recognizes that repayment contractors have already made investments in Scoggins Dam. For those repayment contractors that are participating in the dam raise project, some amount of credit toward the construction of the dam raise will be allocated to those repayment contractors. The credit will be funded by the “new partners” in the dam raise project (partners who are not currently repayment contractors). For example, as a new partner, TVWD will pay \$2.7 million toward this credit. If the members of the Partnership change, or if water allocations between Partners change, the manner in which the credits are funded may also be subject to change.

2) Repayment contractors will be required to continue payments according to the amount they currently owe to the U.S. Bureau of Reclamation. While the Partnership will be paying off all remaining debt to the Bureau, the Partnership, in effect, becomes the “bank” that is loaning the money to the repayment contractors. The new bank will expect to be repaid for this loan; repayment contractors will make their payments to a new, single entity, which is the Partnership.

3) Repayment contractors will continue to pay on these loans at the same interest rate, and on the same payment schedule, as they are currently paying. The Partnership will not raise the interest rate, even though, as it assumes the remaining debt to the Bureau, it is likely to do so at a higher interest rate than what is currently being paid.

4) The money that is collected as a result of these loans will be paid back to those who invest in the title transfer in proportion to their investments. That is, the “cash flow” resulting from loan repayments will be allocated to each entity in proportion to what they have paid for title transfer.

5) Those who are investing for the first time in Scoggins Dam (the new Partners) do not want to move forward with their investment unless they can be assured that, once the dam is raised, all water from the expansion reservoir volume and from the original

reservoir volume held by those original repayment contractors who share in the credit payment will be available as a “single pool”. This means that all participating entities will share the “gain” of the additional water supply, as well as the “pain” should any curtailments be necessary in the future due to drought conditions.

While the single pool remains the ultimate goal of the Partnership, it is recognized that several issues must be resolved before a single pool can be agreed to by all of the Partners. One example of this is the pending Gales Creek water right certification currently being pursued by the City of Forest Grove. Forest Grove and Clean Water Services will work together to find a mutually beneficial arrangement that meets Forest Grove’s future water supply needs, as well as Clean Water Services’ environmental goals. Those discussions are underway now, and a final resolution to this issue will be achieved between Forest Grove and CWS by January 31, 2008.

Likewise, other Partners have questions about how a “single pool” will be defined, particularly in relation to the pumpback water, flood control releases, and curtailments. For example, what will “share the pain” mean, and how will curtailments in response to drought conditions be determined?

These and other questions are all important, and must be addressed prior to title transfer. All Partners will continue to work on resolution to these and any additional issues related to a single pool, and are committed to having final solutions to these issues in place by January 31, 2008.

SECTION FIVE: ASSUMPTION OF LIABILITY

Existing repayment contractors will be protected against liability to the same degree they are currently protected through the Bureau of Reclamation. For example, all entities with current contracts are protected from lawsuits that could occur related to earthquake or flood damage. Protection against those disasters, as well as any other risk protection currently provided by the Bureau, will be maintained by the Tualatin Partnership.

Some risks are not currently protected by the Bureau, and those risks will continue to remain unprotected. For example, if drought conditions prohibit the dam from being filled, neither the Bureau nor the Tualatin Valley Irrigation District can be held liable for the financial losses that might be associated with crop failure. Likewise, the Tualatin Partnership will not provide any type of liability protection that is currently not provided by the Bureau of Reclamation.

Existing responsibilities will also remain in force and will not be covered by the Tualatin Partnership. For example, Washington County is responsible for insuring itself against any lawsuits that could arise if park users are injured. The County’s risk responsibilities, as well as the current risk responsibilities of any of the other entities, will not change under the title transfer.

Bottom line: Liability risks that are currently protected by the Bureau of Reclamation will continue to be covered by the Tualatin Partnership. Liability risks that are currently the responsibility of the individual partner entities will remain the responsibility of those entities.

This Principle has also been included in the *Governance Structure and Operating Framework*. Work will continue between October-December 2007 to further define the risks, liabilities, and insurance necessary to manage the liability associated with title transfer.

SECTION SIX: SALES OF EXCESS WATER SUPPLY

1) Long-Term Leases

The Partners agree that mandatory leasing between Partners of excess stored water capacity allows the Partners to defer expansion or construction of new facilities. Each Partner will have the right to lease its unused capacity above the Partner's stored water requirements for the term of the lease.

If more than one Partner has excess capacity available to lease, those Partners will combine their excess water into a single pool. Through a unanimous vote of the governing body, the Partnership will determine the leasing rate for this water, which will generally be based on the cost of producing that water. Individual Partners will then receive revenue for these leases based on the amount of water they contributed to the pool.

Example: TVID desires to lease 5,000 acre/feet of excess water capacity. The Cities of Hillsboro and Forest Grove each desire to lease 2,500 acre/feet. This excess water is combined for an available leasing pool of 10,000 acre/feet. 8,000 out of this 10,000 acre/feet is actually leased, and becomes a source of revenue for the Partnership. After overhead and distribution costs are subtracted, the net proceeds from the leased water are divided among TVID, Hillsboro, and Forest Grove. TVID receives $\frac{1}{2}$ of these net proceeds, with Hillsboro and Forest Grove each receiving $\frac{1}{4}$ of these net proceeds, commensurate with the volume of water they initially contributed to the leasing pool.

The Tualatin Partners will have first right of refusal for any leasing agreement; that is, Partners with excess capacity must offer that water first to other Partners before going outside of the Partnership. And, as noted previously in this document, leases by any Partner to entities outside of the Partnership must be approved by a unanimous vote of the governing body.

The maximum lease term is 10 years. The lease rate will be calculated every 5 years for leases with terms exceeding 5 years.

2) Spot-Market Sales

The Partnership recognizes that there may be opportunities to sell excess water through a “spot market” system that will be shorter in duration than the lease arrangements described above. This system will be designed to respond to short-term, immediate needs.

Example: There may be a period of particularly serious low flows in the Tualatin River which could be ameliorated through the infusion of more water into the river system. In this case, Clean Water Services may ask to purchase water from the Partnership in order to improve these stream flows.

As with leasing, the Partnership will act collectively to determine which of the Partners may have excess capacity to sell on a spot market, how much water is available, and what the rate for that water should be. Similar to the leasing arrangements described above, the net proceeds from this water will be proportionally divided among those Partners that initially contributed to the spot-market pool.

SECTION SEVEN: PROVISIONS FOR DROUGHT MANAGEMENT

1) Curtailment Plan with Existing Scoggins Dam Facilities

The potential curtailment of water supplies during hot, dry conditions will be planned for and enacted according to three different stages:

Stage One: Water Shortage Potential. A water shortage potential is identified when storage supplies begin to drop and weather forecasts predict hot, dry weather over a period of several days. At this stage, the goal is to reduce overall demand on the system by 5%. This will be achieved by alerting the public of the need to cut back on water use.

Stage Two: Serious Water Shortage. Storage level drops to 60% of normal. Weather forecast is hot, dry. By May 1, Hagg Lake is not filled to capacity. At this stage, the Tualatin Valley Irrigation District and Clean Water Services curtail not more than 15% of their total contracted amount.

Stage Three: Critical Water Shortage. Storage level drops below 60% of normal, and further curtailments are necessary. All of the Partners would then share equally in these additional curtailments.

2) Curtailment Plan with Expanded Scoggins Dam Facilities

If and when Scoggins Dam is expanded, the Partnership will work in collaboration to craft a new curtailment plan that incorporates the new water supply and associated Partner needs and interests.

SECTION EIGHT: ADDITION AND WITHDRAWAL OF PARTNERS

Addition of Partners: Entities interested in joining the Tualatin Basin Water Supply Partnership may do so by application in writing to the Partnership. New members must agree to abide by the overall governance framework, management and operational requirements of the Partnership. Potential new members must be able to demonstrate their financial stability, willingness and ability to invest in the water supply facilities, and must have a proven track record of safe and legal operations. New members must be able to demonstrate the benefits of their participation in the Partnership from both an individual and basin-wide perspective. Applications for new membership must be received a minimum of three years prior to the time at which those prospective members hope to receive water supply from the Tualatin Project.

Withdrawal of Partners: Entities wishing to withdraw from the Partnership may do so voluntarily. However, as a general principle, it is the intent of the Partnership that withdrawal be difficult. In order to withdraw, a Partner must notify the Partnership two years prior to the termination of membership. Terminating members must notify all of the other participating Partners of their intent to terminate. In order to prevent a fiscal crisis, any Partner with a 25% or greater ownership share in the system must remain a Partner until that ownership share can be reduced to at least 15%. Or, the Partnership may agree to buy that ownership share in a more expedient manner from the withdrawing Partner. Any outstanding debt on the project owed by the withdrawing partner must be entirely defeased or assumed voluntarily by another partner(s) in exchange for the project assets of the withdrawing partner. Existing Partners have the right of first refusal to purchase the shares of withdrawing Partners.

SECTION NINE: DISPUTE RESOLUTION

The Partners agree to abide by the following dispute resolution process:

Step One: Negotiation. The Partners who are party to the dispute will appoint a representative to negotiate on behalf of each Partner in an attempt to resolve the issue.

Step Two: Mediation. If the dispute cannot be resolved within 30 days through negotiation, the disputing Partners will submit the matter to non-binding mediation. The disputing Partners will mutually agree on a mediator, and all costs of mediation will be borne equally by those Partners.

Step Three: Non-Binding Arbitration. If mediation is not successful, the disputes will be submitted to non-binding arbitration under the rules and processes of U.S. Arbitration and Mediation of Portland, Oregon. All costs of arbitration will be borne equally among the disputing Partners.

Step Four: Legal Action. After exhaustion of the preceding processes, the disputing Partners may initiate litigation in the Circuit Court of the State of Oregon for Washington County. Each Partner will bear its own legal and expert witness fees.

5) SIGNATURES

We, the undersigned, are in full accord with the precepts as they are detailed in this Memorandum of Agreement.

For the City of Beaverton

Rob Drake
Mayor

For the City of Tigard

Craig Prosser
City Manager

For Clean Water Services

Bill Gaffi
General Manager

For the Tualatin Valley Irrigation District

Jim Love
President, Board of Directors

For the City of Forest Grove

Michael Sykes
City Manager

For the Tualatin Valley Water District

Greg DiLoreto
General Manager

For the City of Hillsboro

Will Crandall, Chair
Utilities Commission

For Washington County

Robert Davis
County Administrator

For the Lake Oswego Corporation

Mark Eves
Board Member