

CITY COUNCIL MONTHLY MEETING CALENDAR

December-13

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Planning Comm 7pm	2	3	4 Municipal Court RWPC-EC 5:30pm Rural Fire Bd 7pm	5 EDC Noon	6 LOC Bd Mtg FGS&CC 1st Friday Dinner	7 Holiday In The Grove Light Parade 5pm
8	9 CITY COUNCIL 5:30 PM - WORK SESSION (IT Assessment) 6:00 PM - WORK SESSION (Comp Plan/TSP) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	10 Library 6:30pm	11 Employee Luncheon 11:30 am - Comm Aud MPAC 5pm	12 ODF 7am - Comm Aud PAC 5pm	13	14 Annual Wassail Party 1pm - Library
15 Chamber Luncheon - Noon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	16	17 Fernhill Wetlands 5pm	18 Municipal Court P&R 7am CFC 5:15pm CWAC 5:30pm	19 CCI 5:30pm Dairy Creek Food Web 7:30pm WEA Bkft Forum 7:30 am	20	21
22	23 NO CITY COUNCIL MEETING SCHEDULED	24 HLB (Cancelled)	25 CITY OFFICES CLOSED	26	27	28
29	30	31				

January-14

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 CITY OFFICES CLOSED	2 EDC moved to 9th	3	4
5 Planning Comm 7pm	6	7 Ford Institute Leadership 4pm-8:30pm - Comm Aud	8 Municipal Court MPAC 5pm Rural Fire Bd 7pm	9 Scoggins Dam Open House 6pm - Comm Aud EDC Noon PAC 5pm	10	11
12	13 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	14 Red Cross Blood Drive 1pm - 6pm - Comm Aud Library 6:30pm	15 P&R 7am CFC 5:15pm CWAC 5:30pm	16 Books & Buns - UCC 5pm CCI 5:30pm Dairy Creek Food Web 7:30pm	17 WC Mayors' Luncheon	18
19	20 CITY OFFICES CLOSED Chamber Luncheon - Noon FGS&CC Bd Mtg 6:30pm	21 Fernhill Wetlands 5pm Planning Comm 7pm	22 Municipal Court MPAC 5pm	23 5-Cities Leg Dinner Sess 5:30 pm - Prime Time WEA Bkft Forum 7:30 am	24 <i>Ford Institute Leadership - Comm Aud</i>	25
26	27 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	28 HLB 7:15pm	29	30 OMA Bd Retreat - Salem B&C Annual Reception 6:00 pm - Comm Aud	31	

February-14

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 Annual Town Meeting 8:30 am - Comm Aud
2 Planning Comm 7pm	3	4	5 Municipal Court Cover Oregon 6:30 pm - Comm Aud Rural Fire Bd 7pm	6 EDC Noon	7	8
9	10 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	11 Red Cross Blood Drive 1pm - 6pm - Comm Aud Library 6:30pm	12 MPAC 5pm	13 PAC 5pm	14 <i>Ford Institute Leadership - Comm Aud</i>	15
16	17 City Hall Open Chamber Luncheon - Noon FGS&CC Bd Mtg 6:30pm Planning Comm 7pm	18 Fernhill Wetlands 5pm	19 Municipal Court P&R 7am CFC 5:15pm CWAC 5:30pm	20 CCI 5:30pm Dairy Creek Food Web 7:30pm WEA Bkft Forum 7:30 am	21	22
23	24 Chamber Luncheon - Noon Mayor's State of City Address CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	25 Metro Council Mtg 5pm-Comm Aud HLB 7:15pm	26 MPAC 5pm	27	28	29 WC Mayors' Luncheon



FOREST GROVE CITY COUNCIL

Monday, December 9, 2013

Meeting Agenda

5:30 PM – Work Session (IT Assessment)
6:00 PM – Work Session (Comp Plan & TSP Update)
7:00 PM – Regular Meeting

Community Auditorium
1915 Main Street
Forest Grove, OR 97116

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

PETER B. TRUAX, MAYOR

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

Camille Miller
Ronald C. Thompson
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.

Paul Downey, Administrative Services Director
 Michael Sykes, City Manager

5:30

WORK SESSION: IT ASSESSMENT REPORT

The City Council will convene in the Community Auditorium – Conference Room to conduct the above work session(s). The public is invited to attend and observe the work session(s); however, no public comment will be taken. The Council will take no formal action during the work session(s).

Jon Holan, Community Development Director
 Dan Riordan, Senior Planner
 Michael Sykes, City Manager

6:00

WORK SESSION: COMPREHENSIVE PLAN & TRANSPORTATION SYSTEM PLAN UPDATE

The City Council will convene in the Community Auditorium to conduct the above work session(s). The public is invited to attend and observe the work session(s); however, no public comment will be taken. The Council will take no formal action during the work session(s).

7:00

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

1. A. **EMPLOYEE RECOGNITION:**

- *Bev Maughan, Executive Assistant to City Manager, 25 Years of Service*

1. B. **PROCLAMATION:**

- *Human Rights Week, presenting to Nancy Panitch, Human Rights Council Representative*

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

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

4. **ADDITIONS/DELETIONS:**

5. **PRESENTATIONS:**

Tom Gamble, Parks and Recreation Director

7:10

5. A. • *The Intertwine Alliance, Mike Wetter, Executive Director*

7:20

5. B. • *Metro Quarterly Exchange Update, Kathryn Harrington, Metro Councilor District 4*

<p>Jon Holan, Community Development Director Dan Riordan, Senior Planner Michael Sykes, City Manager</p>	7:30	<p>6. <u>CONTINUE PUBLIC HEARING FROM OCTOBER 14, 2013: SECOND READING OF ORDINANCE NO. 2013-12 ANNEXING A TRACT OF LAND INTO THE CITY LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT FROM WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCES DISTRICT, AND FOREST GROVE RURAL FIRE PROTECTION DISTRICT. THE TERRITORY TO BE ANNEXED CONSISTS OF ONE PARCEL, TOTALING 5.6 ACRES, LOCATED AT 3351 THATCHER ROAD. WASHINGTON COUNTY TAX LOT NO. 1N4260000400. APPLICANT: BRADFORD AND LINDA TAYLOR, OWNER-INITIATED. FILE NO. ANX-12-01074</u></p>
<p>Jon Holan, Community Development Director Dan Riordan, Senior Planner Michael Sykes, City Manager</p>	7:45	<p>7. <u>PUBLIC HEARING AND ORDER NO. 2013-02 ASSIGNING A CITY OF FOREST GROVE ZONING DESIGNATION, CONSISTENT WITH THE FOREST GROVE COMPREHENSIVE PLAN MAP AS REQUIRED BY FOREST GROVE DEVELOPMENT CODE SECTION 10.2.160 AND 10.2.750, TO A TRACT OF LAND ANNEXED INTO THE CITY LIMIT OF FOREST GROVE. FILE NO. ZNC-13-00253</u></p>
<p>Paul Downey, Administrative Services Director Sue Hudson-Rau, Municipal Court Coordinator Michael Sykes, City Manager</p>	7:50	<p>8. <u>PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2013-13 REPEALING AND REENACTING CHAPTER 6 OF THE FOREST GROVE CODE, ENTITLED "VEHICLES AND TRAFFIC", AND AMENDING CODE SECTIONS 3.210, 5.060, AND 9.620</u></p>
<p>Paul Downey, Administrative Services Director Michael Sykes, City Manager</p>	8:05	<p>9. <u>PUBLIC HEARING AND RESOLUTION NO. 2013-72 FIXING SOLID WASTE RATES TO BE CHARGED BY FRANCHISE IN CITY OF FOREST GROVE, AND REPEALING RESOLUTION NO. 2010-82, EFFECTIVE JANUARY 1, 2014</u></p>
<p>Michael Sykes City Manager</p>	8:15	<p>10. <u>CITY MANAGER'S REPORT:</u></p>
	8:30	<p>11. <u>COUNCIL COMMUNICATIONS:</u></p>
	8:45	<p>12. <u>ADJOURNMENT</u></p>

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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 Work Session (Parking Code Regulations) Meeting Minutes of November 25, 2013.
 - B. Approve City Council Regular Meeting Minutes of November 25, 2013.
 - C. Accept Community Forestry Commission Meeting Minutes of September 18 and October 16, 2013.
 - D. Accept Public Arts Commission Meeting Minutes of September 12 and October 10, 2013.
 - E. Community Development Department Monthly Building Activity Report for November 2013.
 - F. Fire Department Monthly Activity Report for October 27–November 20, 2013.
 - G. Endorse New Liquor License Application (Distillery) for Flooded Fox Den Distillery, LLC, 2331 23rd Avenue (Applicant: Scot Lester).
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M E M O R A N D U M

TO: CITY COUNCIL

FROM: Paul Downey, Director of Administrative Services
Michael Sykes, City Manager

DATE: December 9, 2013

SUBJECT: IT Assessment Report

ISSUE STATEMENT: The City hired Virtual Information Executives, LLC (VIE), to perform an assessment of information technology services within the City. VIE performed that assessment and issued a report which was distributed to the City Council in November. Tonight, Manoj Garg and Lloyd Lowry, the consultants who prepared the report are coming to the Council to present the highlights of the report and their recommendations on how the City can improve its information technology services. Their summary report is attached as part of this report.

DISCUSSION: As discussed above, VIE performed the study and presented its report. Since that time, the City has started its IT Steering Committee consisting of senior management from all departments. The City has also contracted with VIE to perform IT management services on a short-term contract. The basic services to be provided are: 1) to implement IT Governance and effective IT project leadership; 2) develop a framework of IT policies that the City should develop; 3) help improve IT performance; and 4) help the City plan on how to best provide IT services in the future.



City of Forest Grove IT Assessment Report

Manoj Garg
Lloyd Lowry

Purpose of Assessment

- High level analysis of IT Performance
- Identify Root Causes of Performance Issues
- Recommend Actions to Improve Performance
- Areas Reviewed
 - Technical Infrastructure
 - Organizational Structure and Capabilities
 - IT Governance
 - IT Performance
 - IT Policies and Procedures
 - IT Security

Findings

- Technology Infrastructure is solid, generally
- Systems aren't updated in timely fashion, due in large part due to resource constraints
- There is a high level of frustration with IT's ability to get things done
- Access to internet resources was being hindered by overly-restrictive filtering

Findings

- IT is not meeting performance expectations
 - Behind in upgrading systems
 - Not meeting project deadlines
 - No defined process to set priorities or report progress
 - Department heads are frustrated
- IT is mainly in reactive mode (fighting fires)
- IT is understaffed (national average is 4% of organizational FTE – FG is less than 2%)

Findings

- IT is rarely able to assist departments in meeting strategic goals
- There appears to be a lack of well-defined expectations about what IT does – some departments have moved to a self-service model.
- There is an absence of written policies to guide IT processes and decisions.

Management Recommendations

- Provide better IT Management and Leadership
 - Possible options:
 - Full-time IT manager (with business / customer focus)
 - Out-source the management function – part-time basis
 - Partner with another public agency who has an IT manager
 - Implement IT Governance Committee to create policies, set priorities and review performance of the IT section
 - This committee has meet four times
 - Positive results so far
 - Address work load issues
 - Focus on top priorities
 - When budget permits, add a third technical staff person
 - Outsource highly technical, “one-off” tasks

Technical Recommendations

- Implement wireless to support mobile devices
- Allow secure remote access
- Reduce filtering with direction from IT Steering Committee (completed)
- Implement email archive and improved backup
 - Email archive is in place
 - New backup system will be implemented by EOY
- Implement industry methods to standardize processes and clearly define IT services

Questions?



December 9, 2013

**Forest Grove Comprehensive Plan and TSP Update
Work Session**

Project Team: Daniel Riordan, Senior Planner
Jon Holan, Community Development Director
Michael Sykes, City Manager

Staff will conduct a work session with the City Council on December 9th. The purpose of the work session is to familiarize the Council with the documents they will consider for approval at public hearings in January and February. This includes a new Comprehensive Plan document, revised Land Use Map and a revised Transportation System Plan. Due to the volume of the documents, staff will be distributing the material in a notebook at the work session.

City Council Work Session December 9, 2013

**WORK SESSION ON
COMPREHENSIVE PLAN AND TSP UPDATE**

SIGNIFICANT CHANGES SINCE ADOPTION

- ✘ Western Washington County has experienced significant employment growth since 1980
 - + High Technology Sector
- ✘ Forest Grove has grown as a result:
 - + 11,500 (1980)
 - + 21,083 (2010)
- ✘ Region adopted the 2040 Growth Concept (1995)
 - + Established Regional Centers, Town Centers, and Corridors
 - ✘ Hillsboro is a Regional Center
 - ✘ Downtown Forest Grove is a Town Center
 - ✘ Pacific Avenue is a Corridor
- ✘ Oregon Highway 47 Bypass Constructed (1990s)
- ✘ Vision Statement Updated by City Council (2007)
- ✘ Region adopted Urban and Rural Reserves (2011)
 - + Purdin Road Urban Reserve
 - + David Hill Urban Reserve
- ✘ Projected that City will grow from 21,000 to over 28,000 in next twenty years (Year 2030)
 - + Area north of David Hill Road expected to 94% built out by 2025

PROCESS

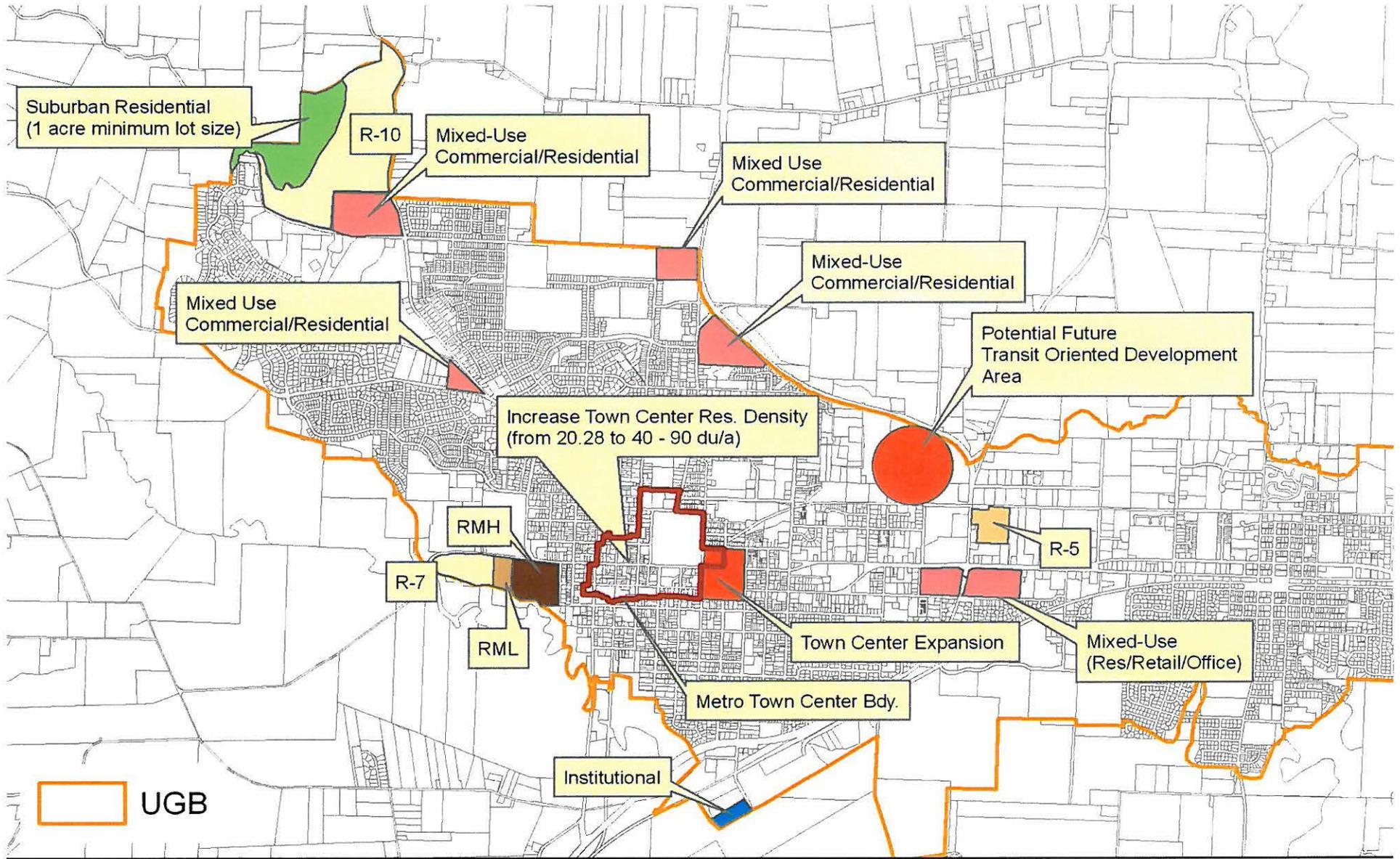
- ✘ Planning Commission considered four land use alternatives with subsequent public review
- ✘ Selected a final alternative with subsequent public review
- ✘ Commission held a series of work sessions to review various chapters and the TSP
- ✘ Met with relevant regional and state agencies on Comp Plan and TSP
- ✘ Planning Commission now completing its public hearing

PROCESS - CONTINUED

- ✘ Two Processes at State level
 - + Periodic Review
 - ✘ Formal Review by DLCDC
 - ✘ Director issues report
 - ✘ Any objections to LCDC and then, if necessary, appeals to Court of Appeals
 - + Post Acknowledgement Plan Amendment (PAPA)
 - ✘ DLCDC Staff reviews – no action required
 - ✘ If any concerns, appeal to LUBA
- ✘ Material in notebooks identifies Periodic Review and PAPA items
- ✘ Doesn't change local adoption process

COMP PLAN CHAPTERS

- × Background
- × Citizen Involvement
- × Land Use
- × Housing
- × Economy
- × Community Sustainability (new)
- × Public Facilities and Community Services
- × Schools and Education
- × Natural Resources and Hazards



ZONE CHANGES

- ✘ Generally, delay zoning amendments
 - + Establish policy direction at this time
 - + Too much at this time
 - ✘ Will need to create new zone district for Commercial Mixed Use (CC District not appropriate)
 - ✘ Need to create incentive program for Town Center
- ✘ Will be Zone Change for three areas
 - + Institutional on south end of Elm Street
 - + Forestmeade Neighborhood to reflect current development patterns
 - + Post Office Property – as requested by property owner

PUBLIC COMMENTS ON PROPOSED LAND USE

- ✘ Mixed Use Commercial along David Hill Road
- ✘ Proposed Single Family Designation south of Pacific Avenue

TRANSPORTATION SYSTEM PLAN (TSP)

× Contents

- + Main Document

- + Appendices

 - × Appendix K most important – Compliance Findings

× Focus on minor amendments

- + Update from 2030 to 2035

- + Incorporate any changes due to land use changes

- + Address Regional Transportation Plan (RTP) requirements

PRIMARY TSP CHANGES 2010 TO 2013

- Land use assumptions have changed:

Land Use	2010	2030	2035
Households	8,039	11,972	11,159
Retail/Service Employees	3,141	5,301	5,368
Other Employees	2,789	6,419	5,480

- Modeled Vehicle Trip Generation Estimates have changed:

Year	Vehicle Trips
2005 Trips (2010/2011 TSP)	14,237
2030 Trips (2010/2011 TSP)	19,201
2010 Trips (2013 TSP)	14,268
2035 Trips	22,536

- This didn't change results from the 2010 TSP
 - Projects identified in 2010 TSP still appropriate
 - Projects address identified system deficiencies

OTHER TSP CHANGES

2010 TO 2013

- + Additional Wording for service to Environmental Justice Communities
 - × TSP Section 5.2
 - × TSP Section 7.3.3
- + Project costs updated from 2009 to 2014 Dollars
 - × Throughout TSP
- + Updated revenue forecast
 - × \$22 million to \$31 million
 - × Based on recent growth projections and phased in Transportation Development Tax
 - × TSP Section 10.2
- + Updated financially constrained project list
 - × Includes items in CIP
 - × Identifies projects to address modeled system needs
 - × TSP Section 10.3
- + Updated transit map
 - × Includes GroveLink and Yamhill County Transit
 - × TSP Section 7.4
- + Addition of Performance Measures required by RTFP
 - × TSP Section 2.3

Transportation System Plan

2013

Legend

-  Future Study Area
-  Water
-  City Limits
-  Urban Growth Boundary
-  Proposed Roadway *
-  Proposed Intersection Improvement
-  Proposed Road Improvement

* Road alignments are conceptual. Further study required.

Note: Projects proposed on State facilities will require ODOT approval.

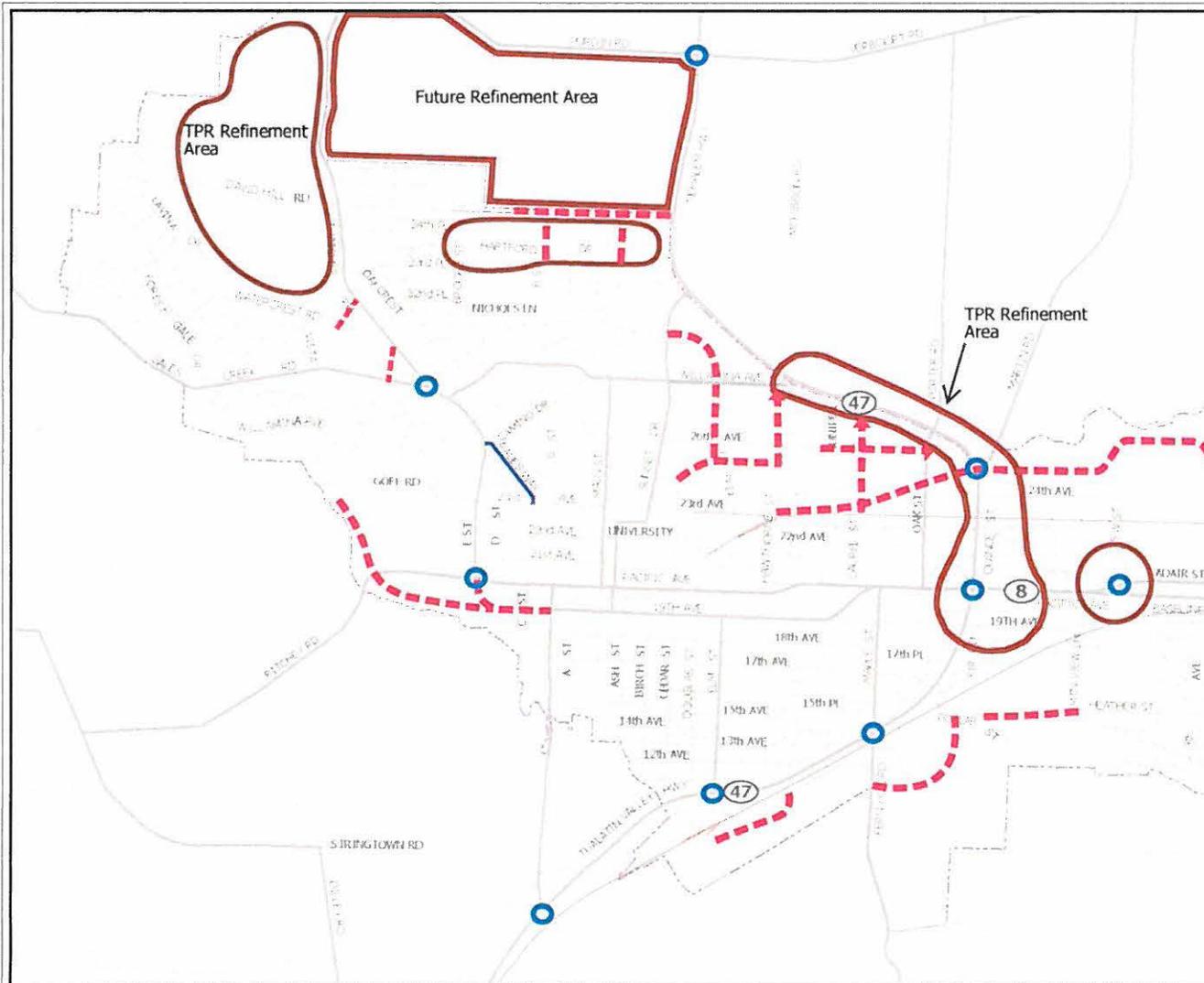
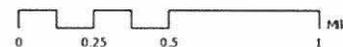


FIGURE
8-7

PREFERRED ROADWAY NETWORK PLAN



PUBLIC COMMENTS AND PLANNING COMMISSION CONCERN ON TSP

× Public

- + 19th Avenue west of E Street

 - × Collector or local access street

× Planning Commission

- + Eliminate Connector Road between Fern Hill Road and Poplar Street

ODOT COMMENTS ON TSP

- Revise Project Table (Table 10.3)
 - Remove funder column
 - Specify ODOT is not obligated to fund projects
 - Sort project table by timing
- Revise signal warrant table for Yew/Adair
- Add wording regarding Highway 47 south of 19th Avenue
 - Need for future study to ensure TPR compliance
- Correspondence Received from ODOT
 - Clarification regarding signals on state facilities

QUESTIONS

1A

CERTIFICATE OF APPRECIATION

Awarded to

Beverly J. Maughan

Executive Assistant to City Manager

In Recognition of 25 Dedicated Years of Service to the
City of Forest Grove and Citizens of Forest Grove

*The Forest Grove City Council sincerely thanks you for 25 years of dedicated service and is so
very proud to have had you as the Forest Grove Executive Assistant to City Manager since 1988.*



city of
forest
grove

Peter B. Truax, Mayor
Forest Grove City Council
December 9, 2013

PROCLAMATION

Human Rights

WHEREAS, The General Assembly of the United Nations approved the Universal Declaration of Human Rights on December 10, 1948, declaring the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world"; and

WHEREAS, A recommitment by the United States to the principles and ideals of the Universal Declaration is essential for its promise to ensure equality and justice; and

WHEREAS, The basic human rights addressed in the Universal Declaration include economic, social, and cultural rights, as well as civil and political rights, all considered to be equally important in fostering human dignity and freedom; and

WHEREAS, The Universal Declaration calls for all people and government to promote and respect recognized rights, while providing standards of achievement for governments throughout the world; and

WHEREAS, Each year, the international community commemorates this event and recommits itself to the broader achievement of human rights; and

WHEREAS, Numerous community, civic, religious and non-profit organizations, such as the Human Rights Council of Washington County, and other organizations and individuals work to ensure equal rights and protections for all citizens; and

WHEREAS, The City Council of the City of Forest Grove and the Human Rights Council of Washington County share this commitment of civil and human rights for all.

NOW, THEREFORE, the City Council of the City of Forest Grove, Oregon, does hereby proclaim **December 8 – 14, 2013**, as **HUMAN RIGHTS WEEK**, and **December 10, 2013**, as **HUMAN RIGHTS DAY**, and we encourage our citizens to study and promote the ideas contained in Universal Declaration of Human Rights to the end that freedom, justice, and equality will flourish and be made available to all.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 9th day of December, 2013.

Peter B. Truax, Mayor

3A

**FOREST GROVE CITY COUNCIL WORK SESSION
(PARKING CODE REGULATIONS)
NOVEMBER 25, 2013 – 6:00 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 1**

Minutes are unofficial until approved by the Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 6:00 p.m. **ROLL CALL:**
COUNCIL PRESENT: Thomas Johnston, Council President; Richard Kidd; Camille Miller; Ronald Thompson; Elena Uhing; and Mayor Peter Truax.
COUNCIL ABSENT: Victoria Lowe, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Elsner, City Attorney; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Jon Holan, Community Development Director; Janie Schutz, Police Chief; Sue Hudson-Rau, Municipal Court Coordinator; and Anna Ruggles, City Recorder.

2. WORK SESSION: PARKING CODE REGULATIONS

Ruggles, Hudson-Rau, Schutz, Downey, and Sykes facilitated the above-noted work session, noting the purpose of the work session was to review the proposed Code amendments to Chapter 6, Vehicles and Traffic/Parking Regulations. Ruggles reported as directed by Council at the work session held September 9, 2013, staff met and gave an overview to the Economic Development Commission on September 12th and Public Safety Advisory Commission on September 25, 2013, as noted in the staff report. Ruggles advised staff has made minor amendments based on the Commissions' feedback and Council's work session held on September 9, 2013, noting the following sections have been added/deleted/amended as noted below:

Code Section 6.075, Roller Skates and Similar Devices, Code Section 6.115, Bicycles, proposed boundaries are identified as sidewalks north of 19th Avenue to 21st Avenue and sidewalks east of B Street to Cedar Street; in any public parking lot or where otherwise posted. Ruggles advised the boundaries are based on Council consensus heard at the work session held September 9, 2013.

Code Section 6.130 – 6.160, Parades (Events), amended to comply with City Attorney's legal review.

Code Section 6.010 Definitions, new definitions added and all definitions moved to the start of Chapter 6, with the exception of the abandoned vehicles and discarded vehicles definitions, which are left in existing sections.

**FOREST GROVE CITY COUNCIL WORK SESSION
(PARKING CODE REGULATIONS)
NOVEMBER 25, 2013 – 6:00 P.M.
COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 2**

Section 6.015 – 6.030 Administration, amended “Police Officer” to “Enforcement Officer” to enable the City to have flexibility in assigning City positions to enforce parking.

Sections 6.050 – 6.100 General Regulations and Penalties, moved existing penalties below their pertinent sections for better flow and added infractions based on State statute to certain sections, i.e., violation is a Class C or D traffic infraction.

- ◆ Section 6.065: Added regulations against throwing rubbish from a vehicle, or bicycle.
- ◆ Section 6.080: Replaced “roadside planting strip” with curbed parkways. This prohibits driving on a curbed parkway.
- ◆ Section 6.090: New language consolidates restrictions for a period in excess of 72 continuous hours, and adds public property.
- ◆ Section 6.090 (3): New language added to clarify that personal property, such as rocks, dirt, a POD, etc., cannot be stored on a street or public property, including a curbed parkway, in excess of 24 continuous hours, unless an exception is granted from the City.

Sections 6.115 – 6.125 Bicycles, moved from Sections 6.275 – 6.295. Staff is proposing to delete language requiring bicycle owners to obtain a license (prior Section 6.280), requiring rental bikes to have a license (prior Section 6.285), and requiring bicycle dealers to report the names and addresses of bicycle purchases (prior Section 6.130) to the Forest Grove Police Department.

Kidd voiced opposition and concerns pertaining to removing the above-noted provisions from the code, noting bicycle licensing reduces theft by 30 percent. Kidd referenced two bicycle-related traffic accidents, noting the bicyclists could have been identified much quicker based on bicycle licenses. Kidd also stressed bicycle shop owners are willing to register bikes on the City’s behalf at a small percentage.

In response to Kidd’s concerns, Police Chief Schutz and City Attorney Elsner provided insight on the provisions of the code, noting the provisions are not consistently followed by the public and are too cumbersome for the City to even enforce. Elsner advised against keep regulations in the Code that are not being enforced consistently or that are too difficult to enforce. Chief Schutz indicated she respects Kidd’s points of disputation; however, Schutz advised it comes down to

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COMMUNITY AUDITORIUM – CONFERENCE ROOM
PAGE 3**

staffing and enforcement resources, noting instead the department will work on providing community outreach to encourage people to take responsibility to keep a registry of their serial numbers of all their belongs. Downey and Hudson-Rau provided insight on bicycle licensing revenue, noting since 2005, the City has received \$369 in bicycle licensing.

Sections 6.130 – 6.160 Parades and Processions (Events), moved from Sections 6.340 – 6.360 and language amendments based on City Attorney's legal review and current policies. Added language to require proof of liability insurance and estimated need of public safety personnel, and moved existing violations and penalties below the sections for better flow.

Sections 6.200 – 6.245 Parking Regulations:

Section 6.205: New language in the Code makes it a parking violation to park on a curbed parkway, subject to a \$15.00 parking fine.

Section 9.620: Amended by stating no parking or driving may occur upon a curbed parkway.

- ◆ Section 6.210: Consolidates language regarding timed parking and lists types of vehicles prohibited from parking in a residential zone.

The proposed language clarifies that parking is prohibited in excess of maximum designated parking times, both on city streets and on public property, which includes City parking lots. Additionally, it reinforces 72 continuous hour time limit for parked vehicles, on public streets and public property.

Section 6.210 (7): The list of types of vehicles parking in a residential zone decreased from 16 specific descriptions to a list of six more generically described vehicles, and the restriction for parking near a driveway was reduced from 50 feet to 15 feet of a driveway.

Section 6.210 (8): Clarifies trailers or other personal property cannot be parked on a public street or property for the primary purpose of servicing or repairing and/or using it to advertise or sell merchandise. City Attorney Elsner advised removing the provision of displaying a vehicle for sale due to it is subject to "free expression", to which staff and Council concurred.

- ◆ Section 6.240: renumbered from Chapter 5, Section 5.247. The language strikes out the ability for a person to live in an RV on public property, such as a street or in a public parking lot. A person can live

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(PARKING CODE REGULATIONS)
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in an RV on private property up to 14 days in a calendar year, in accordance with existing code, and/or unless otherwise permitted by the City.

- ◆ Section 6.245: Fines are either set by Council resolution, and at this time is \$15 for a parking violation, or are outlined in State statute, or are set at a minimum of \$100 and are capped at \$250.

Sections 6.300 – 6.315 Parking Citations And Owner Responsibility:

- ◆ Section 6.300 (1): Changes timeframe from 5 days to 10 days. The days are considered calendar days.
- ◆ Section 6.300 (2): Clarifies it is the owner's responsibility, not the operator, to respond within 10 days of the ticket being issued or the fine will double.
- ◆ Section 6.305: Clarifies the owner of a vehicle has 10 days to pay the parking ticket or the fine doubles, if no action is taken within those 10 days. The language also clarifies that if the vehicle is immobilized or impounded due to unpaid parking citations, the owner must pay the fines and other fees and charges, or the vehicle may be sold or disposed of.

Sections 6.405 – 6.430 Residential Parking Permit, renumbered from Sections 6.200 – 6.235. Section 6.415(3): Added "posted" to time limits.

Sections 6.500 Impounding Vehicles, renumbered from Sections 6.420. No proposed changes.

Sections 6.600 – 6.670 Abandoned Vehicles, renumbered from Sections 6.505 to 6.585. This section is pending implementation of an administrative process pursuant to State statute and pending City Attorney legal review; to be presented at the next meeting.

Sections 6.700 – 6.765 Discarded Vehicles, renumbered from Sections 6.605 – 6.670. This section is pending implementation of an administrative process pursuant to State statute and pending City Attorney legal review; to be presented at the next meeting.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued as staff and Council reviewed and discussed the proposed Code amendments. Staff responded to various inquiries, concerns and scenarios Council presented

**FOREST GROVE CITY COUNCIL WORK SESSION
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pertaining to bicycle licensing/registering (refer above), appeal decisions, tracking of mud on streets (City Attorney will review further), overnight parking (signage issue, not Code regulation), prohibiting parking at bus stops (Foster will assess), pedestrian crossing outside of crosswalks (violation if it impedes traffic), and expanding the definition of a commercial vehicle (add "for hire"). In response to code enforcement-related inquiries, Chief Schutz advised the proposed Code amendments will bring efficiency to the code enforcement process.

In conclusion of the above-noted discussion, Ruggles and Sykes advised the next step is for staff to complete City Attorney final legal review and then it is staff's recommendation to schedule first reading of the proposed ordinance on Monday, December 9, 2013, along with the required Public Hearing(s).

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

3. ADJOURNMENT:

Mayor Truax adjourned the work session at 6:52 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

**FOREST GROVE CITY COUNCIL REGULAR MEETING
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Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:04 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Camille Miller; Ronald Thompson; Elena Uhing; and Mayor Peter Truax. **COUNCIL ABSENT:** Victoria Lowe, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Michael Kinkade, Fire Chief; Janie Schutz, Police Chief; Rob Foster, Public Works Director (in the audience); George Cress, Light and Power Director (in the audience); Jon Holan, Community Development Director (in the audience); and Anna Ruggles, City Recorder.

1. A. SWEARING-IN CEREMONY:

Fire Chief Kinkade administered the Oath of Office to Tony Carter, who was recently promoted to Fire Captain, and Will Murphy, who was recently promoted to Fire Lieutenant.

2. CITIZEN COMMUNICATIONS: None.

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 Executive Session (Real Property) Meeting Minutes of October 28, 2013.
- B. Approve City Council Work Session (B&C) Meeting Minutes of October 28, 2013.
- C. Approve City Council Work Session (Sustainability Action Plan) Meeting Minutes of October 28, 2013.
- D. Approve City Council Regular Meeting Minutes of October 28, 2013.
- E. Accept Committee for Citizen Involvement Meeting Minutes of October 17, 2013.
- F. Accept Historic Landmarks Board Meeting Minutes of

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September 24, 2013.

- G. Accept Library Commission Meeting Minutes of September 10, 2013.
- H. Accept Parks and Recreation Commission Meeting Minutes of October 16, 2013.
- I. Accept Planning Commission Meeting Minutes of August 19, 2013.
- J. Accept Resignation on Committee for Citizen Involvement (Brenda Somes, Term December 31, 2015).
- K. Accept Resignation on Planning Commission (Luann Arnott, Term Expiring December 31, 2013).
- L. Accept Recommendation from Committee for Citizen Involvement (CCI) to deem a seat vacant on CCI due to a lack of attendance (Marissa Salgado, Term Expiring December 31, 2015).
- M. Community Development Department Monthly Building Activity Report for October 2013.
- N. Endorse New Liquor License Application (Full-On Premises) (Change of Ownership) for Stecchino Bistro, 2014 Main Street, (Applicant Randall Reeder).

MOTION: Councilor Kidd moved, seconded by Councilor Uhing, to approve the Consent Agenda as presented. ABSENT: Councilor Victoria Lowe. MOTION CARRIED 6-0 by voice vote.

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

5. **PRESENTATIONS:**

- 5. A. Bob Terry, Washington County Commissioner District 4, provided an update on various County-related budgetary matters and transportation projects, i.e., David Hill Road and Quince Street/Hwy 8 intersection. Terry reported he is working on a proposal for synchronizing county traffic lights and a county-wide food waste disposal concept plan. In conclusion of the above-noted update, Terry addressed various Council inquiries, noting he supports Forest Grove/Hillsboro light rail and extending Evergreen Parkway.

Mayor Truax referenced a letter from Denny Doyle, Beaverton Mayor, addressed to State Representative Greg Walden, which has received

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support from Washington County Mayors, noting the letter is urging support of House Republican Bill 15, Immigration Reform, legislation.

5. B. Washington County Interagency Gang Enforcement Team (IGET)
Police Chief Schutz introduced Stacy Jepson, Hillsboro Police Sergeant, who introduced the Washington County Interagency Gang Enforcement Team (IGET) present in the audience, noting the gang intelligence team is comprised of law enforcement from Hillsboro, Forest Grove, Beaverton, and Washington County. Jepson presented a PowerPoint presentation outlining the IGET's mission and objectives, 2013 IGET highlights, including number and types of gang-related crimes and identified dominant gangs in Washington County, noting there are 1,510 documented gang members in Washington County, 332 (approximately 22 percent) residing in Forest Grove/Cornelius. In addition, Jepson highlighted various high-profile cases, including gang-related murders, attempted murders, assaults, and robberies that have occurred in Forest Grove. In conclusion of the above-noted presentation, Jepson addressed various Council inquiries, noting most agencies have their internal methods for documenting gang-related activity, such as graffiti.
5. C. Quarterly Financial Report for Period Ending September 30, 2013
Downey presented a PowerPoint presentation outlining the quarterly financial report ending September 30, 2013, noting this is the first quarter of the City's fiscal year ending June 30, 2014. Downey explained the first part of the report is a graphical representation of the quarterly status of the City's major operating departments and funds; the second part of the report contains comments on other funds where material events have or are projected to occur; and the third part of the report is the line item detail, noting the actual revenues received or expenditures disbursed through the end of the quarter are compared to the quarterly budget allotment and expressed in the detail report as both a dollar variance and percent variance. In conclusion of the above-noted presentation, Downey highlighted graphs pertaining to the General Fund, Building Services Fund, Information Systems Fund, Light Fund, Street Fund, Sewer Fund, Water Fund, Surface Water Management Fund, Equipment Fund and other funds, noting the General Fund is off to a good start for the first quarter of the fiscal year and overall, revenues are above the quarterly allocation for the first quarter.

6. REPORT ON FINDINGS AND FACTS ON WASTE MANAGEMENT'S REQUEST TO INCREASE SOLID WASTE AND RECYCLING RATES AND SCHEDULE PUBLIC HEARING DATE ON THE PROPOSED RATE INCREASES

Staff Report:

Downey presented the above-noted Findings and Facts Report, pursuant to the franchise agreement, on Waste Management's request to increase solid waste and recycling rates by 7.7 percent across the board for all classes of services; however, City staff is recommending a four (4%) percent increase, based on the City's Findings and Facts. Downey referenced a graph in the report, noting WM's revenue increased by 2.4 percent from 2011 to 2012 and has averaged 4.4 percent per year for the last three years. Downey advised the growth of housing and the City's island annexation has increased the number of service accounts in WM's franchise area, which will increase WM's revenue. Downey referenced attachments to the staff report, which outlined various cities current residential, commercial, and drop-box rates as well as the proposed rate increase requested by WM in comparison to the City's proposed rate increase. In conclusion of the above-noted report, Downey advised that staff is requesting Council schedule a Public Hearing, to be held on Monday, December 9, 2013, in order to recommend a four (4%) rate increase across the board for all classes of services, effective January 1, 2014.

Council Discussion:

Mayor Truax advised Council to withhold any in-depth discussion and/or questions on WM's proposed rate increase until the Public Hearing.

Council President Johnston emphasized sustainability issues surrounding the costs of bringing garbage to Forest Grove's Transfer Station, as opposed to other cities, noting he would like to know who controls costs, Metro or Waste Management.

Thompson voiced concern Washington County's requirement for food recycling could also affect Forest Grove's costs in the near future, to which Downey advised Washington County approached the City earlier this year to conduct a pilot program for residential food and yard debris recycling in the rural parts of the City; however, the City politely declined due to potential rate increases.

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Hearing no further discussion from the Council, Mayor Truax asked and received Council consensus to schedule the Public Hearing for Monday, December 9, 2013, at which time, staff will recommend that Council consider a four (4%) increase in the current WM rates. In conclusion, Mayor Truax invited WM representatives, who were present in the audience, to attend the above-noted Public Hearing.

7. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and community-wide events as noted in the City Manager's Report. Sykes announced the Five-Cities Joint Legislative Session is scheduled Thursday, January 23; Boards, Committees and Commission Annual Reception, Thursday, January 30; Annual Town Meeting, Saturday, February 1; Mayor's State of the City Address, Monday, February 24, Chamber Luncheon; and Council's Goal-Setting Retreat is scheduled Saturday, March 1, 2014. Sykes indicated Forest Grove is the sixth fastest growing city in Oregon, according to new estimates released by Population Research Center at Portland State University, noting Forest Grove is experiencing aggressive growth, bringing the City's estimated population to 22,340, including approximately 260 residents annexed into the City. Sykes advised city staff is in pre-application stage for Gales Creek Terrace proposed development (150 new lots). In conclusion of the above-noted report, Sykes distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and upcoming city-wide events.

8. COUNCIL COMMUNICATIONS:

Council President Johnston reported on matters of interest and upcoming meetings he was planning to attend.

Kidd reported on his attendance at National League of Cities Conference, noting the conference was held in Seattle, November 13-16, 2013. In addition, Kidd reported on matters of interest and upcoming meetings he was planning to attend.

Lowe was absent.

Miller reported on matters of interest and upcoming community-related events and meetings she was planning to attend.

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Thompson reported Community Forestry Commission has completed its Tree Planting brochure. Thompson provided an update on the Ride Connection's Community Transit Service, noting some of route start/end times have changed slightly. In addition, Thompson reported on other matters of interest and meetings he was planning to attend.

Uhing dismissed herself at approximately 8:30 p.m.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax reported on his attendance at National League of Cities Conference, noting the conference was held in Seattle, November 13-16, 2013. Mayor Truax referenced a letter from Denny Doyle, Beaverton Mayor, addressed to State Representative Greg Walden, which has received support from Washington County Mayors, noting the letter is urging support of House Republication Bill 15, Immigration Reform, legislation. Mayor Truax also referenced written correspondence from Adelante Mujeres' Executive Director, noting the letter is urging Council to consider adopting a tobacco and smoke-free outdoor policy for city properties and downtown areas. Mayor Truax advised he has had conversations with Adelante Mujeres about their desire to provide a tobacco and smoke-free Farmers' Market experience for patrons and an atmosphere free of secondhand smoking, noting Council is unable to taken action this evening; however, plans are underway to discuss this topic in a Council work session in the near future. Additionally, Mayor Truax asked and received Council consensus to schedule a special Council meeting to hold the annual recruitment boards, committees, and commissions' interviews, noting this would allow Council adequate time to interview potential applicants as well as applicants for the new Sustainability Commission. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County meetings he attended and upcoming meetings and community-related events he was planning to attend.

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9. **ADJOURNMENT:**

Mayor Truax adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder



APPROVED

**COMMUNITY FORESTRY COMMISSION
CITY AUDITORIUM
1915 MAIN STREET, FOREST GROVE, OR
OCTOBER 16, 2013**

Meeting called to order at 5:30. President Jen Warren, Chair.

Members Present –Jen Warren, Mark Nakajima, David Hunter, Dale Wiley, Bruce Countryman, Lance Schamberger

Staff Present: Dan Riordan

Council Liasion: Ron Thompson

Minutes were reviewed with corrections. David moved, Mark seconded to approve the Minutes as corrected.

Citizen Communication: None

OLD BUSINESS

CFC Vision and Mission statement- Dale moved and David seconded to accept mission and vision statement in its current form. No discussion. Question called for. Unanimous affirmative vote passed the motion.

Tree Pruning Workshop – Moved to March 15 at Tailsman Park. Dale moved and David seconded this motion. No discussion. Question called for. Unanimous affirmative vote passed the motion.

PROJECT REPORTS

Oak Wood / Bruce: Dale will contact Chris Higginbotham at the high school to see what possible uses of the oak wood he may have for the Viking House.

Even Display Board / Jen: Jen is working on sourcing and getting the display board.

Commerative Tree Project / Mark : Nothing at this time.

Urban Forest Management / Bruce: Working on the plan. Will look at possible USDA template for use. Further define uses and safety aspects of the urban forest aspect in both parks and

City natural areas.

Bare Root Recommendations / Dale: Will be looking at possible other templates and documents that may help reduce preparation time and address undefined issues and impacts.

Tree Standards / David: Still working on it, this will eventually be combined with the Bare Root position moving forward.

Sustainability / Bruce: Bruce reported that the document is complete and as soon as the editors were done it would be present to City Council

NEW BUSINESS

Recent tree inspections and reports were reported on.

NEXT MEETING

Next meeting will be November 20, 2013.

MEETING ADJOURNMENT

David moved and Lance seconded to adjourn the meeting. Unanimous affirmative vote adjourned the meeting.

Respectfully submitted,

Dale Wiley
CFC Secretary



APPROVED

**COMMUNITY FORESTRY COMMISSION
CITY AUDITORIUM
1915 MAIN STREET, FOREST GROVE, OR
SEPTEMBER 18, 2013**

ROLL CALL: 5:30 pm

Members present: Jen Warren, Dale Wiley, Bruce Countryman, David Hunter, Mark Nakajima, Lance Schamberger

Council Liaison: Ron Thompson.

Members absent:

Staff: Dan Riordan- Steve Huffman

Guest Present: None

The meeting was called to order at 5:30 PM. A quorum was present. Chair Jen Warren presided.

APPROVAL OF MINUTES:

Mark moved and David seconded that the September 18 2013 minutes be approved as presented.

Motion carried.

CITIZEN COMMUNICATIONS:

No citizen communications at this time.

OLD BUSINESS

Oak Wood Project: Group discussed possible uses for the existing oak wood inventory. Possible uses are inclusion in the library art project, and giving some to the high school for inclusion in the next Viking House Project. Steve will contact the miller who has the oak wood and inquire as to the status of remaining oak wood.

Commemorative Brochure - Mark will be working on the brochure this fall.

Urban Forest Management Plan – Formed a subcommittee of Lance, David and Bruce to possibly meet with the Parks Commission in developing a comprehensive plan for Parks Management that includes forestry considerations.

Bar Root Paper – Dale submitted some draft materials as a starting point and will be getting contributions from Lance, David and Bruce.

Tree Standards – David is currently working on this project.

Sustainability Committee: Draft plan going to the editor. It will be presented to City Council at the October Council Meeting.

Sign Boards:

Mission and Vision Review:

NEW BUSINESS

PROJECT REPORTS

Covered in OLD business

OTHER BUSINESS

ADJOURNMENT:

David moved and Lance seconded that the meeting be adjourned. No discussion and the vote were unanimous to adjourn.

Chair Jen Warren adjourned the meeting at 6:35 pm.

Respectfully submitted,

Dale Wiley
CFC Secretary

APPROVED

Minutes approved by the PAC on November 14, 2013.

1) CALL TO ORDER: Kathleen Leatham called the meeting to order at 5:00PM.

PRESENT: Kathleen Leatham, Linda Taylor, Rebecca Twist, Helvi Smith, Kathy Broom, Dana Lommen, and Staff Liaison Colleen Winters.

ABSENT: Victoria Hampton, Pat Truax, Dana Zurcher and Laura Frye.

Guests: Linda Saari, Greg Kriebel.

2) CITIZEN COMMUNICATION: Greg Kriebel distributed a sketch of the work that he will be contributing to the Ed Carpenter project and hopes to use the white oak as part of the project.

3) APPROVAL OF PAC MEETING MINUTES: It was moved and seconded to approve the minutes for the September 12, 2013, meeting as sent. The vote was favorable.

4) ADDITIONS/DELETIONS:

5) BUSINESS:

a) Walking Art Tour Brochure: Victoria Hampton has offered to do the brochure as part of a class project.

b) Updates

- **Ed Carpenter Project:** Linda Saari distributed a proposal requesting the Public Arts Commission to provide 15% of the needed funds which equals \$5,800. Discussion resulted in a consensus to raise the funds and ideas regarding the sale of postcards as a partial fundraiser.
- **Fire Department Mural Plan:** Stephanie will set up a meeting with Chief Kinkade and Colleen Winters.
- **Meet the Artist Dinner:** Linda reported 25 tickets were sold and \$1,875 was raised.
- **Finance Report:** accepted as presented.

6) COMMISSIONERS COMMENTS: Helvi will be participating in the Open Studios event.

7) STAFF COMMUNICATIONS: Colleen reported that Bag & Baggage Productions will be presenting selected readings from Charles Dickens' "A Christmas Carol" at the Library from 2:30 to 3:30 pm on December 7 as part of the Holiday in the Grove events.

8) ADJOURNMENT: The meeting adjourned at 6:00pm. The next meeting will be November 14, 2013, in the Rogers Room of the City Library.

Respectfully Submitted

- **First Wednesday** – PAC Commissioners response was very positive for this event. Suggestions are to increase participation to four months for 2014. It was a positive way to introduce our commission to the public and to interact with children. A banner was proposed for next year's market.
- Ed Carpenter Project- Linda Saari reports that a 'Garden of Light' brochure is in the final stages. Upcoming events: September 17, will be the 'Friends and Family Night' at McMenamins, October 19, is the date selected for the Lauren Sheehan concert at Pacific University. Tickets will be \$20.00. Donations are coming in.
- Fire Department Mural Plan – Table for October meeting
- Finance Report – accepted as presented.

6) COMMISSIONERS COMMENTS: Helvi will be a guest artist at this year's Local 14 event. Dana L. reports that the summer program at TITG was a great success.

7) STAFF COMMUNICATIONS: Colleen reports Kari Bray has been assigned to the Beaverton Leader.

8) ADJOURNMENT: The meeting adjourned at 6:30pm. The next meeting will be October 10, 2013, in the Rogers Room of the City Library.

Respectfully Submitted by Pat Truax

APPROVED

Minutes approved by the PAC on October 10, 2013.

1) CALL TO ORDER: Kathleen Leatham called the meeting to order at 5:05PM.

PRESENT: Kathleen Leatham, Linda Taylor, Helvi Smith, Pat Truax, Kathy Broom, Dana Lommen, Dana Zurcher, and Staff Liaison Colleen Winters

ABSENT:, Victoria Hampton , Rebecca Twist and Laura Frye

Guests: Linda Saari , Bruce Countryman, Marcia Alajoki and Kay Bridenbaugh.

2) CITIZEN COMMUNICATION: Bruce Countryman, 503-357-0276, from the Forestry Commission presented an opportunity for aged White Oak planks that are available for use in an art installation. Colleen will share this information with the trio of artists working on the library installation. The White Oak was also discussed for a PAC project as framing material for the White Oak block prints.

3) APPROVAL OF PAC MEETING MINUTES Linda moved and Kathy seconded a motion to approve the minutes for the August 8, meeting as sent. The vote was favorable.

4) ADDITIONS/DELETIONS: 1. Meet the Artist Dinner, September 20, – Linda Taylor

5) BUSINESS:

a) Mini-Grant from Valley Art for the Annual Artist event. Marcia presented the grant request for \$500 to help defray the cost of advertizing the artist event to take place in November. Helvi moved to approve the request using 2013 CEP funds, Dana Z. seconded the motion. The vote was favorable.

b) Walking Art Tour Brochure: The discussion of the brochure will be tabled until the October meeting as Victoria was not present. Below is a beginning list of possible art stops for a walking tour of Forest Grove.

Benches Newspaper reading man Glass & metal sculpture near library
Sculpture ‘The Guardian’ neat Scott Hall Two bronzes in the FG Library
All Framed PAC pictures (Police station, City Hall, City Auditorium, Library)
Front of Valley Art kinetic art UCC bell tower Bricks on Main Street
Labyrinth at PU Lincoln Park Barber Pole Garden Gate near train station
Kite at FG library Maggie’s Buns Boxer by Tim Tanner on PU campus
PU Library –has its own tour book Fern Hill Wet Lands McMenamins Grand
Lodge ‘coming soon – Ed Carpenter’s “Garden of Light” FG library’

c) Summer Lunch Program Activities : Linda Taylor will try and contact the “Summer Lunch Program’s organizers regarding a possible grant for children’s activities.

d) Meet the Artist Dinner – Friday, September 20, only 3 more tickets left at this point.

e) Updates

- **First Wednesday** – PAC Commissioners response was very positive for this event. Suggestions are to increase participation to four months for 2014. It was a positive way to introduce our commission to the public and to interact with children. A banner was proposed for next year’s market.
- Ed Carpenter Project- Linda Saari reports that a ‘Garden of Light’ brochure is in the final stages. Upcoming events: September 17, will be the ‘Friends and Family Night’ at McMenamins, October 19, is the date selected for the Lauren Sheehan concert at Pacific University. Tickets will be \$20.00. Donations are coming in.
- Fire Department Mural Plan – Table for October meeting
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7) STAFF COMMUNICATIONS: Colleen reports Kari Bray has been assigned to the Beaverton Leader.

8) ADJOURNMENT: The meeting adjourned at 6:30pm. The next meeting will be October 10, 2013, in the Rogers Room of the City Library.

Respectfully Submitted by Pat Truax



Monthly Building Activity Report

November-13

2012-2013

Category	Period: November-12		Period: November-13	
	# of Permits	Value	# of Permits	Value
Man. Home Setup				
Sing-Family New	8	\$1,622,619	9	1,777,005.04
SFR Addition & Alt/Repair			4	154,546.70
Mult. Fam. New/At	1	\$10,624		
Group Care Facility				
Commercial New			1	160,000.00
Commerical Addition				
Commercial Alt/Repair	4	\$320,075	3	119,400.00
Industrial New				
Industrial Addition				
Industrial Alt/Repair				
Gov/Pub/Inst (new/add)				
Signs	1	\$2,400	3	8,075.00
Grading				
Demolitions				
Total	14	\$1,955,717	20	2,219,026.74

Fiscal Year-to-Date

2012-2013		2013-2014	
Permits	Value	Permits	Value
86	\$11,726,291	121	\$23,413,107

<u>Report Group</u>	<u>Fee Code</u>	<u>Fee Description</u>	<u>Amount</u>
bldg	bldpmt	Building Permit Fee	296.40
bldg	blplrv	Building Plan Review Fee	192.67
bldg	mcstsf	Mechanical State Surcharge Equ	19.68
bldg	mcstsr	Mechanical State Surcharge	3.79
bldg	mech	Mechanical Permit Fee/equip.	163.80
bldg	mecval	Mech.Commercial Permit Fee	31.60
bldg	plmb	Plumbing Permit Fee	27.30
bldg	plstsr	Plumbing State Surcharge	3.28
bldg	stsur	State Surcharge	35.56
		Total for Group bldg	<u>774.08</u>
		Grand Total:	<u><u>774.08</u></u>

PermSumByType
12/2/2013 11:44:10AM

Permits Summary by Type
CITY OF FOREST GROVE *Cornelius*
For 11/01/2013 to 11/30/2013

Permit Type	Description	Permits	Square Feet	Valuation
xmcofc	Cornelius Mechanical Commercial Over the Count	1	0.00	0.00
xmrofc	Cornelius Mechanical Residential Over the Counte	6	0.00	0.00
xpofc	Cornelius Plumbing Over the Counter	1	0.00	0.00
xsfal	Cornelius Single Family Alteration	2	0.00	0.00
xsign	Cornelius Sign Permit	1	0.00	0.00
Grand Total		11	0.00	0.00

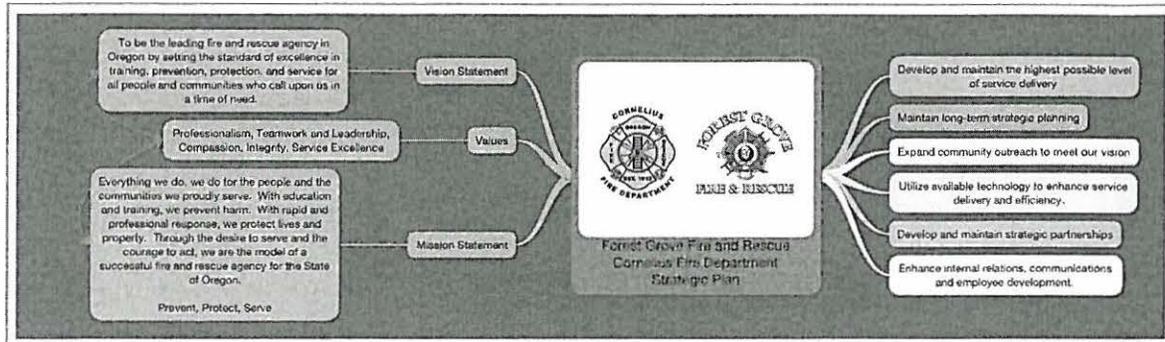


Fire Chief's Report

Reporting Period: October 27-November 20, 2013



3P



Notable Calls and Events

- Joint: Conducted our annual "Be Seen at Halloween" program, a joint safety program funded by the Forest Grove Firefighters Association and the Forest Grove Police Officers Association. Over 2000 glow sticks were handed out to children, to keep them visible as they trick-or-treat.
- Joint: Firefighters and police officers trained together on November 1 in a scenario dealing with an active shooter event, using the Times-Litho building for the exercise.
- Forest Grove: On November 8 responded to a rollover motor vehicle accident on Porter Road with one patient.
- Forest Grove: Firefighters assisted with the "Cycle of Life" fundraiser, helping to raise approximately \$5000 for playground equipment in memory of Anna and Abby.
- Forest Grove: On November 9 responded to a rural house fire on Wilson River Highway which was caused by a malfunctioning fireplace fan. Minimal damage occurred.
- Forest Grove: On November 16 Lt. Keith Baas, Matt Johnston, and Firefighters Victor Haney, Jennifer Robison, and Krispin Jewkes assisted the Chamber of Commerce with installing new holiday lights on the community tree.
- Forest Grove: On November 18 responded to a fatality pedestrian accident where a 55 year old male in a wheelchair was cross the street in the early morning hours.



Fire Chief's Report

Reporting Period: October 27-November 20, 2013



Projects and Administration

- Joint: WCCCA Fee Revision Update: Attended several meetings and discussions during this time period, and provided a presentation with Councilor Johnston to both City Managers and Police Chiefs regarding this process. We were able to reach consensus on changing the law enforcement formula (population and use) and the fire formula (25% population, 75% call volume) beginning in the 2015 fiscal year. Next year user fee increases will be 5%.
- Forest Grove: Fire Chief has attended two meetings of the newly formed Forest Grove IT Steering Committee. During the first two meetings the governance model for IT was adopted, the Barracuda web filter restrictions have been significantly relaxed, auto-forwarding of email was approved, and a prioritized list of city IT projects was developed.
- Joint: Dr. Daya provided trauma case review training on November 4, and then met with the Fire Chief and EMS Officer to discuss EMS system issues, strategies and planning.
- Joint: TVID hydrant project update: completed draft agreement, completed attorney and insurance review, and reviewed with TVID operations manager. The agreement has been approved to take to both rural fire boards and TVID for adoption, hopefully in December.
- Forest Grove: Chief O'Connor and I attended a teleconference with representatives of WCCCA and Tillamook County to discuss responses to the Browns Camp area. We do not see changes to our response patterns, but there may be changes to the ambulance responses in the future.
- Forest Grove: Made recommendation to finance for tender purchase. Awaiting approval from finance to begin building this apparatus.
- Joint: Received letter from State Emergency Management notifying us that we have been approved to participate in a grant funded review and revision to our emergency operations plan. Expect to begin this 10 month process in January.
- Joint: The Washington County Emergency Management Cooperative (replaces Office of Emergency Management) has been formed and we have been invited to participate. We have also been invited to participate in a joint exercise event in mid-April that is hosted and paid for by the Emergency Management Institute in Emmitsburg, Md. Captain Kevin Ellingsburg (FGPD), Lieutenant Joe Noffsinger (CPD) and myself will be participating in this exercise the week of April 14.
- Joint: Forest Grove and Cornelius personnel provided coverage for Hillsboro fire during funeral ceremonies for retired Hillsboro Fire Chief Dayton Arruda.



Fire Chief's Report

Reporting Period: October 27-November 20, 2013



- Forest Grove: Met with Pacific University art professors and discussed concepts and developed plan for fire station south wall mural.
- Joint: Tim Dietz provided grief and crisis counseling to C Shift personnel from both departments on December 4.
- Forest Grove: Fire Chief began providing training to department heads on use of iPads.
- Forest Grove: Forest Grove Rural Fire Protection District met on November 6 and reviewed the draft auditors report, and discussed the problem of recruiting volunteers for the Gales Creek Station and possible solutions.
- Cornelius: The Cornelius Rural Fire Protection District levy passed successfully on November 5 with over 70% support. The district voters approved 68 cents per \$1,000 of assessed property value, enough to raise \$97,000 a year for the next five years. Together with the 61 cents per \$1,000 it collects from its permanent tax base, the combined levy of \$1.30 per \$1,000 would result in an annual tax bill of about \$234 for the owner of a \$180,000 home.
- Cornelius: The Cornelius Captains have completed their research into a grant funded air trailer to replace the Cascade. The next action is to complete a RFP process, required since it will cost +\$80k.
- Joint: On November 18 we completed our annual mandatory bloodborne pathogens training and immunizations for all personnel.
- Joint: AFG grants are now open and have to be completed by December 6. For Cornelius we are looking at a grant submission for a tender replacement, for Forest Grove we are looking at a training simulator proposed by Captain Carter.
- Forest Grove: FF Ted Penge began providing training in the extrication struts we have purchased.
- Cornelius: We were unsuccessful in getting an extension of the Volunteer Coordinator grant, but we received notification this week that our 2013 SAFER grant submission is alive (we have been previously told we were denied) and we have received strong indications that it may be approved.
- Joint: TVFR IT staff continue working on the program to run MDTs on iPads. We hope to have a test site up before Thanksgiving.
- Joint: Met with Volunteer Coordinator and Human Resource Directors for both City's to examine streamlining our joint recruitment, retention and documentation programs for volunteers. We are investigating the creation of an



Fire Chief's Report

Reporting Period: October 27-November 20, 2013



intergovernmental agreement. Received approval to consult with attorneys on developing a draft document.

- Joint: The annual toy drive application process has started. We also received a large donation of collectible toys, still in their packaging. The FG Firefighters Association (via Dee Kinkade) is auctioning these donated collectibles on eBay to raise money for this year's toy drive.
- Joint: The Training Division is in the planning stages for two live fire training events in acquired structures located on Webb Street in Cornelius.
- Forest Grove: Completed the IGA to allow other jurisdictions to use the fire simulator at their locations - it is scheduled to move to North Plains on December 4.
- Joint: The recruit fire academy is scheduled to graduate November 25. We have been testing a new online training program to decrease classroom time and increase hands-on training.
- Joint: Forest Grove and Cornelius firefighters provided medical support to the Verboort Sausage Feed on November 2.
- Cornelius: Captain Steve Black provided training to City personnel in extinguisher use.
- Forest Grove: Fire Prevention completed plans review and access review for new Pacific University dorms.
- Cornelius: On November 18, assisted The Human Bean with fundraising efforts for breast cancer research. Over \$700 was raised.
- Cornelius: Captain Robards has completed standardizing E814, is focusing on E813 in November. BR 812 has been winterized.



Fire Chief's Report

Reporting Period: October 27-November 20, 2013



FIRE DEPARTMENT MONTHLY REPORT OCTOBER 2013

ALARM RESPONSE	THIS MONTH			THIS YTD			LAST YEAR	
TOTAL CALLS	287			2706			289/2586	
TYPES OF ALARMS	City	THIS MONTH Dist	Total	City	THIS Y-T-D Dist	Total	THIS MONTH LAST YEAR	LAST Y-T-D
Rescue & First Aid	179	17	196	1712	187	1899	185	1748
Cancelled EMS	20	6	26	188	35	223	9	92
Structure Fire	3	1	4	24	11	35	1	25
Vehicle Fire (mobile property)	0	1	1	6	4	10	1	7
Brush, Grass, Leaves, Trees	0	0	0	18	6	24	2	29
Trash, Rubbish	2	0	2	7	0	7	0	5
Smoke & Odor Investigation	6	3	9	23	15	38	10	43
Illegal Burn	2	2	4	33	21	54	7	48
Hazardous Mat/Situation	5	1	6	27	10	37	6	64
Public Service/Good Intent	19	2	21	184	25	209	37	260
Mutual Aid	0	0	9	0	0	81	11	86
False Alarm/Alarm Malfunctions	9	0	9	82	6	88	12	104
Cancelled Alarms	0	0	0	1	0	1	8	75
TOTAL CALLS	245	33	287	2305	320	2706	289	2586
Chaplain reports	0	0	0	2	0	2		

Subject: Staffing/Training Hours for October

	Staff	Intern	Vol	Admin	Support
Staffing	3606	2699	927.25		
Training	637	861	880.25	3	26.5



Fire Chief's Report

Reporting Period: October 27-November 20, 2013



City of Forest Grove

Forest Grove, OR

This report was generated on 11/6/2013 5:21:39 PM



Count of Classes by Class Category

Passed/Failed: Both Passed and Failed | Start Date: 10/01/2013 | End Date: 10/31/2013

Administrative		
	Class Count	Total Class Hours
	60	109:35
Apparatus Equipped with a Fire Pump (Pumper)		
	Class Count	Total Class Hours
	4	12:00
Community Emergency Response Teams		
	Class Count	Total Class Hours
	9	18:00
EMS		
	Class Count	Total Class Hours
	94	574:15
Fire Apparatus Driver/Operator		
	Class Count	Total Class Hours
	29	38:15
Fire Ground Leader		
	Class Count	Total Class Hours
	11	22:00
Fire Inspector		
	Class Count	Total Class Hours
	2	11:00
Fire Officer 1		
	Class Count	Total Class Hours
	46	73:45
Fire Officer 2		
	Class Count	Total Class Hours
	1	8:00
Firefighter 1		
	Class Count	Total Class Hours
	380	1229:15
Firefighter 2		
	Class Count	Total Class Hours
	8	61:30
Hazardous Materials		
	Class Count	Total Class Hours
	29	14:30
Mobile Water Supply Apparatus		
	Class Count	Total Class Hours
	7	12:00
Wildland Interface Firefighter		
	Class Count	Total Class Hours
	45	63:30
Grand Total Class Count		Grand Total Class Hours
		725
		2247:35



Fire Chief's Report

Reporting Period: October 27-November 20, 2013



FIRE DEPARTMENT MONTHLY REPORT OCTOBER 2013

	This Month	This Y-T-D	Last Year	Last Y-T-D
Calls occurring at same time	38	412	38	381
FIRE COSTS	This Month	This Y-T-D	Last Year	Last Y-T-D
Persons Injured by Fire	1	2	0	0
Fatalities by Fire	0	0	0	0
Estimated Loss	\$7,010	\$765,910	\$200	\$200,955
Estimated Savings	\$868,450	\$3,368,640	\$276,060	\$14,342,415
COMPANY ACTIVITIES	This Month	This Y-T-D	Last Year	Last Y-T-D
Assemblies	5	33	6	43
Businesses	23	221	1	34
Educational	1	22	4	18
Factories	6	22	0	3
High-Hazard	0	1	0	2
Institutional	0	4	0	6
Mercantile	0	10	0	5
Residential	8	99	0	13
Storage	1	4	0	0
Miscellaneous	2	13	0	0
New Smoke Alarms	2	12	0	3
Home Safety Survey	1	1	0	1
Complaints	1	14	0	7
Press Releases	0	10	0	9
Media Interviews	0	42	0	57
Investigations	1	11	0	12
Juveniles	2	5	0	3
Address Signs	0	13	0	0
Driveways	0	9	0	16
Commercial Plans	0	15	1	13
Residential Plans	0	11	0	2
Public Education Programs	34	61	9	25
PERSONNEL		This Month	Last Month	Last Year
Total Paid Personnel (includes Temporary employees)		26	24	23
Volunteer/Support Roster		56/12	58/9	58
REMARKS:				
Open House & Fire Prevention Month activities				
38 Calls Occurring at the same time – 24 times 2 at same time, 2 times 3 at same time, 2 times 4 at same time & 1 time 5 at same time.				



Fire Chief's Report

Reporting Period: October 27-November 20, 2013



CHAPLAIN REPORT

CHAPLAIN: Joel Peterson
 TIME PERIOD: Sept, 2013

ACTIVITIES	Occurrences	# of hours
I. Request for Chaplaincy Services for Department (i.e. Call outs, family crisis, critical incident, etc.)	5	12
II. Request for Chaplaincy Services Mutual Aid (i.e. death notifications, vietim assistance, crisis situations , etc.)	2	5+
III. Chaplain Initiated Services (i.e. hospital or home visits, special purpose visits	1	3
IV. Counseling Sessions (i.e. relationships, follow-up to crisis situations, etc.)	1	2
V. Ride-a-long (Duty crew)	0	0
VI. Office Hours (Administrative time spend for the department)	2	2
VII. Training Attended	1	16
VIII. Instructing/Public Presentations (i.e. public presentations related to fire service, in-service training, etc.)	2	19
IX. Meetings & Planning Sessions (not regularly scheduled drills)	1	1
X. Official Functions (not regularly scheduled drills)	1	3
TOTALS	16	63+

Comments:

- One community FA & CPR classes
- Facilitated Emergency Chaplain meeting
- Attempted Suicide for FGF&R
- Apartment Fire for CFD
- Commercial Fire for CFD
- Residential Fire for CFD
- Community event for CFD & FGF&R
- Grief Counseling
- Critical Incident Debriefing
- Multiple station visits
- Suicide for CFD & CPD
- Pediatric Code for CFD
- Taught Essential of Fire Chaplaincy at International Conference
- Incident Command Team for Federation of Fire Chaplains Conference

+ = on call 24 hours per day but not incident specific

Strategic Goals

Strategic plan update is posted here:

<http://dl.dropbox.com/u/56302195/Strategic%20Plan%20-%20Strategies.png> or you can use this shorter link, <http://tinyurl.com/FGFRstrategicplan> . Once the page opens click to zoom in, use the arrow keys on your keyboard to move around. Our progress is updated frequently. This update can also be accessed on our web site.



FOR CITY USE ONLY
(Please return to City Recorder)

35

The City of Forest Grove
Recommends that license be

Granted Denied

\$100.00 Original App Fee: Paid: _____
\$ 75.00 Change App Fee:
\$ 35.00 Renewal or Temp App Fee
\$ 20.25 Special Event
Acct No.100-21-10-450050 Receipt#: _____

FOREST GROVE POLICE DEPARTMENT LIQUOR LICENSE RECOMMENDATION

NAME OF APPLICANT/BUSINESS: Flooded Fox Den Distillery, LLC (Applicant: Scot Lester)

APPLICANT/BUSINESS ADDRESS: 2331 23rd Avenue – Forest Grove

EVENT DATE/LOCATION: _____

CITY BUSINESS LICENSE: Pending

TYPE OF LICENSE REQUESTED:
Application is being made for

ACTION: <input type="checkbox"/> Change in Application <input checked="" type="checkbox"/> New Application (Distillery) <input type="checkbox"/> Renewal <input type="checkbox"/> Special Event <input type="checkbox"/> Temporary <input type="checkbox"/> Other: _____	<input type="checkbox"/> FULL ON-PREMISES SALES: F-COM licenses are required to have dining seating. Allows the sale and service of distilled spirits, malt beverages, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises. <input type="checkbox"/> BREWERY – PUBLIC HOUSE This license allows the holder to manufacture malt beverages and sell to patrons and wholesalers and allows the holder to sell malt beverages, wine and cider for consumption at the business and "to go".	<input type="checkbox"/> LIMITED ON-PREMISES SALES: Allows the sale of malt beverages, wine and cider for consumption on the licensed premises and the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off the licensed premises. <input type="checkbox"/> OFF-PREMISES SALES: Allows the sale of malt beverages, wine and cider in factory sealed containers for consumption off the licensed premises and allows approved licensees to offer sample tasting of malt beverages, wine and cider.
<input type="checkbox"/> Business <input type="checkbox"/> Change in Ownership <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____	<input type="checkbox"/> F – CAT Caterer <input type="checkbox"/> F – COM Commercial Establishment <input type="checkbox"/> F – PC Passenger Carrier <input type="checkbox"/> F – CLU Private Club <input type="checkbox"/> F – SEW or SEG Special Event <input type="checkbox"/> F – PL Other Public Location	<input type="checkbox"/> Brewery Public House <input type="checkbox"/> Fuel Pumps <input type="checkbox"/> Grower <input type="checkbox"/> Warehouse <input type="checkbox"/> Winery/Grower <input checked="" type="checkbox"/> Other: <u>Distillery</u>

APPLICABLE CRIMINAL/DRIVING RECORD:

NONE SUPPORTING DOCUMENTATION ATTACHED

RECOMMENDED ACTION:

FORWARD WITH APPROVAL REJECT APPLICATION (Memorandum Required)

James J. Schutz
Jamie Schutz, Chief of Police
- or Designee

11/27/2013
Date



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: DISTILLERY

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: OLCC

Date: 11/27/13

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① SCOT LESTER ^{OLCC} ③ Flooded Fox Den Distillery, LLC

② _____ ④ _____

2. Trade Name (dba): FLOODED FOX DEN DISTILLERY LLC

3. Business Location: 2331 23rd AVE, FOREST GROVE, OR 97116
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 11417 NW PERMIAN DR, PORTLAND, OR 97229
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 972-336-3063
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: N/A

9. Will you have a manager? Yes No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? FOREST GROVE
(name of city or county)

11. Contact person for this application: SCOT LESTER _____
(name) (phone number(s))

(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Scott Lester Date 11/25/2013 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____



OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE

Please Print or Type

LLC Name: FLOODED FOX DEN DISTILLERY LLC Year Filed: 2013

Trade Name (dba): Flooded Fox Den Distillery LLC LLC

Business Location Address: 11417 NW PERMAN DRIVE

City: PORTLAND ZIP Code: 97229

List Members of LLC:

Percentage of Membership Interest:

- | | |
|--|-------------|
| 1. <u>SCOT LESTER</u>
(managing member) | <u>100%</u> |
| 2. _____
(members) | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |
| 6. _____ | _____ |

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: SCOT LESTER DOB: APRIL 1, 1966

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Signature: Scot Lester owner/CEO Date: 11/25/2013
(name) (title)

The Intertwine Alliance

Where Leaders Find Common Ground

HIKE
.....
BIKE
.....
FLY A KITE



explore



Hillsboro Parks and Recreation Hoyt Arboretum Friends

Leach Botanical Garden

OBEC Consulting Engineers

Friends of Baltimore Woods
Willamette Riverkeeper

40 Mile Loop Land Trust

Parks Foundation of Clark County

Oregon State Parks Foundation

West Multnomah Soil and Water Conservation District

Portland Parks and Recreation

Trillium Consulting

Metro

Bullitt Foundation

The Trust for Public Land

Trackers Earth

Walker Macy

KEEN Footwear

Trimet

Port of Portland

Forests Forever

South Park Unitarian Universalist Fellowship

Sauvie Island Center

Defenders of Wildlife

Portland Parks Foundation

Lower Columbia River Estuary Partnership

Franks Garage

Columbia Springs

Columbia Riverkeeper

Columbia Sportsweat

City of Oregon City

Friends of Marquam Nature Park

City of Tigard

Friends of Outdoor School

Northwest Trail Alliance

Clean Water Services

Portland General Electric

Ecology in Classrooms and Outdoors

Silka Technology Group Oregon Zoo

Gray Family Foundation

U.S. Fish and Wildlife Service

Friends of Tryon Creek

Soul River Runs Deep Rewild Portland

Northwest Earth Institute

North Clackamas Parks and Recreation District

Kaiser Permanente

Tualatin Hills Park and Recreation District

INVESTING IN OUR RESOURCES



WATER



TRAILS



PARKS



NATURAL AREAS



FOREST



BENEFITS



What can be done better

together?

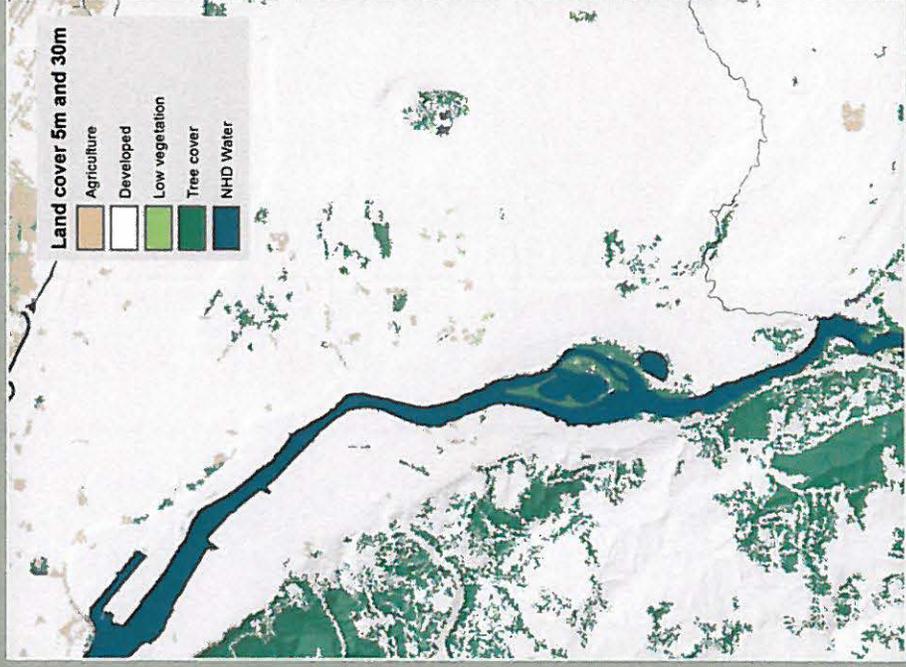
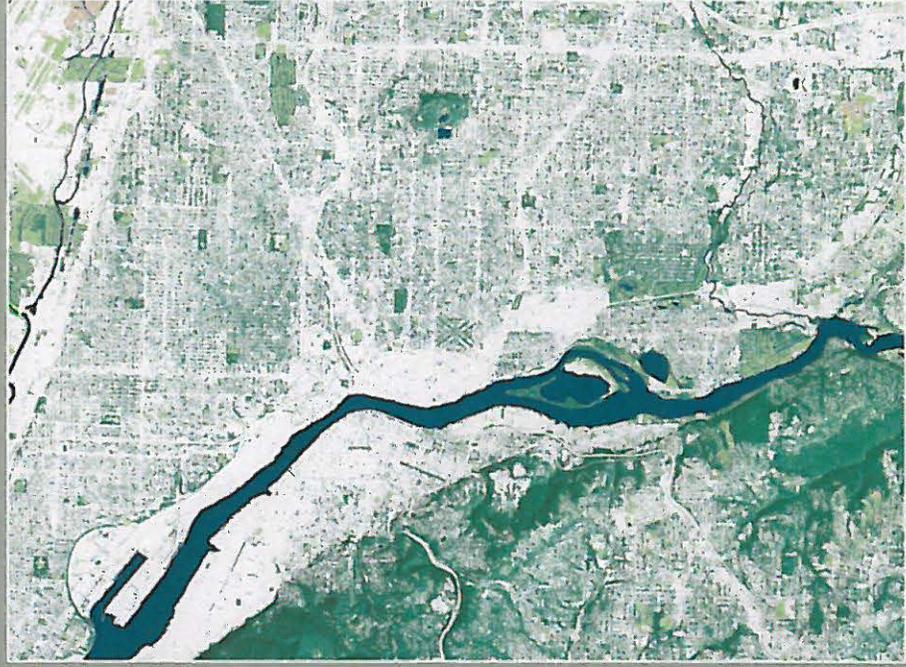
**What can be done better
together?**

(answer: investment & engagement)

You can't prioritize what isn't mapped



Comparing land covers: 5m vs. 30m



Regional Conservation Strategy and Biodiversity Guide





Learn About High Value Habitat In Your Area

REGIONAL CONSERVATION STRATEGY

Welcome

Viewer

About

FAQ

Docs & Maps

SELECT AN AREA: Jurisdiction

Forest Grove, OR



Area Sum

Layers & Legend

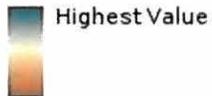
- HIGH VALUE HABITAT

Focused Area Mask

Local - Highest Value

Local - High Value

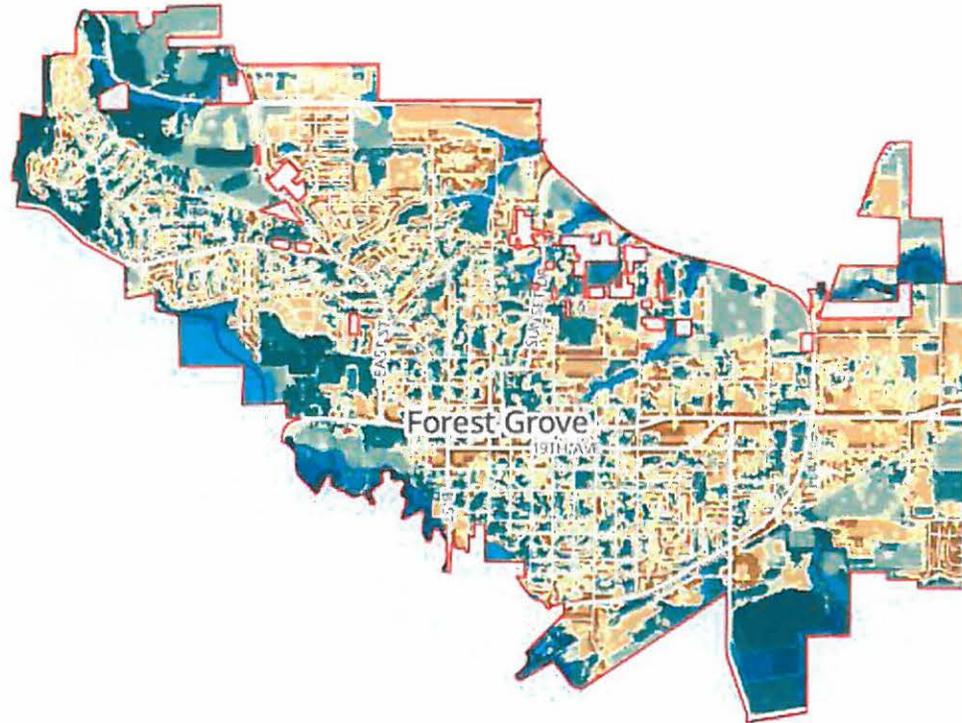
Local - Full Spectrum



Regional - Highest Value

Regional - High Value

Regional - Full Spectrum

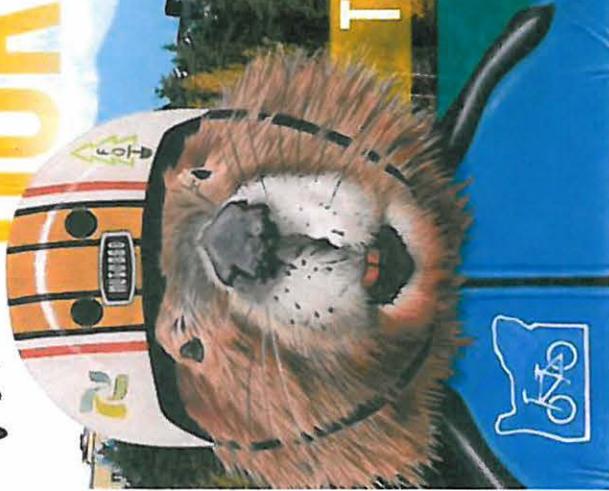


terrain





OUR COMMON GROUND



THE INTERTWINE CLEANS OUR WATER

THEINTERTWINE.ORG
PARKS, TRAILS & NATURAL AREAS

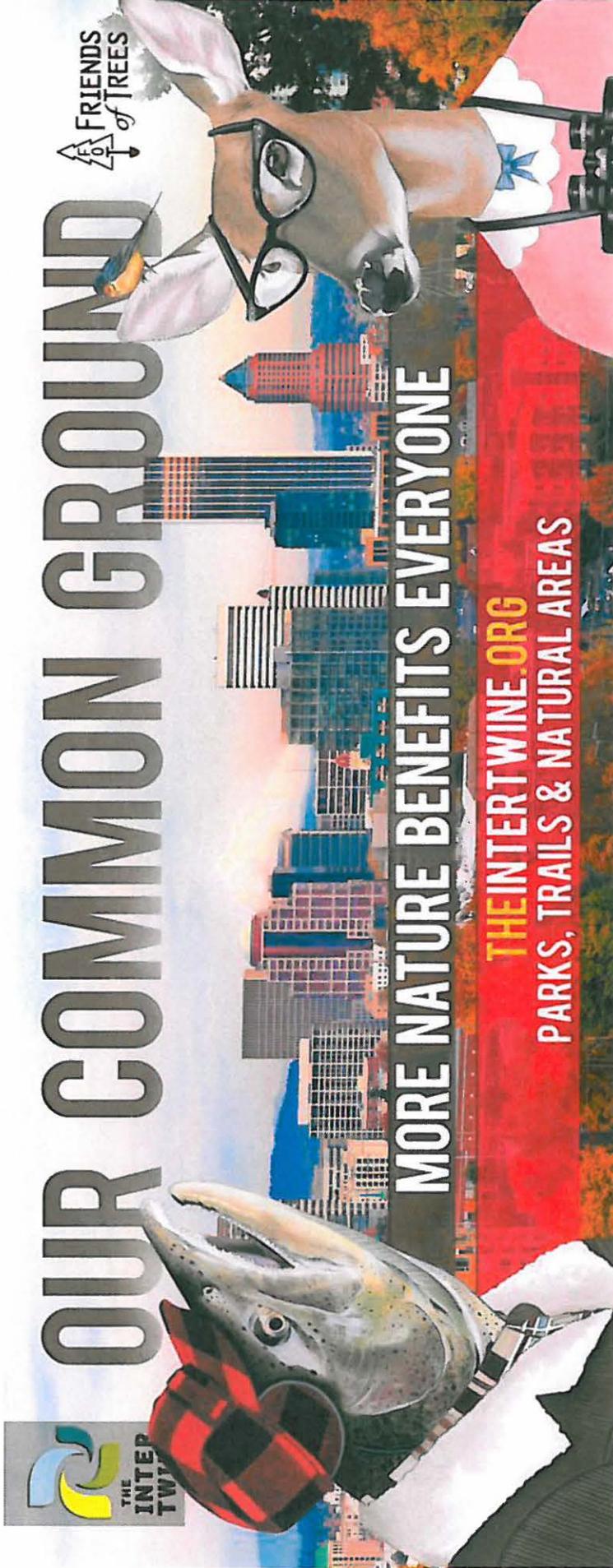


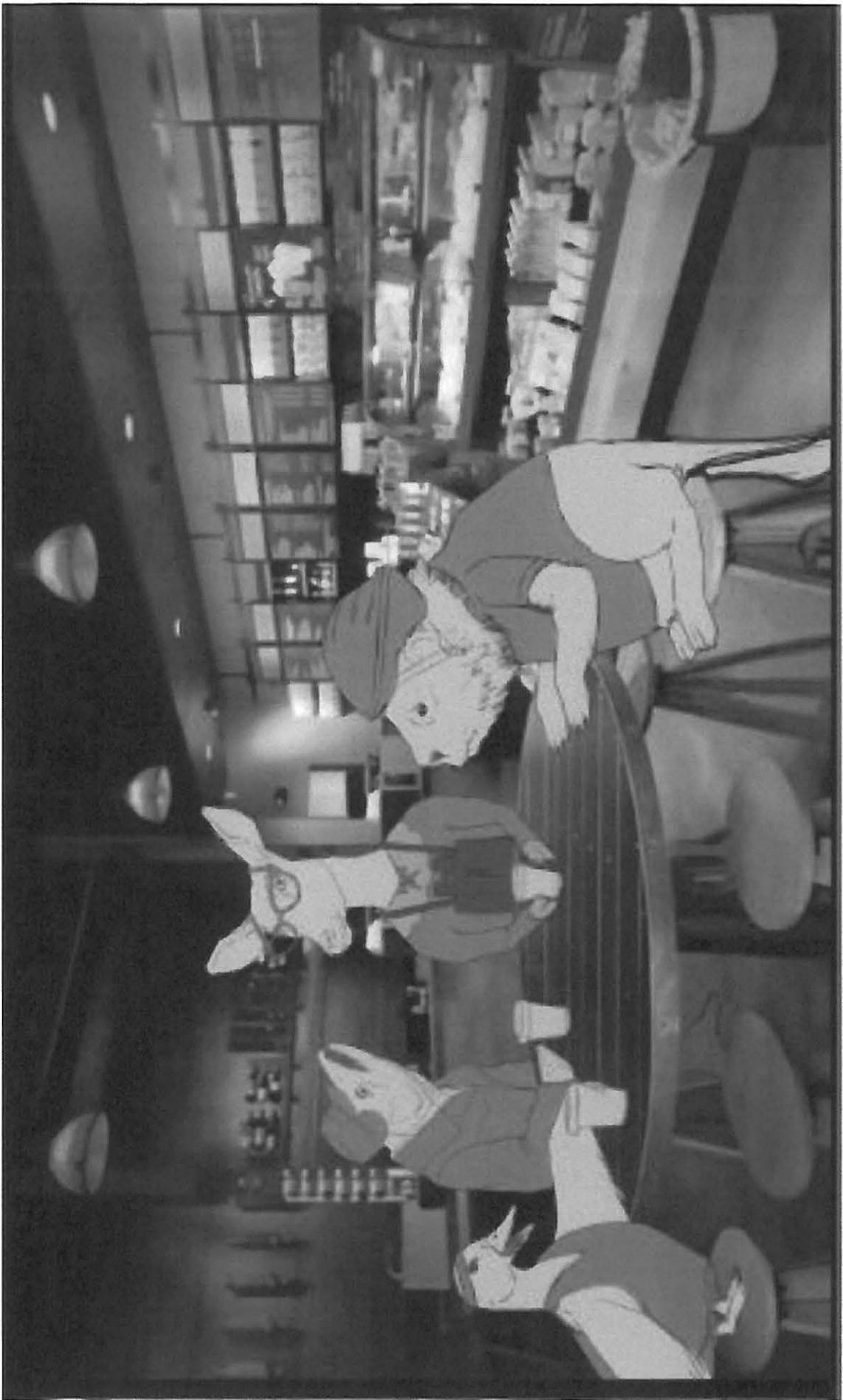
OUR COMMON GROUND

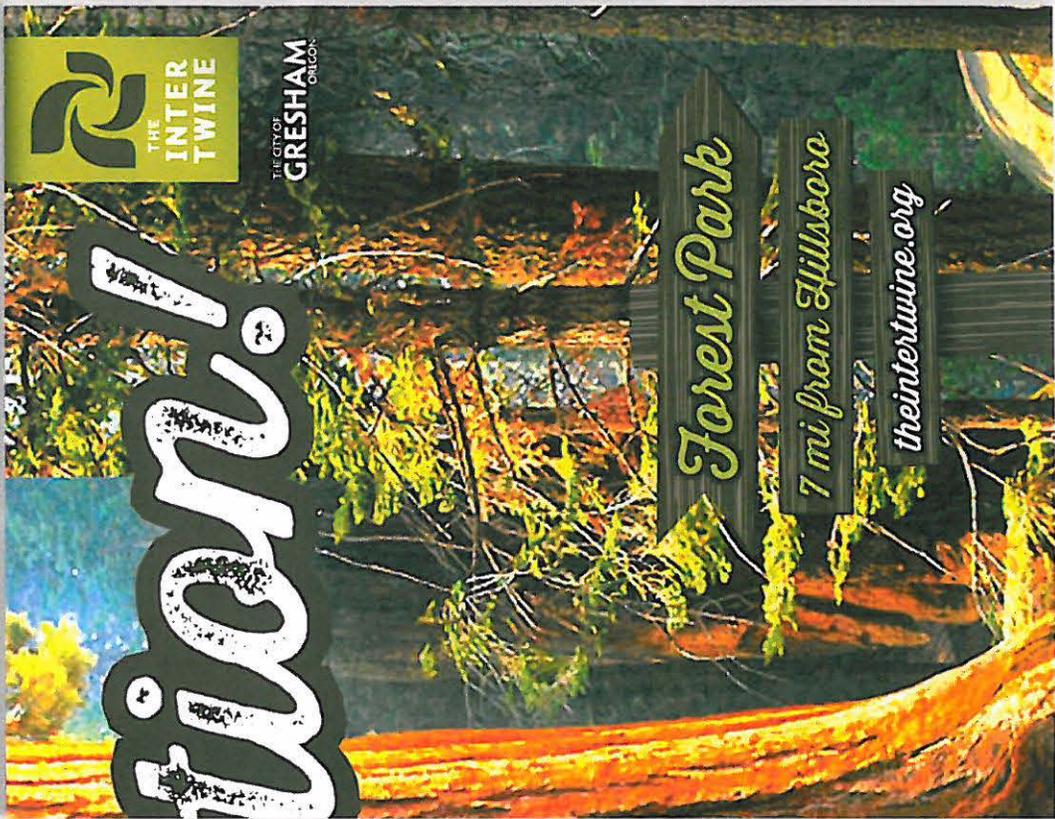


MORE NATURE BENEFITS EVERYONE

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PARKS, TRAILS & NATURAL AREAS







THE
INTER
TWINE

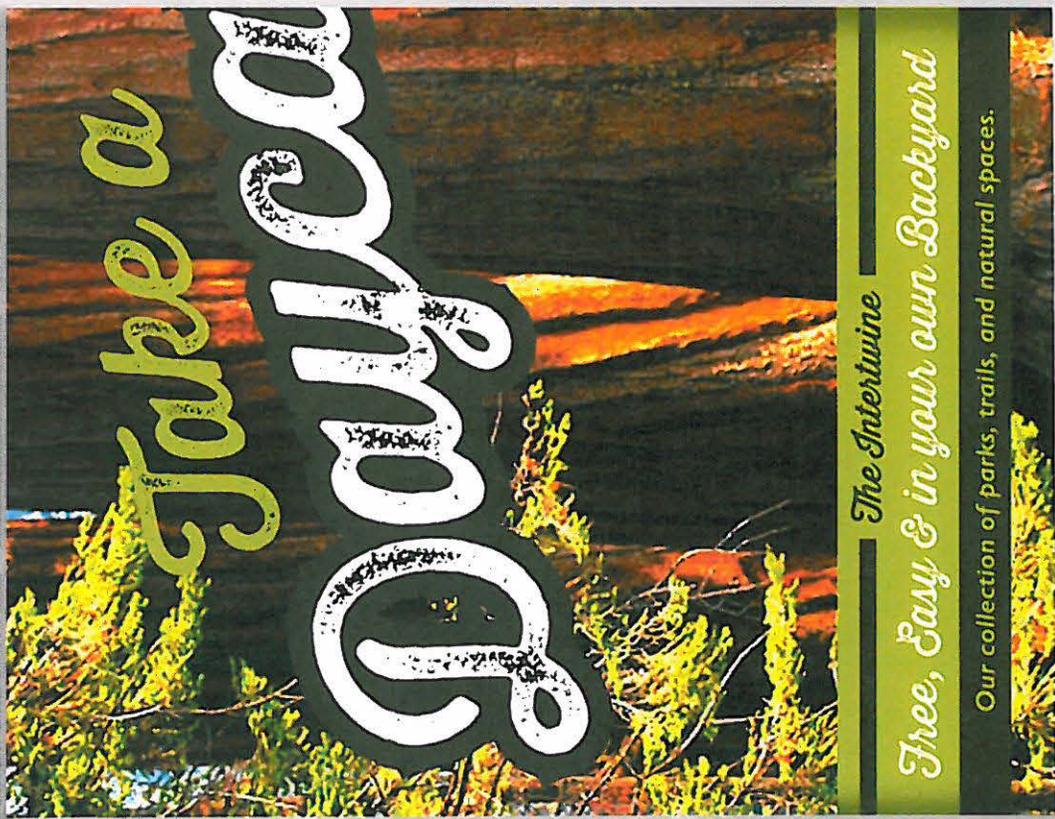
THE CITY OF
GRESHAM
OREGON

tion!

Forest Park

7 mi from Hillsboro

theintertwine.org



Take a
Daycation

The Intertwine

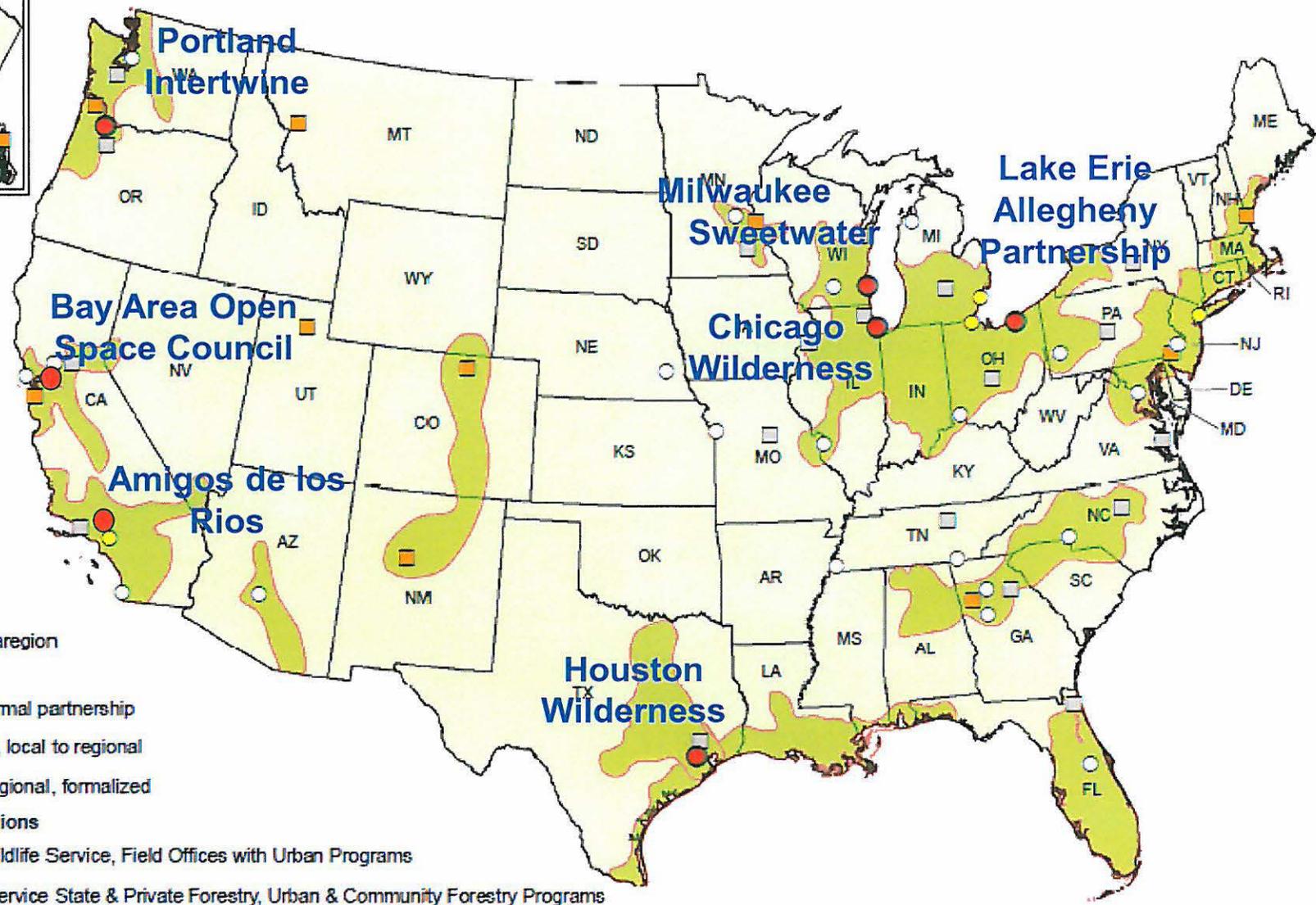
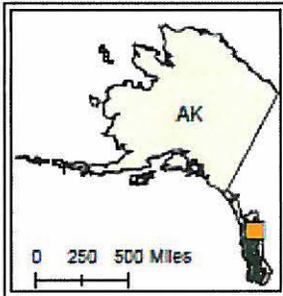
Free, Easy & in your own Backyard

Our collection of parks, trails, and natural spaces.



Metropolitan Conservation Partnerships

Emerging Coalitions for Community Engagement in Stewardship of Public Lands



Emerging Megaregion

Urban Coalitions

- Interested, informal partnership
- Loose coalition, local to regional
- Broad based regional, formalized

Partnership Organizations

- USDI Fish & Wildlife Service, Field Offices with Urban Programs
- USDA Forest Service State & Private Forestry, Urban & Community Forestry Programs

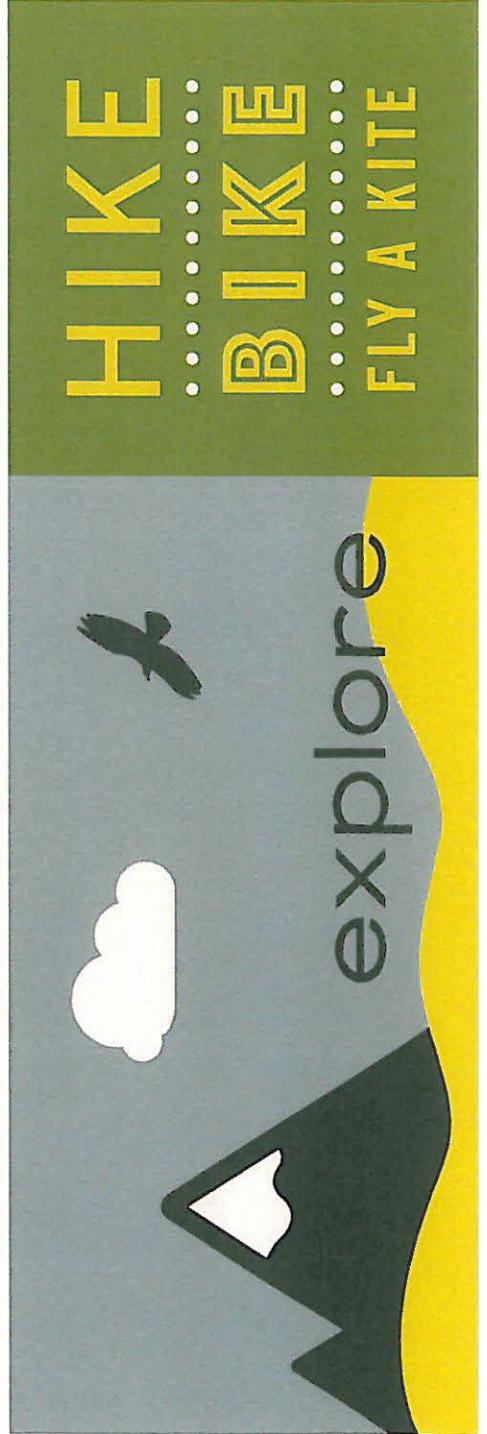
April 9, 2010

Emerging Megaregion data were developed and provided by Regional Plan Association

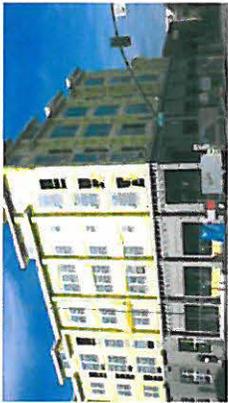


The Intertwine Alliance

www.TheIntertwine.org



District 4 Metro update

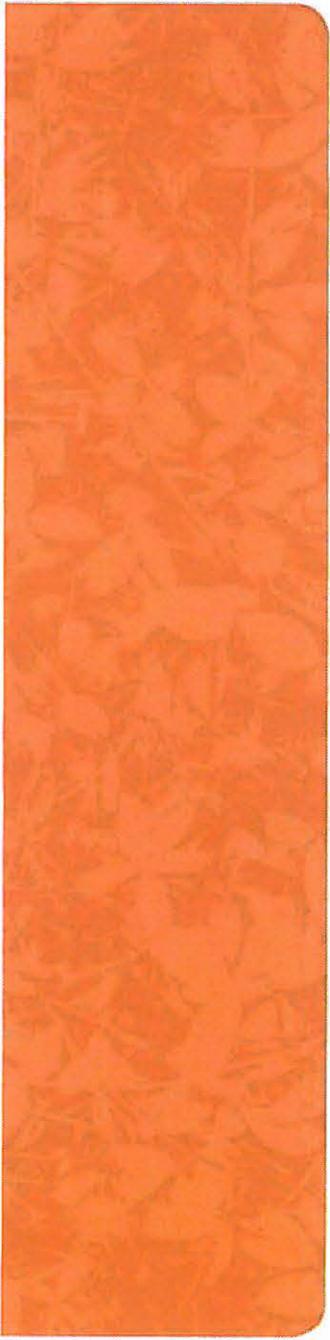


Forest Grove City Council



Councilor Kathryn Harrington
December 9, 2013





Overview

- Natural areas update
- Conservation education grants
- Climate Smart Communities
- Convention Center hotel
- Transportation updates
- Oregon Zoo
- Southwest Corridor
- Willamette Falls Legacy Project

Natural areas update



- Parks improvements underway after levy passage
- Projects at Blue Lake, Cooper Mountain and Oxbow
- Habitat to be restored at dozens of sites
- Visitor improvements to Killin Wetlands, Newell Creek Canyon
- Volunteer, grant, education opportunities expanding

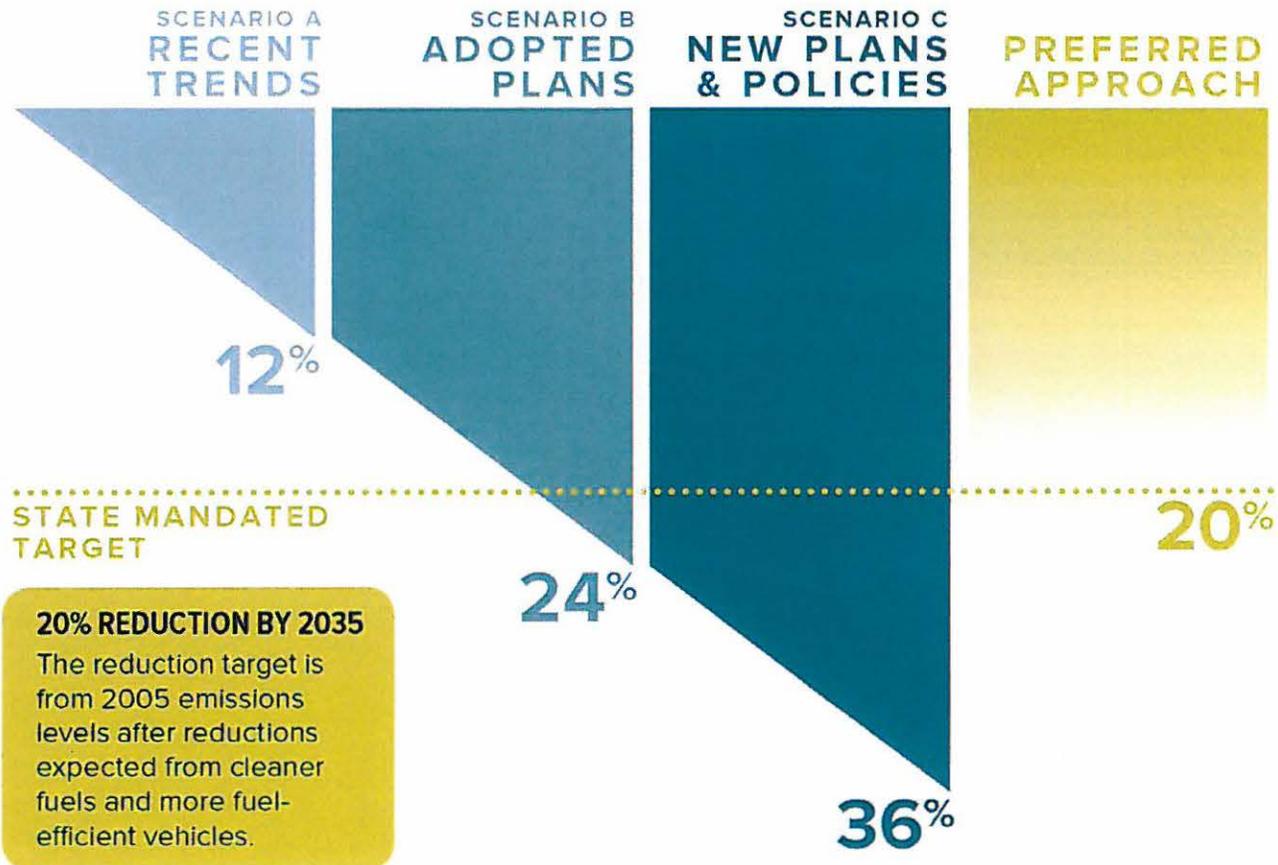
Conservation education grants



- Funded by 2013 levy
- School districts, park districts, watershed councils, non-profit organizations eligible
- \$700,000 to be awarded in 2014
- Applications due in January

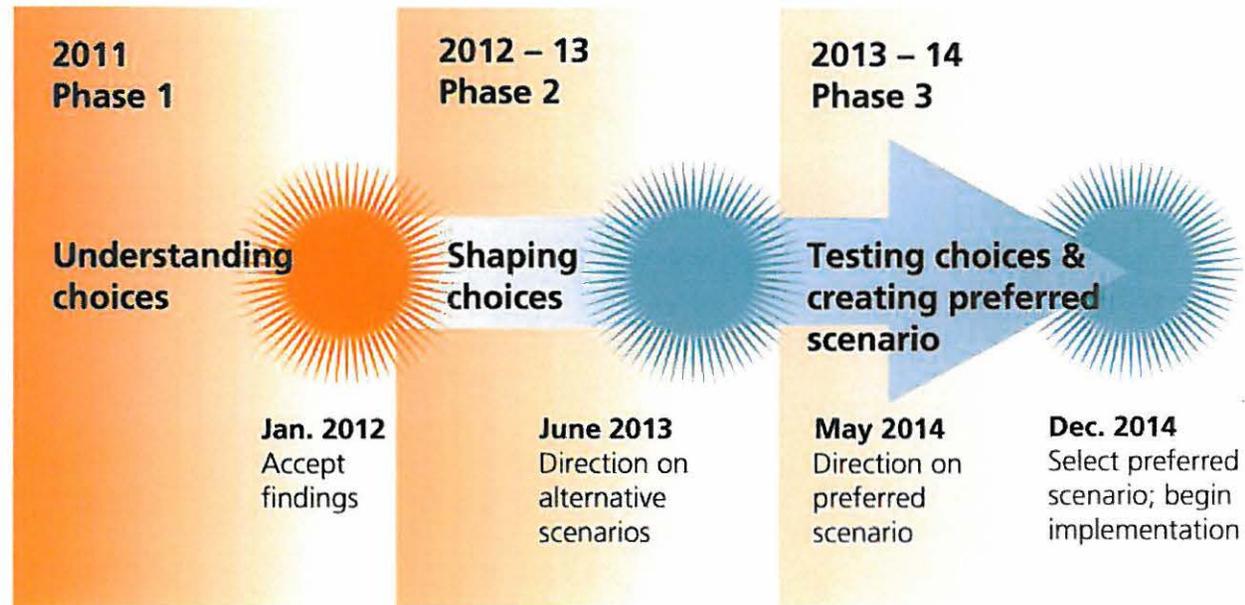
Climate Smart Communities

REDUCED GREENHOUSE GAS EMISSIONS PERCENT BELOW 2005 LEVELS



Climate Smart Communities

Climate smart communities scenarios project timeline



Convention Center hotel



Oregon Convention Center Hotel
Preliminary Rendering - May 2013

- Metro, Portland, Multnomah Co. agreement on financing package
- Development agreement negotiations underway; Metro Council to consider in December

Transportation updates

- Regional Transportation Plan
- Active Transportation Plan workgroup
- Safety plan recommendations
- Council Creek Regional Trail
- Westside Trail Master Plan



Oregon Zoo

- Two AZA awards for conservation, marketing
- Zoo train out of service until late 2014
- ZooLights: Nov. 29 through Jan. 5





- Goal of project is to increase prosperity, health, access and mobility in the Southwest Corridor
- Shared Investment Strategy recommendation adopted by local jurisdictions and Metro Council
- Refinement phase now through 2014

Willamette Falls Legacy Project



- Focus on econ. development, public access, healthy habitat, historical and cultural interpretation
- Clackamas Co., Oregon City, State are partners
- www.rediscoverthefalls.com

Your questions...

Kathryn Harrington

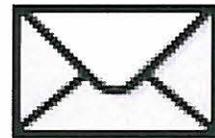
Metro Councilor, District 4

503-797-1553

kathryn.harrington@oregonmetro.gov

Optin

PORTLAND-VANCOUVER AREA ONLINE PANEL



www.oregonmetro.gov/connect

December 9, 2013

**CONTINUATION OF PUBLIC HEARING
TAYLOR ANNEXATION: ANX-12-01074
3351 NW THATCHER ROAD**

PROJECT TEAM: Daniel Riordan, Senior Planner
Jon Holan, Community Development Director
Michael Sykes, City Manager

ISSUE STATEMENT:

Continuation of a public hearing related to the annexation and assignment of a City zoning district to property located at 3351 NW Thatcher Road (Washington County Map and Tax Lot No. 1N4260000400).

BACKGROUND:

City staff requested a continuation of the public hearing for Annexation ANX-12-01074 until December 9, 2013, to allow time for additional research regarding issues raised during the public hearing on October 14, 2013. Continuation of the public hearing also provides additional opportunity for public comment regarding the annexation proposal.

DISCUSSION:

Several issues regarding the annexation are listed below.

- Adequately meet Metro Code and Comprehensive Plan criteria regarding the logical and cost-effective extension of municipal services principally sanitary sewer.

Discussion: The specific Metro and Comprehensive Plan criteria, in staff's opinion, do not prevent the consideration of this annexation. The applicable Metro Code provision (Section 3.09.045 D. 2.) states:

“Consider whether the boundary change would:

- a. Promote the timely, orderly and economic provision of public facilities and services;
- b. Affect the quality and quantity of urban services; and
- c. Eliminate or avoid unnecessary duplication of facilities or services.”

Analysis: The boundary change would have no impact on the extension of urban services, the quality or quantity of those services or result in duplication of facilities. The applicant has identified an interim approach on key services which would not require the extension of City/CWS services at this time. Whether it is appropriate to approve a project with those interim services is a question to be answered at the development review stage. If found inappropriate, no urban development will occur on the site until those needed urban services are available.

The relevant Comprehensive Plan Urbanization goals and policies are as follows:

Portion of L.C.D.C. Goal 14:

“Land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses. *Conversion of urbanizable land to urban uses* shall be based on consideration of (emphasis added):

1. Orderly, economic provision for public facilities and services;
2. Availability of sufficient land for the various uses to insure choices in the market place;
3. LCDC goals; and,
4. Encouragement of development within urban areas before conversion of urbanizable areas.”

And Urbanization Local Policy 2:

- “2. All lands within the Urban Growth Boundary shall be assigned priorities for urban development. Priorities shall be based on the City's ability to provide urban services and the orderly and efficient timing of service extension. These priorities shall be the basis for making decisions on all development proposals and requests for annexation.”

Analysis: The first set of goals taken from State Planning Goal 14 pertains to the conversion of urbanizable land (lands within the UGB that have not yet been developed for urban uses). This proposed action does not pertain to this goal since the action is for the annexation of the property and not its development.

More pertinent is Local Policy 2. The priority system the City has instituted is that it will consider annexation of any lands within the UGB provided that it is adjacent to an existing city limit boundary. Further, the area of this annexation has already been found by the City to have priority to be considered for annexation since properties adjacent to the subject site were annexed in 2007. The determination and need for services will be made through the development review process.

- Whether a condominium ownership arrangement would invalidate the Washington County Environmental Health approval of on-site sanitary sewer treatment for a co-housing project.

Discussion: It is the City Attorney's opinion that a condominium arrangement does not constitute a subdivision or partition under state law.

- Concern about whether a well or municipal water will be used to serve the needs of the co-housing project.

Discussion: This will be evaluated at the development review stage; and

- Location of the driveway necessary to serve development of the site.

Discussion: Access requirements for future development will be assessed as part of development review as explained below. Thatcher Road is under Washington County jurisdiction. As such, Washington County will review and approve access onto Thatcher Road to support future development.

Most of the above identified issues address a specific development proposal rather than the annexation criteria. This is a distinct process separate from the current annexation proposal. As noted above, the availability and need for urban services will be evaluated through the development review process. If those services are needed but not available, then no urban level of development will occur.

The type of development envisioned will require additional review and approval by the Planning Commission through a Type III (quasi-judicial) process. A Type III process requires notification to surrounding property owners (300 feet), publication of notice in the newspaper and a Planning Commission public hearing. Under the Type III process, decisions of the Planning Commission are appealable to the City Council.

Further, the applicants are aware that the development proposal will require site plan and development review and processing consistent with Article 1 (Section 10.1.130 E pertaining to needed services to issue building and land use permits), Article 2 (Design Review and Site Plan Review), Article 4 (Planned Developments) and Article 8 (General Development Standards).

CORRESPONDENCE: City staff received an E-mailed letter from David Noren representing a property owner on Plum Hill Lane directly south of the subject property. The letter confirms Mr. Noren's understanding that the annexation public hearing was continued to December 9, 2013. The letter is attached for reference (Attachment B).

ALTERNATIVES: The City Council has the following alternatives with respect to the annexation petition:

1. Approve the annexation and designate the property R-10 as requested by the applicant;
2. Approve the annexation and redesignate the property to a different Comprehensive Plan and zoning designation; or
3. Deny the annexation if the City Council finds the annexation petition does not meet the annexation decision criteria.

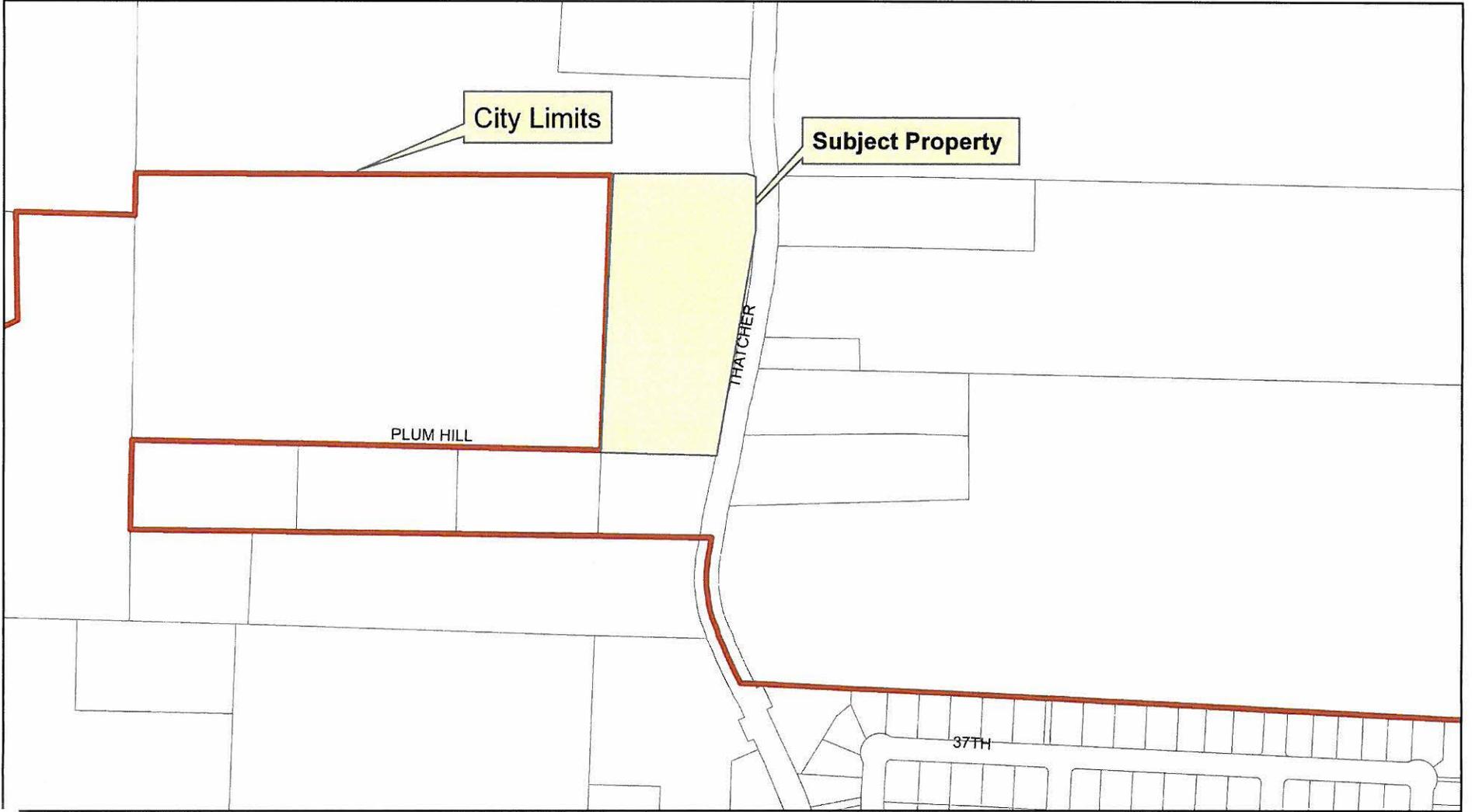
RECOMMENDATION: Staff recommends that the City Council:

1. Adopt an ordinance annexing the subject property into the Forest Grove city limits for the reasons stated above and identified in the Ordinance;
2. Withdrawing the subject property from the Washington County Enhance Sheriff Patrol District, Washington County Urban Road Maintenance District and Forest Grove Rural Fire Protection District; and
3. Adopt and an order assigning the R-10 zoning district upon the effective date of the annexation.

ATTACHMENTS:

Attachment A: Vicinity Map
Attachment B: Correspondence Reviewed from David Noren, Esq.

\\w2k\cd\CD Dept\LAND USE\Annexations\ANX-12-01074 Taylor\Staff Report CC 120913.DOC



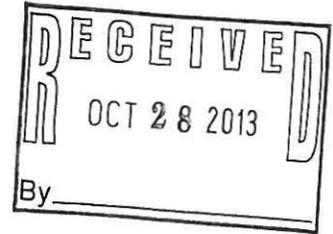
ATTACHMENT A

city of
forest
grove

Annexation Petition
Tax Lot 1N42600000400
Vicinity Map



DAVID C. NOREN
Attorney at Law
217 E. Main P.O. Box 586
Hillsboro, Oregon 97123-0586
Telephone: (503) 640-2661 Fax: (503) 648-7216
e-mail: david@norenlaw.com



October 28, 2013

ELECTRONICALLY DELIVERED

Forest Grove City Council
c/o Dan Riordan, Senior Planner
1924 Council Street
Forest Grove, OR 97116

Re: Taylor Annexation ANX-12-01074/ZNC-13-00253 Hearing October 28, 2013

Dear Mayor and Councilors:

I represent Richard and Doreen Stenson, who reside at 44872 NW Plum Hill Lane, within sight and sound of the proposed annexation area. Based on discussions with city staff, I understand this matter will be continued until December 9, 2013. We support that continuance, to have more time to analyze the merits of the proposal. We are relying on staff's representation that the matter will be continued, and expect to have further comments in December.

Very truly yours,

A handwritten signature in black ink, appearing to be "David C. Noren", written over a horizontal line.

David C. Noren

cc Richard and Doreen Stenson

ATTACHMENT B



Dorothy S. Cofield,
Attorney at Law



December 4, 2013

Mayor Truax and City Council
c/o Dan Riordan, Senior Planner
Community Development Department
1915 Main Street
Forest Grove, Oregon 97116
Via Electronic Mail: DRiordan@forestgrove-or.gov

*Re: Brad and Linda Taylor Annexation
ANX-12-01074/ZNC-13-00253*

Dear Mayor Truax and City Councilors,

I represent the annexation petitioners, Brad and Linda Taylor. The first reading of the ordinance to annex their property was held on October 14, 2013. The minutes reflect that the Council had questions on whether the onsite interim septic system the Taylors are proposing will meet the Forest Grove Development Code (FGDC) §10.1.130.¹ The Council continued the public hearing to get answers to their concerns. This letter is intended to provide the Council with assurances that the interim septic system will not create an inconvenient precedent and the interim solution meets city and state laws.

To answer the question of whether the interim septic system is allowable because the city's sewer line cannot be extended at this time, it is helpful to look at Forest Grove Municipal Code §4.405 which regulates city sewer connections. It states that:

“Connection Required.

- (1) Every residence, building or place where human beings reside assemble or are employed within the City shall be required to connect to the City sanitary sewer system where the following conditions exist:

¹ “A Land Use or building permit that would allow for the construction of a structure shall not be issued unless all applicable and needed services including vehicular access, power, sewerage, domestic and fire water supply and storm water drainage are available to the site where the structure is to be built.”

- (1) Washington County or Oregon Department of Environmental Quality, has determined that the existing onsite sewage disposal system has failed or is in need of repair, and;
- (2) Connection to City sewage line is physically available as described in OAR 340-071-0160.”

OAR 340-071-0160(A) defines physical availability as follows:

- “(i) A sewerage system is considered available if topographic or man-made features do not make connection physically impractical and one of the following applies:
- (I) For a single family dwelling or other establishment with a maximum projected daily sewage flow not exceeding 899 gallons, the nearest sewerage connection point from the property to be served is within 300 feet.
 - (II) For a proposed subdivision or group of two to five single family dwellings or other establishment with the equivalent projected daily sewage flow, the nearest sewerage connection point from the property to be served is not further than 200 feet multiplied by the number of dwellings or dwelling equivalents.
 - (III) For proposed subdivisions or other developments with more than five single family dwellings or other equivalent flows, the agent will determine sewerage availability.”

The staff report has findings that the city’s sewerage system is not available because of topographic features to the south and a required creek crossing. The existing trunk line ends 1000 to 1,500 feet from the Taylors’ property. Therefore, the first part of the physical availability test is met.²

As for the proposed density and the trigger of how far away the sewer connection must be to “be available”, in the case of the Taylors’ future development plans, they plan on developing the property for a nonprofit sustainable eco-friendly co-housing complex for 19 to 21 families. With the proposed R-10 zoning requiring 4.38 dwellings per acre, the five acre site could accommodate a maximum of 24 housing units. Thus, according to the administrative rule, the “appropriate” sewerage agent can determine availability – which would be the city’s engineering division.

Furthermore, the staff report explains that the city’s engineering division is open to the concept of the interim sanitary treatment solution for the first phase of the development, involving nine one-bathroom units, provided approval is granted by the Washington County

² Mr. Riordan explained to me this morning that Washington County’s Clean Water Services division envisions the city’s sewer line running from down Purdin Road in the northwest part of Forest Grove that is being planned for future growth through the city’s comprehensive plan update. It is likely that the future sewer line extension to serve the Taylor property will come from the east, rather than the south which has significant topographical problems with constructing a sewer line.

Environmental Health Division.³ Staff Report, p. 2. The Washington County Health Division has given its approval that the property can support an onsite sewerage system for one dwelling. SR, Attachment B.

According to my brief discussion with the Forest Grove City Attorney, Paul Elsner, an interim sewerage system is legally acceptable as long as the petitioners enter into a binding agreement that the property will hook up to city sewer when it is available.⁴ The council can determine how many feet from the property should trigger the hook-up requirement per Section III cited above. If the Council has concerns about setting a precedent of allowing annexed properties to use septic systems rather than hooking up to city sewer, state law allows for such interim solutions as long as the city has a corrective program in place. *See e.g.* ORS 197.520(E).

The moratorium statute's policy is to avoid stopping development because public facilities such as sewer and water are not available. The Legislature has found that stopping development has a negative effect on property owners, housing and economic policies and other goals of local government. ORS 197.510. The moratorium statute requires cities to only declare a moratorium to stop development based on a shortage of public facilities (such as sewer) when there is no other "reasonable alternatives" to declaring a moratorium.

The Taylor annexation with its interim solution of an onsite septic system because the city's sewer line cannot be brought to the property at this time is a reasonable alternative to declaring a moratorium. In other words, it is not creating precedent but meeting the requirements of state law to allow the interim septic system solution: A future corrective program is in place which is to ultimately provide city sewer service from the east when properties to the east develop and extension of the existing sewer line is physically practical. The sewer hook-up agreement is part of the corrective program that the Taylor's property will hook up to city sewer when it is available.

Also, in regards to the issue of the interim septic system creating an inconvenient precedent, the Taylors would like to point out that it is very unlikely that the traditional profit-motivated developer would use the onsite septic system because it would devote otherwise saleable land for primary and secondary drainage fields and burden the lots with sewer hook-up agreements of unknown but undoubtedly substantial cost, whereby their potential buyers would be essentially paying for two sewerage systems. Because the Taylors intend to live on the property and have homes custom built by the community members, they are willing and able to commit to a binding agreement to sewer hook-up, when it is available and personally shoulder some of the attendant costs.

In terms of the future land division of the property, the city's planned development regulations at FGDC §10.4.200 would work perfectly for the Taylors sustainable community. The sewerage system could be placed in its own tract and a homeowner association would manage the private sewerage system until the city's facilities were available per the signed

³ According to the senior planner, Dan Riordan, more than eight units will require the Department of Environmental Quality's (DEQ's) review and approval.

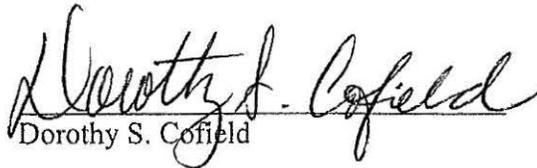
⁴ The Taylors agree that when they construct the second phase of the development to build the remaining ten to twelve units, they would at that time hook up to the city sewer.

agreement. The signed agreement would run with the land and be binding on whoever owned the land. The city can put in provisions that allow liens and the city construction of the sewer hook-up to assure itself the property will be hooked up to city sewer when it is available. These types of agreements are used in many cities and counties through-out Oregon and can also provide that the developer of the oversized sewer line extension can be reimbursed with a latecomer agreement.

The Taylors and I plan on attending the continued hearing on December 9, 2013 to answer any further questions the Council may have.

Very truly yours,

COFIELD LAW OFFICE


Dorothy S. Cofield

DSC:dsc

cc: Clients

ORDINANCE NO. 2013-12

6,
Second Reading

ORDINANCE ANNEXING A TRACT OF LAND (WASHINGTON COUNTY TAX LOT 1N4260000400) INTO THE CITY LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT, WASHINGTON COUNTY URBAN ROAD MAINTENANCE DISTRICT, AND FOREST GROVE RURAL FIRE PROTECTION DISTRICT
FILE NO. ANX-12-01074

FOREST GROVE MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Oregon Revised Statutes Chapter 222.120 and Chapter 222.125 establishes procedures for property owner initiated annexation petitions without election by city electors; and

WHEREAS, All of the owners and all of the electors of land in the territory subject to the annexation petition as shown on Exhibit A and Exhibit B consent to the annexation as required by ORS 222.125; and

WHEREAS, the annexation petition complies with the requirements of Metro Chapter 3.09; and

WHEREAS, the City Council held a duly-noticed Public Hearing on October 14 and October 28, 2013, on the annexation petition as consistent with Article 1 of The Forest Grove Development Code (Type III Process – Quasi-Judicial Land Use Decision); and

WHEREAS, the tract of land is within the boundary of the Washington Enhanced Sheriff Patrol District; and

WHEREAS, the tract of land is within the boundary of the Washington County Urban Roads Maintenance District; and

WHEREAS, the tract of land is within the boundary of the Forest Grove Rural Fire Protection District; and

WHEREAS, the districts were notified of the annexation proposal and City Council public hearing as a necessary party under Metro Code Chapter 3.09; and

WHEREAS, the City conducted public hearings, and mailed, published, and posted notice of the public hearings are required by Article 1 of the Forest Grove Development Code; and

WHEREAS, a report was report as required by law, and the City Council having considered the report and the testimony at the public hearing, does hereby favor the annexation of the subject tract of land and withdrawal from the districts based on the findings and conclusions attached hereto as Exhibit C; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party.

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

Section 1. The tracts of land, described in Exhibit A and depicted on the attached maps (Exhibit B), is declared to be annexed to the City of Forest Grove, Oregon.

Section 2. The tract of land annexed by this Ordinance and described in Section 1 are withdrawn for the Washington County Enhanced Sheriff Patrol District, Washington County Urban Road Maintenance District and the Forest Grove Rural Fire Protection District.

Section 3. The findings and conclusions attached as Exhibit C are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation records with the Oregon Secretary of State as provided by ORS 222.180.

Section 4. This ordinance shall be effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 14th day of October, 2013.

PASSED the second reading the 9th day of December, 2013.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 9th day of December, 2013

Peter B. Truax, Mayor

**DOR 34-P572-2013
Preliminary Review**



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737

City of Forest Grove
Planning/DR
Attn: Daniel Riordan
PO Box 326
Forest Grove, OR 97116

Date: 7/19/2013

This letter is to inform you that the map and description for your PLANNED Annexation to the City of Forest Grove (Taylor) (ANX-12-01074/1301-1.57) in Washington County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted to the Washington County Assessor and Department of Revenue in final form before March 31, 2014 per ORS 308.225.

Revised Documents Rec'd 7-11-2013 (map & desc. from Joseph McAllister-surveyor)

--Please take care to use Revised Map & Desc. in Final documents.

SEE NOTE: This annexation is being approved with the following note: If Assr's Map 1n4w-26 is added to the Final packet, then make sure the red-line follows the correct line along the eastern boundary of the annexation.

If you have any questions please contact: Elise Bruch 503-302-8353

EXHIBIT A

7/11/13

LEGAL DESCRIPTION
REVISED TAX LOT 400 (1N-4W-26)
FOREST GROVE, OREGON
BRADFORD W. AND LINDA STILES TAYLOR

#7148
2/7/13 JCM

EXHIBIT "A"

A TRACT OF LAND LOCATED IN SECTIONS 25 AND 26, TOWNSHIP 1 NORTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, LOCATED IN THE ORUS BROWN DONATION LAND CLAIM NO. 40 AND IN THE WESLEY MULKEY DONATION LAND CLAIM NO. 53, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO RUTH W. ORTMAN, RECORDED IN BOOK 677, PAGE 78, WASHINGTON COUNTY DEED RECORDS, SAID POINT BEING ON THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO EVA A. ORTMAN RECORDED IN BOOK 403, PAGE 705, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG THE NORTH LINE OF THE EVA A. ORTMAN TRACT, N.89°55'00"E., 370.00 FEET TO THE NORTHEAST CORNER OF THE EVA A. ORTMAN TRACT; THENCE ALONG THE NORTHEASTERLY LINE OF THE EVA A. ORTMAN TRACT, S.02°00'00"E., 211.20 FEET; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE, S.10°15'00"W., 148.50 FEET TO THE NORTHEAST REENTRANT CORNER OF THE EVA A. ORTMAN TRACT; THENCE S.12°07'27"W., 83.26 FEET TO THE SOUTHEAST REENTRANT CORNER OF THE EVA A. ORTMAN TRACT; THENCE ALONG THE SOUTHEASTERLY LINE OF THE EVA A. ORTMAN TRACT, S.09°00'00"W., 251.75 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO HAROLD ORTMAN, RECORDED IN BOOK 638, PAGE 139, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG THE NORTH LINE OF THE HAROLD ORTMAN TRACT, N.89°52'00"W., 313.85 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO HAROLD L. ORTMAN, RECORDED IN BOOK 742, PAGE 101, WASHINGTON COUNTY DEED RECORDS, BEING THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO WISMER FAMILY, LLC, RECORDED IN DOCUMENT NO. 2006-147459, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE OF THE WISMER FAMILY, LLC TRACT, N.01°39'05"E., 686.27 FEET TO THE POINT-OF-BEGINNING, CONTAINING 244,546 SQUARE FEET (5.61 ACRES) MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC IN THAT PORTION WHICH LIES WITHIN THE LINES OF PUBLIC ROADS AND HIGHWAYS, SUBJECT TO TERMS OF AN EASEMENT AS DESCRIBED IN DOCUMENT NO. 86-05086, WASHINGTON COUNTY DEED RECORDS, SUBJECT TO TERMS OF AN EASEMENT FOR A 40 FOOT WIDE ROADWAY AS DESCRIBED IN BOOK 631, PAGE 117, WASHINGTON COUNTY DEED RECORDS.



DATE OF SIGNATURE: 2/8/13
EXPIRES: 12/31/2014

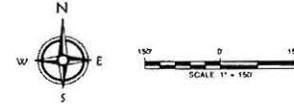
NARRATIVE

- CLIENTS: BRAD TAYLOR AND LYLE SPESSCHAERT
- THE PURPOSE OF THIS SURVEY IS TO ADJUST THE PROPERTY LINE BETWEEN THOSE TRACTS OF LAND DESCRIBED IN DEED TO BRADFORD W. AND LINDA STILES TAYLOR, RECORDED IN DOCUMENT NO. 94-84146 AND LYLE SPESSCHAERT, RECORDED IN DOCUMENT 2007-133214, WASHINGTON COUNTY DEED RECORDS, AS SHOWN IN ACCORDANCE WITH WASHINGTON COUNTY DEPARTMENT OF LAND USE AND PLANNING CASE FILE NO. 12-440-PLA.
- BASES OF BEARINGS: THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO EVA A. ORTMAN, RECORDED IN BOOK 403, PAGE 705, WASHINGTON COUNTY DEED RECORDS, WAS HELD TO BE N89°55'00"E; AS MONUMENTED AND SHOWN BY S.N. 10,330, WASHINGTON COUNTY SURVEY RECORDS.
- THE SPESSCHAERT TRACT DESCRIBED IN DOCUMENT 2007-133214, WAS SHOWN PER SAID DEED BEARINGS AND DISTANCES, ADJOINER CALLS AND ADDITIONAL RECORD INFORMATION PER S.N. 7875 AND S.N. 13,040.
- THE TAYLOR TRACT DESCRIBED IN DOCUMENT NO. 94-84146, IS A PORTION OF THAT TRACT DESCRIBED IN DEED BOOK 403, PAGE 705 AND THAT TRACT DESCRIBED IN DEED BOOK 677, PAGE 78, BOTH TRACTS BEING SURVEYED AND MONUMENTED BY S.N. 10,330. THIS SURVEY'S INTENT WAS TO REFERENCE S.N. 10,330, LOCATE THE NORTHWEST CORNER OF BOOK 677, PAGE 78 AND THE NORTHEAST CORNER OF BOOK 742, PAGE 101, USING DEED AND S.N. 10,330 INFORMATION. THE TWO CORNERS BEING THE NORTHEAST AND SOUTHWEST CORNERS OF THAT TRACT DESCRIBED IN DOCUMENT NO. 2006-147459, REPRESENTING OUR CLIENTS' WEST LINE.
- THE NORTHEAST CORNER OF BOOK 403, PAGE 705 WAS HELD AT THE RECORD DEED DISTANCE AND BEARING OF N89°55'00", 1478.10 FEET FROM THE NORTHWEST CORNER THEREOF, THROUGH THE MONUMENTS FOUND ALONG THE NORTH LINE ESTABLISHED BY S.N. 10,330, SAID NORTHEAST CORNER BEING THE CENTER OF BRADFORD ROAD (COUNTY ROAD NO. 251, 60.00 FEET WIDE) AS CALLED IN SAID DEED. SAID NORTHEAST CORNER BEARS N89°57'03"W, 30.01 FEET FROM THE RIGHT OF WAY MONUMENT SET IN S.N. 6379, FOUND BY S.N. 10,330.
- THE NORTHEAST CORNER DOCUMENT NO. 94-84146 BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO RUTH ORTMAN IN BOOK 677, PAGE 78, WAS ESTABLISHED AT THE RECORD DEED DISTANCE OF 370.00 FEET FROM THE NORTHEAST CORNER OF BOOK 403, PAGE 705, THE PIPE CALLED IN SAID BOOK 677, PAGE 78, SET IN S.N. 10,330, WAS FOUND AT THIS LOCATION BUT HAS BEEN DISTURBED BY FARMING ACTIVITY AND A NEW MONUMENT WAS SET.
- THE NORTH LINES OF THOSE TRACTS OF LAND DESCRIBED IN BOOK 638, PAGE 139 AND BOOK 742, PAGE 101 WERE ESTABLISHED AS THE EASTERLY EXTENSION OF THE LINE BETWEEN THE MONUMENT FOUND AT THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 638, PAGE 139, RESET IN S.N. 23,350 AND THE MONUMENT FOUND AT THE NORTHWEST CORNER OF SAID BOOK 742, PAGE 102, SET IN S.N. 10,330. THE NORTHEAST CORNER OF BOOK 742, PAGE 101 WAS ESTABLISHED ALONG SAID NORTH LINE, AT THE RECORD DEED DISTANCE OF 277.2 FEET FROM THE NORTHWEST CORNER THEREOF, AS PREVIOUSLY SET IN S.N. 10,330. THIS CORNER IS THE SOUTHWEST CORNER OF DOCUMENT NO. 2006-147459.
- THE EAST LINE OF DOCUMENT 2006-147459 WAS HELD FROM THE NORTHEAST CORNER OF BOOK 742, PAGE 101 TO THE NORTHWEST CORNER OF BOOK 677, PAGE 78 PER DEED CALLS.
- THE SOUTHWEST CORNER OF BOOK 403, PAGE 705, ALSO BEING THE SOUTHWEST CORNER OF BOOK 638, PAGE 139, WAS ESTABLISHED AT 287.10 FEET FROM THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED BOOK 742, PAGE 101, HOLDING THE EXTENSION OF THE LINE BETWEEN THE MONUMENTS FOUND AT THE SOUTHWEST AND SOUTHWEST CORNERS THEREOF, AS SET IN S.N. 10,330.
- THE NORTHEAST CORNER OF BOOK 638, PAGE 139 WAS ESTABLISHED AT THE INTERSECTION OF THE NORTH LINE THEREOF AND THE DEED BEARING OF N09°00'00", FROM THE SOUTHWEST CORNER THEREOF.
- THE EASTERLY LINE FROM THE NORTHEAST CORNER OF BOOK 403, PAGE 705 TO THE NORTHEAST CORNER OF BOOK 638, PAGE 139 WAS HELD TO THE DEED CALLS FOR BEARINGS AND DISTANCES, ADJOINER PROPERTY CALLS AND S.N. 10,330.
- THE ADJUSTED PROPERTY LINE WAS ESTABLISHED AT THE INTERSECTION OF THE CLIENTS, BETWEEN THE NORTHEAST AND SOUTHWEST REINTEGRANT CORNERS OF BOOK 403, PAGE 705, AND PER THE WASHINGTON COUNTY DEPARTMENT OF LAND USE AND PLANNING CASE FILE NO. 12-440-PLA.
- THE CENTERLINE AND SUBSEQUENT RIGHT OF WAY LINES OF NW TITCHER ROAD, WHICH IS NOT CENTERED ON ADJOINING DEED LINES, WAS HELD BEGINNING AT THE POINT OF TANGENCY ESTABLISHED BY S.N. 38343 (POINT A) TO THE NORTHEAST CORNER OF BOOK 403, PAGE 705, (POINT F) AND WAS LOCATED AS SHOWN FROM THE CENTERLINE INFORMATION AND RIGHT OF WAY MONUMENTS SET BY S.N. 6379, WHICH MONUMENTED THE PUBLIC RIGHT OF WAY FOR THE CITY OF FOREST GROVE. THIS LOCATION WAS DISCUSSED WITH WASHINGTON COUNTY SURVEYOR STAFF AND SHOWN ON THIS SURVEY AS THE RIGHT OF WAY PER S.N. 6379. (SEE SHEET 2)
- FIELDWORK: RANDOM CLOSED TRAVERSE WITH A 5 SECOND TOTAL STATION.

RECORD OF SURVEY 31964
1/2
FOR PROPERTY LINE ADJUSTMENT
WASHINGTON COUNTY PLANNING CASE FILE NO. 12-440-PLA
LOCATED IN THE NW 1/4 OF SECTION 25 AND
THE NE 1/4 OF SECTION 26, T.1N., R.4W., W.M.
WASHINGTON COUNTY, OREGON
MARCH 15, 2013 SCALE: 1" = 150'
SHEET 1 OF 2

WASHINGTON COUNTY
SURVEYORS' OFFICE

3-25-13
ACCEPTED FOR FILING



REFERENCE SURVEYS

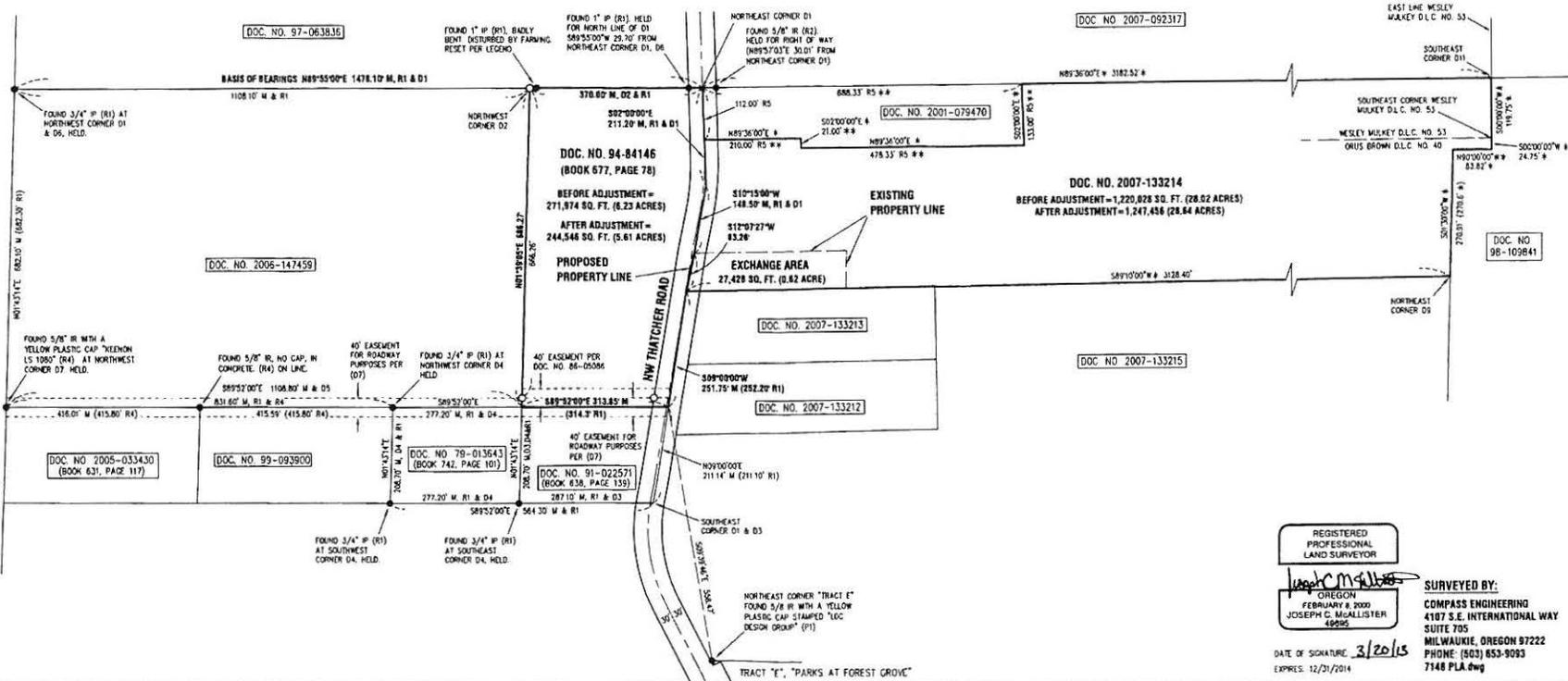
- R1 S.N. 10330
- R2 S.N. 6379
- R3 S.N. 30343
- R4 S.N. 23350
- R5 S.N. 7875
- R6 UNRECORDED OWNERS SURVEY BY WELD C. GREEN, 1970
- R7 S.N. 13040
- R8 S.N. 157851
- R9 "PARKS AT FOREST GROVE"

REFERENCE DEEDS

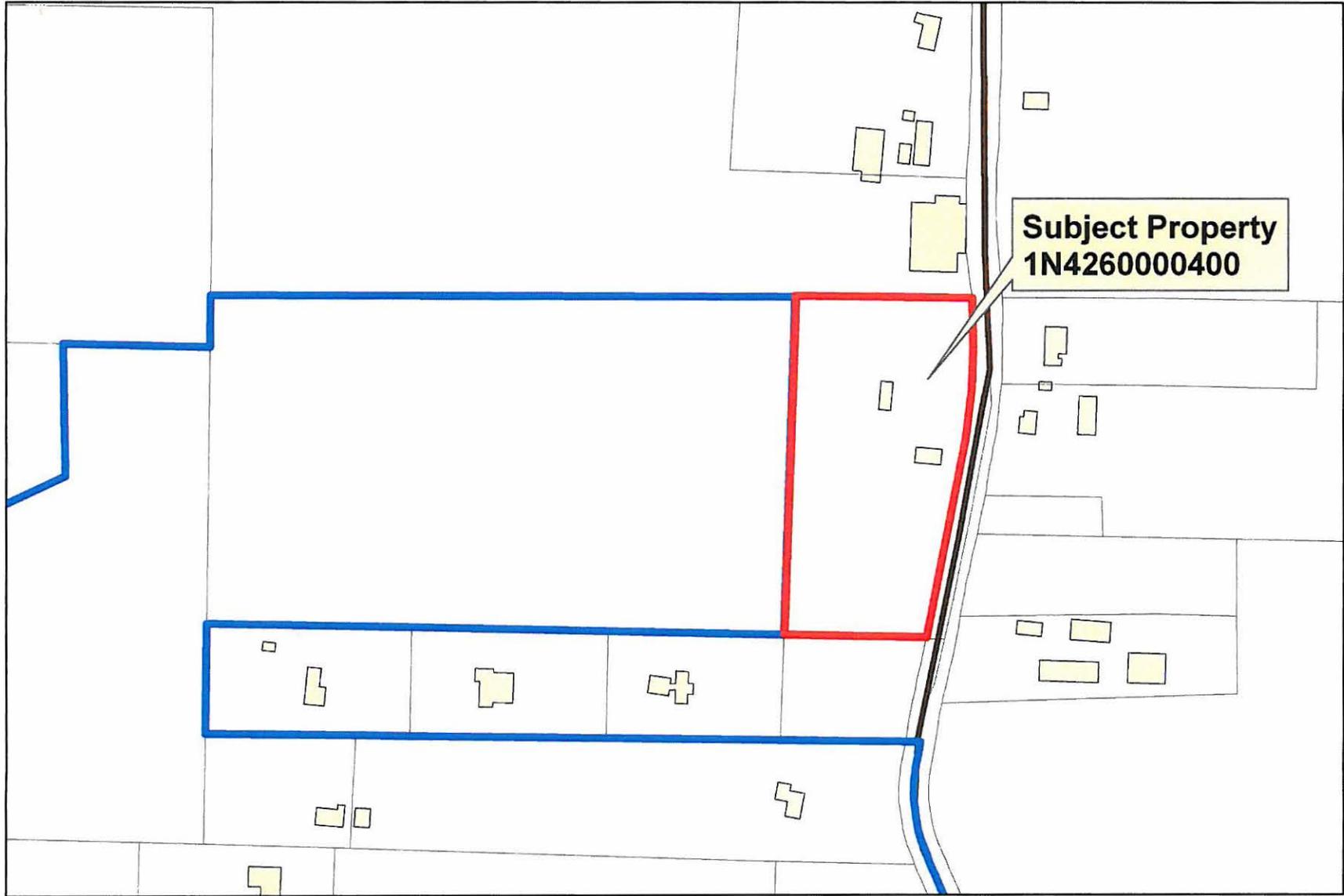
- D1 BOOK 403, PAGE 705
- D2 BOOK 677, PAGE 78
- D3 BOOK 638, PAGE 139
- D4 BOOK 742, PAGE 101
- D5 DOC. NO. 2006-147459
- D6 BOOK 742, PAGE 634
- D7 BOOK 631, PAGE 117
- D8 BOOK 54, PAGE 316
- D9 BOOK 6, PAGE 270
- D10 BOOK 442, PAGE 237
- D11 BOOK 185, 159

LEGEND

- DENOTES MONUMENT FOUND AS NOTED
- DENOTES 5/8" DIAMETER BY 30" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING" SET ON MARCH 15, 2013
- † RECORD BEARING AND/OR DISTANCE INFORMATION PER S.N. 13040 & DOC. NO. 2007-133214
- ** RECORD DISTANCE INFORMATION PER S.N. 7875 & BOOK 442, PAGE 237
- IR IRON ROD
- IP IRON PIPE (NODD DIAMETER)
- SN SURVEY NUMBER, WASHINGTON COUNTY SURVEYORS' OFFICE
- DOC. NO. DOCUMENT NUMBER
- R DENOTES RECORD DATA, SEE REFERENCE SURVEYS
- M DENOTES MEASURED DATA
- D DENOTES DEED DATA, SEE REFERENCE DEEDS



REGISTERED PROFESSIONAL LAND SURVEYOR
Joseph C. McAllister
OREGON FEBRUARY 8, 2000
JOSEPH C. McALLISTER
46695
DATE OF SIGNATURE: 3/20/13
EXPIRES: 12/31/2014
SURVEYED BY:
COMPASS ENGINEERING
4107 S.E. INTERNATIONAL WAY
SUITE 705
MILWAUKIE, OREGON 97222
PHONE: (503) 653-9083
7148 PLA.dwg



Subject Property
1N4260000400

Legend

-  city_line
-  taxlots
-  UGB
-  Project Area

**Proposed Annexation
ANX-12-01074**



EXHIBIT B

Ordinance No. 2013-12

Proposal ANX-12-01074

FINDINGS

Based on the staff study and the public hearing the City Council finds:

1. Oregon Revised Statutes Chapter 222.125 establishes procedures for property owner initiated annexation applications where all the owners of land in the subject territory and not less than 50% of the electors, if any, residing in the territory consent to the annexation. Finding: The subject property is owned by Bradford and Linda Taylor. All property owners and electors affected by the annexation have consented to the annexation through the filed annexation petition.
2. Under Oregon Revised Statutes Chapter 222.120(6) an ordinance declaring the subject territory annexed is subject to referendum. Finding: The City Council held a duly noticed public hearing on October 14, 2013 for purposes of taking public comment on the Ordinance annexing the subject territory. The Ordinance is subject to referendum as provided for under state law. An election on this matter is not required by the City of Forest Grove City Charter.
3. The annexation is consistent with the Metro criteria for annexations. The Legislature has directed Metro to establish criteria for annexations which must be used by all cities within the Metro boundary. The Metro code states that a final decision shall be based on substantial evidence in the record and that the written decision must include findings of fact and conclusions based on that evidence. The code requires these findings and conclusions to address the following minimum criteria:

Metro Code Criteria 1: The annexation must be consistent with adopted urban service agreements and annexation plans under ORS 195. Finding: Although the City has not adopted formal annexation agreements under Oregon Revised Statutes Chapter 195, the City and Washington County have adopted an Urban Planning Area Agreement (UPAA). The UPAA, among other considerations, identifies County and City responsibilities for provision of urban services within the unincorporated urban growth boundary area proximate to Forest Grove. The UPAA requires annexation into the City before development occurs and before urban services are provided to the site. The property owner is seeking annexation at this time as the initial step necessary for future development approval and issuance of building permits. Since this annexation request is consistent with the UPAA staff finds that the annexation petition is consistent with the intent of this criterion.

Metro Code Criteria 2: The annexation must be consistent with Comprehensive Plan provisions applicable to annexation. Finding: The subject property is located within the Forest Grove planning area and subject to the Forest Grove Comprehensive Plan policies including Land Use, Urbanization, and Housing as explained below:

EXHIBIT C

Comprehensive Plan Land Use Policy: Adopt land use map designations for all land use categories based on the findings, goals and policies in the Comprehensive Plan. Finding: The Forest Grove Development Code implements this provision of the Comprehensive Plan. Article 3 of the Development Code establishes permitted uses for land use designations. The proposed zone designation for the subject property is R-10. The R-10 zone is a single family residential zone providing opportunities for construction of needed housing. Additional analysis supporting the re-designation of the property to R-10 is provided elsewhere in this report.

Comprehensive Plan Housing Policy: Provide for an adequate supply of new housing thus avoiding shortages and adverse impacts on price, rents and choice of housing. Finding: Zoning property for residential development, in combination with the annexation process, expands opportunities for increasing the supply of needed housing. Metro long range projections show approximately 94% of the subject area will be developed by the year 2025. Annexation of the subject is the first step in making land available to meet this expected housing demand. Since assignment of the R-10 zoning designation, concurrent with annexation, supports an adequate supply of land for new housing this rezoning actions meets the intent of this housing goal contained in the Forest Grove Comprehensive Plan.

Comprehensive Plan Urbanization Policy: Land shall be made available within the urban growth boundary to meet all urban land use needs. Finding: The urban growth boundary establishes the limits for long term land use needs. The annexation process makes unincorporated land within the urban growth boundary available for future development. In addition, annexation provides the opportunity for the provision of municipal services in the future to support development.

Comprehensive Plan Urbanization Policy: All lands within the urban growth boundary shall be assigned priorities for urban development. Priorities shall be based on the City's ability to provide urban services and the orderly and efficient timing of service extension. These priorities shall be the basis for making decisions on all development proposals and requests for annexation. Finding: The subject property is not a high priority for urban development given that existing water and sewer lines are located distant from the subject property. Annexation will treat the subject property similar to adjacent property located to the west of the subject property annexed in 2007. Therefore, annexation will provide an opportunity for future development similar to nearby properties already in the City.

Comprehensive Plan Urbanization Policy: Provide for an urban growth management strategy to set forth policies on the urbanization of vacant and agricultural land. The policies should cover the extension of water and sewer service, land partitioning requirements, zoning and annexations within the UGB.

EXHIBIT C

Ordinance No. 2013-12

Page 2 of 6

The strategy shall provide for the orderly and cost-efficient accommodation of anticipated growth for the next ten years. Finding: The Urban Planning Area Agreement addresses the extension of water and sewer services, zoning and annexations within the urban growth boundary.

Comprehensive Plan Urbanization Policy: Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation. Finding: Annexation into the City provides an opportunity to extend sewer services and water utilities to the site when needed to accommodate future development. It is unlikely that sewer and water lines will be extended in the near term given that existing lines are located 1,000 to 1,500 feet to south. The property owner has indicated interest in pursuing an alternative method on-site method for addressing sanitary sewerage treatment and disposal needs prior to the extension of municipal services. The Washington County Environmental Health Division has determined the site is adequate for alternative methods of sanitary sewerage treatment and disposal. A final determination regarding this issue will be required prior to issuance of building permits by the City. Under such an approach, the property owner will be required to hook-up to the municipal sewer system when available.

For the reasons stated above staff finds the annexation request is consistent with the Forest Grove Comprehensive Plan policies related to Housing, Land Use, Urbanization and Public Facilities and Metro Code Criteria 2.

Metro Code Criteria 3: The annexation is consistent with applicable standards for boundary changes contained in the Metro Regional Framework Plan or any functional plans. Finding: The subject territory is located inside Metro's jurisdictional boundary and inside the regional urban growth boundary. As such, the annexation is subject to the Regional Framework Plan, which includes the regional urban growth goals and objectives, the Urban Growth Management Functional Plan and the Regional Transportation Plan. These documents were examined for specific standards related to annexation and found not to contain specific standards applicable to boundary changes.

Metro Code Criteria 4: The annexation is consistent with applicable provisions contained in adopted public facility plans. Finding: Staff finds the annexation consistent with applicable provisions contained in adopted public facility plans for the following reasons. Section III.A.109 of the Urban Planning Agreement between the City of Forest Grove and Washington County states that the City is identified as the appropriate provider of local water, sanitary sewer and transportation facilities within the urban planning area. The Sanitary Sewer Master Plan, Storm Sewer (Drainage) Master Plan and Water Master Plan anticipate the extension of urban services to the site. Although the facility plans contemplate serving the site in the future sanitary sewer, storm sewer (drainage) and water are all located more than 300 feet from the subject property. To remedy this situation the applicant proposes an interim on-site solution for handling sewage needs.

The Washington County Environmental Health Division recently evaluated the site for suitability of installation of an on-site sewage disposal system adequate for anticipated needs. The Environmental Health Division concluded the site is suitable for the initial and alternative replacement system proposed by the applicant. The property owner will be required to connect the sanitary sewer line when available to the site. With the requirement for future connection the annexation is consistent with the applicable provisions contained in adopted public facility plans. This is consistent with the intent of the annexation process which provides an opportunity so owners of property subject to the annexation are able to connect to the City's municipal sewer and water system at the owner's discretion or until such time an existing septic system fails. A final determination regarding this issue will be required prior to issuance of building permits by the City. Under such an approach, the property owner will be required to hook-up to the municipal sewer system when available.

Metro Criteria 5: Promote the timely, orderly, and economic provision of public facilities and services. Finding: Public facilities are generally lacking within the subject territory. Sewer and water lines are located 1,000 to 1,500 feet from the property. The subject site currently has a septic system and water accessed from a well. The property owner's interim solution for on-site sanitary sewer treatment will promote the timely, orderly, and economic provision of public facilities and services by removing the need for costly extension of service lines past undeveloped and in some cases unincorporated property. This will allow for the cost-effective incremental extension of service lines. This benefits both the service provider and the property owner. The property owner will be required to connect to the municipal sanitary sewer, storm sewer, and water lines when available to serve the site. Given that this annexation will not require the costly extension of public facilities past undeveloped and in some cases unincorporated land this criterion is met.

Metro Criteria 6: Affect the quality and quantity of urban services. Finding: The annexation will not affect the quality and quantity of urban services. The subject property is located within the urban growth boundary. As such, the Water Master Plan, Sanitary Sewer Master Plan, and Storm Water (Drainage) Master Plan envision that the subject territory will be serviced with urban services in the future. The assumed demand for future services are based on current comprehensive plan map designations. The annexation does not include a change to the Comprehensive Plan Map. Therefore, this annexation will not impose demands on this system beyond what is assumed by the master plans. Therefore, this criterion is met.

Metro Criteria 7: Eliminate or avoid unnecessary duplication of facilities and services. Finding: The subject territory is located within the Forest Grove planning area and subject to the Urban Planning Area Agreement with Washington County. The UPAA describes the roles and responsibilities for providing urban services to unincorporated areas within the urban growth boundary. Under the UPAA, the City is identified as the responsible party for providing urban services in the subject territory. This is intended to avoid unnecessary duplication of facilities and services. Given the

policy for providing urban services contained in the UPAA stated above this criterion is met.

4. The territory is within the Forest Grove Rural Fire Protection District. The City proposes to withdraw the territory from the District upon the effective date of the annexation.

Finding: The City of Forest Grove provides fire protection through Forest Grove Fire and Rescue, a city department. Adequate resources are shown in the City of Forest Grove Adopted Budget to provide fire services to the affected territory. Upon the effective date of this Ordinance, the subject territory will be withdrawn from the Forest Grove Rural Fire Protection District.

5. The territory to be annexed is within the Washington County Enhanced Sheriff's Patrol District. The City proposes to withdraw the territory from the District upon the effective date of the annexation.

Finding: The City of Forest Grove provides police services through the Forest Grove Police Department. Adequate resources are shown in the City of Forest Grove adopted budget to provide police protection to the affected area. Upon the effective date of this Ordinance, the subject territory will be withdrawn from the Washington County Enhanced Sheriff's Patrol District.

6. The territory to be served is within the Washington County Urban Road Maintenance District. The City proposes to withdraw the territory from the District upon the effective date of the annexation.

Finding: Upon the effective date of this Ordinance, the subject territory will be withdrawn from the Washington County Urban Road Maintenance District and affected property owners will not be required to pay this property tax.

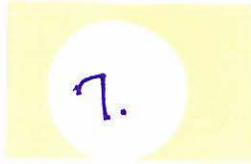
7. Clean Water Services is responsible for storm water management and sewage treatment in Washington County. Development will be contingent upon obtaining annexation into the Clean Water Services district when necessary. Consistent with the City's Intergovernmental Agreement with Clean Water Services, adequate storm water facilities meeting Clean Water Services standards will be required as part of any development approval.

Finding: A separate annexation action will be required by Clean Water Services, prior to development, for the affected territory not already within the Clean Water Services District.

REASONS FOR DECISION

Based on the findings included in the record, the Forest Grove City Council makes the following determinations:

1. Annexation proposal ANX-12-01074 meets the requirements of ORS 222 procedures for property owner initiated annexation petitions.
2. Annexation proposal ANX-12-01074 is not subject to ORS 195 agreements or ORS 195 annexation plans;
3. Annexation proposal ANX-12-01074 is consistent with applicable provisions of the Urban Planning Agreement between Washington County and the City of Forest Grove dated October 25, 1988;
4. Annexation proposal ANX-12-01074 is consistent with applicable standards for boundary changes contained in the Forest Grove Comprehensive Plan Urbanization chapter and public facility plans including the Forest Grove Water Master Plan and Sewer Master Plan;
5. The property owner will be required to connect to the municipal sewer and water system when available;
6. Annexation proposal ANX-12-01074 is consistent with applicable standards for boundary changes contained in the Metro Regional Framework Plan or any functional plan;
7. Annexation proposal ANX-12-01074 is consistent with the applicable provisions of Statewide Planning Goal 14 regarding urbanization;
8. Annexation proposal ANX-12-01074 promotes and does not interfere with the timely, orderly and economic provision of public facilities and services; and
9. Annexation proposal ANX-12-01074 is consistent with criteria for a boundary change under state and local law including the Forest Grove Development Code.



ORDER NO. 2013-02

ORDER ASSIGNING A CITY OF FOREST GROVE ZONING DESIGNATION, CONSISTENT WITH THE FOREST GROVE COMPREHENSIVE PLAN MAP AS REQUIRED BY FOREST GROVE DEVELOPMENT CODE SECTION 10.2.160 AND 10.2.750, TO A TRACT OF LAND ANNEXED INTO THE CITY LIMIT OF FOREST GROVE. FILE NO. ZNC-13-00253

WHEREAS, Oregon Revised States Chapter 222.120 and ORS Chapter 222.125 establishes procedures for property owner initiated annexation petitions without election by city electors; and

WHEREAS, the City desires to annex the subject territory as shown on Exhibit A; and

WHEREAS, the zoning of said property is Washington County FD-10 (Future Development – 10 Acre Minimum); and

WHEREAS, the Planning Commission considered and recommended assignment of a zoning designation consistent with the Forest Grove Comprehensive Plan map as required by Forest Grove Development Code Section 10.2.160 and 10.2.750; and

WHEREAS, the Planning Commission findings and decision is attached as Exhibit B; and

WHEREAS, the Forest Grove Comprehensive Plan Map designates the property as C-Low with a target development density of 4.35 dwelling units per net acre; and

WHEREAS, the Planning Commission recommended assignment of the R-10 zoning designation to the subject property upon annexation; and

WHEREAS, the R-10 zoning district has a target development density of 4.35 dwelling units per net acre consistent with the C-Low Comprehensive Plan Map designation; and

WHEREAS, the Planning Commission held a duly-noticed Public Hearing on assigning a City of Forest Grove zoning designation to the subject property; and

WHEREAS, notice of the Planning Commission public hearing was mailed, published and posted as required by Article 1 of the Forest Grove Development Code; and

WHEREAS, a report was prepared as required by law (Exhibit C) and the City Council having considered the report and testimony at a duly-noticed Public Hearing on October 28, 2013, does hereby favor amendment to the Official Zoning Map as recommended by the Planning Commission.

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

Section 1. The City of Forest Grove City Council hereby approves amending the Official Zoning Map from Washington County FD-10 to City of Forest Grove R-10 as shown on Exhibit A.

Section 2. The findings and conclusions attached as Attachment B are hereby adopted.

Section 3. This Order is enacted by the City Council and shall be effective upon the implementation date of Ordinance No. 2013-12, Ordinance approving the annexation, City File No. ANX-12-01074.

PRESENTED AND PASSED on the 9th day of December, 2013

Anna D. Ruggles, City Recorder

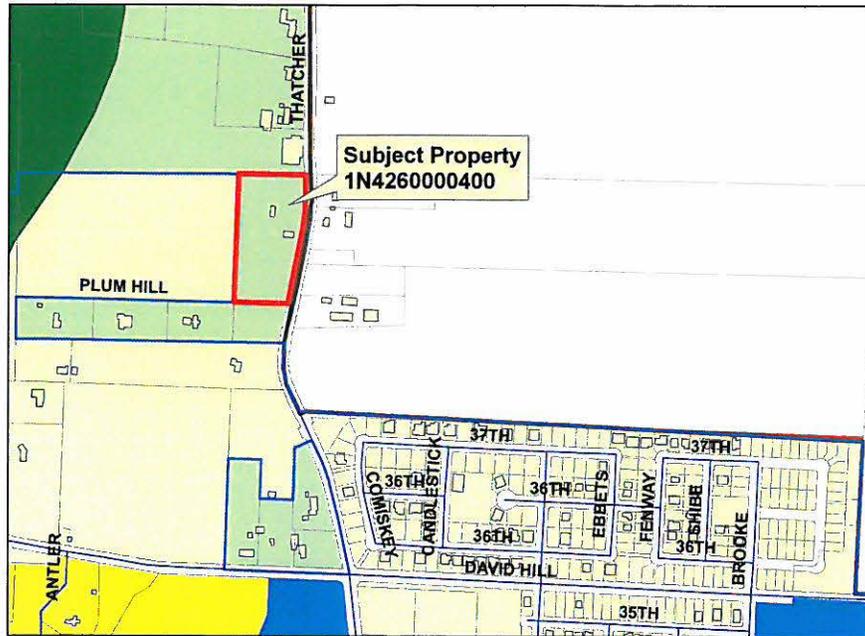
APPROVED by the Mayor this 9th day of December, 2014

Peter B. Truax, Mayor

EXHIBIT A

city of forest grove

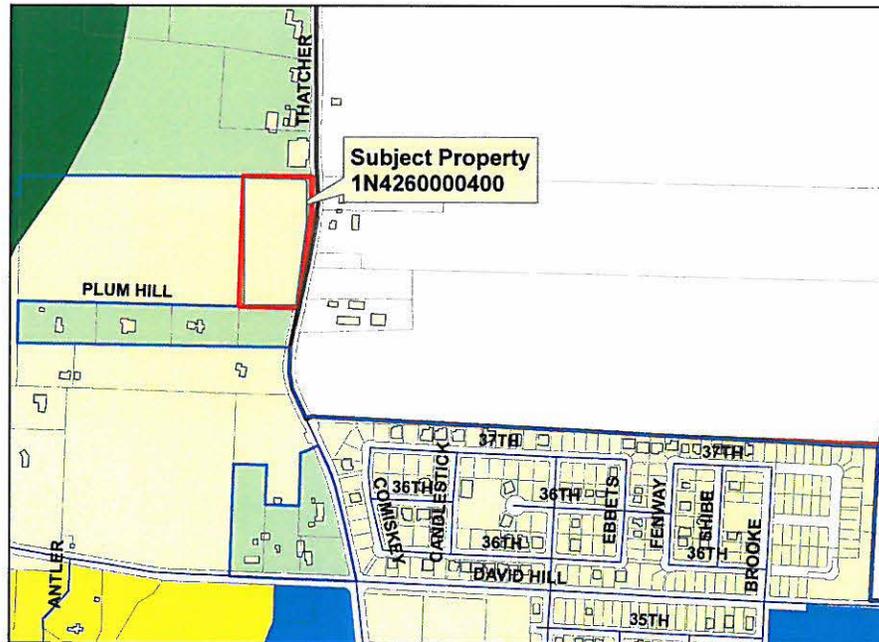
- Legend**
- City Limits
 - Taxlots
 - UGB
 - Current Zoning**
 - TCT
 - TCS
 - TCC
 - SR
 - RML
 - RMH
 - R-7
 - R-5
 - R-10
 - LI
 - INST
 - GI
 - FD-10
 - EFU
 - CPD
 - CN
 - CC



Zone Change (ZNC-13-00253)
Current Zoning

city of forest grove

- Legend**
- City Limits
 - Taxlots
 - UGB
 - Proposed Zoning**
 - TCT
 - TCS
 - TCC
 - SR
 - RML
 - RMH
 - R-7
 - R-5
 - R-10
 - LI
 - INST
 - GI
 - FD-10
 - EFU
 - CPD
 - CN
 - CC



Zone Change (ZNC-13-00253)
Proposed Zoning

Planning Commission Findings and Decision Number 2013-03 to assign City of Forest Grove Zoning Designation to Property Being Considered for Annexation Zone Change ZNC-13-00253

WHEREAS, the owner of property located at 3351 Thatcher Road (Washington County Map and Tax Lot 1N4260000400) submitted a property owner initiated annexation application on December 11, 2012, and January 31, 2013; and

WHEREAS, the application was deemed complete on March 6, 2013; and

WHEREAS, the Forest Grove Development Code Section 10.2.160 requires assignment of a zoning designation to property annexed into the City of Forest Grove; and

WHEREAS, the zoning of property must meet the review criteria in Section 10.2.770 of the Forest Grove Development Code; and

WHEREAS, on April 15, 2013, the Forest Grove Planning Commission held a duly-noticed public hearing to consider assigning a City of Forest Grove zoning designation to the subject property; and

WHEREAS, the Planning Commission finds that the proposed zoning designation of R-10 is consistent with the Forest Grove Comprehensive Plan Map and substantially complies with the review criteria of Section 10.2.770 of the Forest Grove Development Code.

The City of Forest Grove Planning Commission does hereby make the following findings and recommends the assignment of the R-10 zoning designation upon annexation of the subject property.

1. The Planning Commission adopts by reference the staff report including findings and recommendations dated April 15, 2013.

2. The zoning recommendation substantially complies with Development Code Section 10.2.770: *Zone Change Review Criteria* as follows:

A. The zone change is consistent with the Comprehensive Plan Map.

Finding: The recommended zoning designation of R-10 is consistent with and implements the C-Low Comprehensive Plan map designation. Therefore, the R-10 zoning is the most appropriate zoning designation for the subject property.

B. The zone change is consistent with the relevant goals and policies of the Comprehensive Plan, as identified by the Director.

Finding: The proposed annexation substantially complies with the urbanization policies of the Forest Grove Comprehensive Plan including the Urban Planning Area Agreement (UPAA) with Washington County. The UPAA requires annexation into the City of Forest Grove prior to development at urban densities.

The Washington County FD-10 (Future Development – 10 Acre Minimum Lot Size) zoning designation precludes urban development within the urban growth boundary until such time annexation occurs and a City zoning designation is assigned. Annexation and assignment of a City zoning designation is the first step toward making land available within the urban growth boundary of urban land use needs consistent with the urbanization policies of the Forest Grove Comprehensive Plan. Assignment of a City of Forest Grove zone change is a necessary part of the annexation of unincorporated territory surrounded by the City.

C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary, the factors to be considered in determining suitability are parcel size and location.

Finding: The subject property is approximately 5.4 gross acres in land area. The subject property could accommodate 19 to 24 dwelling units based on the recommended R-10 zoning designation. Residential development on the subject property is appropriate given the size of the parcel and location within an area of the community planned for future residential development. According to Metro, approximately 94% of the development capacity in the area, including the subject property, is projected to be absorbed by the Year 2025.

D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed zone change if it impacts transportation facilities.

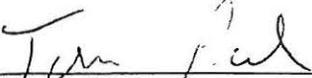
Finding: The recommended R-10 zoning designation is consistent with the land use designation shown on the Comprehensive Plan Map. Transportation needs, including levels of service, identified in the Forest Grove Transportation System Plan, are based on the land use designations shown on the Comprehensive Plan map and projected future development allowed by the Comprehensive Plan. Assignment of a City zoning designation, consistent with the Comprehensive Plan will not substantially impact the functional classification or operation of transportation facilities or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. The subject property is adjacent to Thatcher Road. Thatcher Road is designated as an Arterial Street in the Forest Grove Transportation System Plan.

E. Public facilities for water supply, sanitary waste disposal, stormwater disposal, and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of public services to accommodate those demands.

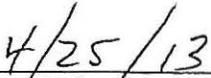
Finding: The subject property is within the Forest Grove planning area and urban growth boundary. The Comprehensive Plan and implementing ordinances promote the provision of public facilities in a timely and cost-effective manner to properties within the planning area and urban growth. Police and Fire protection are adequate to serve the residential uses allowed by the R-10 zone. The subject property is located more than 300 feet of an available sewer line. Although, water and sewer service is not currently available to serve the subject property, the City's water and sewer master plans address future provision of services within the area. Based on the master plans, future services will be adequate to serve the projected demands of the site. In addition, consistent with revisions to the Forest Grove Development Code, the City Engineer must certify the adequacy of services prior to development approval. Based on these considerations, the Planning Commission finds the recommended R-10 zoning substantially complies with the Comprehensive Plan. The Planning Commission also finds that the timing of service provision needed for a future development proposal is beyond the purview of the Planning Commission.

F. The establishment of a zone district is not subject to the meeting of conditions.

Finding: The recommended zoning designation is not subject to the meeting of conditions.



Tom Beck, Chair



Date



**Zoning Map Amendment
Staff Report and Recommendation**

REPORT DATE: April 8, 2013

HEARING DATE: April 15, 2013

REQUEST: Zoning Map Amendment

FILE NUMBER: ZNC-13-00253

PROPERT LOCATION: 3351 NW Thatcher Rd.

LEGAL DESCRIPTION: Washington County Tax Lot 1N331BB01300 (west of Thatcher Road)

APPLICANT: Bradford and Linda Taylor

PLAN DESIGNATION: C-Low (4.35 dwellings per acre)

CURRENT
ZONE DESIGNATION: Washington County FD-10 (Future Development)

PROPOSED
ZONE DESIGNATION: R-10 (4.35 dwellings per acre)

REVIEWING STAFF: Daniel Riordan, Senior Planner

RECOMMENDATION:

Notwithstanding the merits of the annexation and timing, staff recommends approval of the zone change from Washington County zoning designation FD-10 to City of Forest Grove zoning designation R-10 for property west of Thatcher Road (3351 Thatcher Road) concurrent with the proposed annexation of the subject territory into the City of Forest Grove.

EXHIBIT C

Background of Application

The property owners, Bradford and Linda Taylor, submitted a property owner initiated annexation petition for property located at 3351 Thatcher Road. Attachment A shows the general location of the subject property.

The area subject to the annexation petition is west of Thatcher Road and is approximately 5.4 acres in land area. The subject property is adjacent to undeveloped property immediately to the west currently within the city limits. The adjacent property was annexed to the City in 2007 through the voluntary annexation program. The adjacent property annexed in 2007 is similar to the subject property with respect to availability of municipal services and other constraints potentially affecting development as explained more fully below.

The property owner is pursuing annexation to allow for the future issuance of building permits. The property owner is considering a co-housing development that uses land sustainability with on-site treatment of waste water and sewage. Co-housing is a form of development where residents actively participate in the design and management of their neighborhood. Co-housing residents are committed to living as a community. The design of a co-housing development encourages social interaction as well as individual space. In a co-housing development private homes contain all of the features of a conventional home but residents also have access to extensive common facilities such as open space, courtyards, a playground and common buildings.

The property owner had preliminary discussion with the Engineering Division regarding the co-housing development concept. The Engineering Division made no final determination regarding the co-housing development concept or possible municipal service requirements necessary to serve such a development.

The Engineering Division informed the property owner that the first step in the development process is annexation into the City. Subsequent to discussions with the Engineering Division, the property owner filed the annexation petition since the City was already in the process of annexing unincorporated territory. The annexation of the subject property was not included with the island annexation process because forcible annexation of unincorporated islands is processed under ORS Chapter 222.750. This section of ORS Chapter 222 does not apply to voluntary property owner initiated annexations. Therefore, the annexation request is being processed separately.

Although the timing of the annexation could be considered premature given the lack of available sewer and water service, as explained below, a formal annexation application has been submitted by the property owner and accepted by staff. Therefore, the annexation is being processed pursuant with Article 2 of the Development Code. Filing of this formal annexation application provides an opportunity to formally consider the zoning and annexation of the subject property.

As stated above, the timing of this annexation petition presents some concern due to service availability especially sewer service. The nearest municipal water and sewer lines are located approximately 1,000 to 1,500 feet south of the subject property near

the Parks at Forest Grove development. Given the topography of the area and location of a creek it is unlikely a connection to the existing service lines south of the subject property will be possible. It should be noted, Clean Water Services is planning to extend a trunk line, north of David Hill Road and east of Thatcher Road within the Purdin Road urban reserve area, to serve future development in the David Hill area. Attachment B shows the long term conceptual plan for future sewer lateral and trunk lines prepared by Clean Water Services.

State law and the municipal code do not require that existing development connect to a sewer line if located more than 300 feet from the subject property. The concern is whether a situation similar to the Parks at Forest Grove development would be created if development on the subject property is pursued after annexation. This issue may be minimized since the Development Code amendments being considered by City Council which would require certification by the City Engineer of availability of water and sewer service prior to future development. It is possible that as the area to the west and south of subject property develops there will be a greater likelihood that sewer and water will be available to serve future development on the subject property when needed. Furthermore, as land develops in the vicinity there is the possibility that costs could be shared among benefitting property owners.

It should be noted, all of the land from the subject property to David Hill Road is within the City except for the three parcels adjacent to Plum Hill Lane. If services are extended along Thatcher Road, the distance between city limit boundaries is about 209 feet, making it possible from a cost standpoint to tight line a sewer line through the unincorporated area. However, this analysis does not consider engineering aspects of such a proposal.

The subject property is located outside of the Clean Water Services boundary. Annexation to the City will remove one barrier to future development; however, annexation into the Clean Water Services boundary will be required by Washington County prior to issuance of building permits. Annexation into the Clean Water Services boundary is approved by the Washington County Board of Commissioners.

General Background

Under the City of Forest Grove Development Code, property subject to annexation must be assigned a City of Forest Grove zoning designation (DC 10.2.160). Furthermore, before an annexation is deemed complete, the applicant shall initiate a zone change pursuant to Section 10.2.750 et. seq. Zoning of the property shall meet the review criteria in Section 10.2.770:

Development Code Section 10.2.770: Review Criteria

- A. The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the Correspondence Table in Article 3, it must be shown that the proposed zone is

the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

- B. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.
- C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary. The factors to be considered in determining suitability are parcel size and location.
- D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed zone change if it may impact transportation facilities.
- E. Public facilities and services for water supply, sanitary waste disposal, stormwater disposal, and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands.
- F. The establishment of a zone district is not subject to the meeting of conditions.

This report addresses the review criteria contained in Section 10.2.770.

Proposal Background

Bradford and Linda Taylor submitted an annexation petition on December 11, 2012 and resubmitted on January 31, 2013. The application for annexation and zone change was deemed complete by staff on March 6, 2013.

The City of Forest Grove Development Code (10.2.160) requires filing a concurrent zoning map amendment with the annexation petition. The purpose of the zoning map amendment is to bring the zoning of the subject property into conformance with Forest Grove Comprehensive Plan Map at time of annexation. The annexation petition was submitted to allow for development consistent with the City of Forest Grove comprehensive plan map and to obtain municipal services.

Zoning map amendments are processed through a Type III (Quasi-Judicial) review process under the Forest Grove Development Code. Under a Type III process, zoning map amendments are reviewed by the Planning Commission and approved by City Council. Annexation petitions are reviewed and approved by City Council.

The subject property (Washington County Map and Tax Lot #1N42600000400) is located approximately 3,029 feet north of David Hill Road. The subject property straddles Thatcher Road which also serves as the urban growth boundary. The area subject to the annexation is west of Thatcher Road. This affected land area is approximately 5.4 acres. The property has a single family home. According to the Washington County Assessment and Taxation Office, the 2012-2013 taxable assessed value of the subject property, including the area east of Thatcher Road is \$315,240. The portion of the tax lot east of Thatcher Road is approximately 0.45 acres. This portion of the tax lot is outside the urban growth boundary and is zoned and planned as Exclusive Farm Use. This area is not included in the annexation since the property owner would like to partition the EFU portion and sell it to a neighboring property owner. Discussions with Metro and the Oregon Department of Revenue indicate the City can annex only the portion of the subject property west of Thatcher Road.

Attachment A shows the location of the subject property and immediate vicinity. As the map indicates, access to the property is via Thatcher Road. Thatcher Road is classified as an arterial road by the Forest Grove Transportation System Plan.

The area to the north, to the south and to the east of the subject site are located in unincorporated Washington County. The area adjacent immediately to the west of the subject site is located in the City of Forest Grove.

Comprehensive Plan Map Designation (Attachment C)

The subject property west of Thatcher Road is designated C-Low by the Forest Grove Comprehensive Plan Map. The entire area within the urban growth boundary, north of David Hill Road and west of Thatcher Road, is designated C-Low on the Comprehensive Plan map. The small portion of the property east of Thatcher Road is outside of the urban growth boundary and is not subject to the Forest Grove Comprehensive Plan Map. Washington County uses a one map system meaning the comprehensive plan and zoning designations are the same. The portion of the property east of Thatcher Road is designated Exclusive Farm Use by Washington County.

The City's C-Low designation is a single family residential designation. The target development density of the C-Low designation is 4.35 dwelling units per net acre. This translates into an average lot size of 10,000 square feet. The minimum development density is 3.45 dwellings per net acre. Therefore, this parcel could accommodate about 19-24 units without considering land lost to roads or common tracts.

Zoning Designation (Attachment D)

Currently, the subject property is designated Washington County FD-10. The FD-10 zoning designation applies to unincorporated areas within the urban growth boundary subject to annexation by the City. The FD-10 zoning designation is a future development zone with a ten acre minimum lot size. A City zoning designation is assigned a property upon annexation into the City. Unless a comprehensive plan amendment is applied for and approved, the City zoning designation assigned to an annexed property is the one that most closely matches the Comprehensive Plan map designation.

Surrounding Land Use

The subject territory is located adjacent to the urban growth within an area identified for residential development. Currently the area has a rural character with some residential homes, accessory buildings, and agricultural and forest land uses.

Analysis of Criteria for Decision Making

Water and sewer are located approximately 1,880 feet (0.35 mile) south of the subject site. If necessary the property will be required to extend the water and sewer lines to serve development as required by the City code and approved by the City Engineer.

Analysis of Zoning Review Criteria

- A. The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the Correspondence Table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

Discussion: The recommended zoning designation is consistent with the comprehensive plan map. The Comprehensive Plan designation is C-Low. The C-Low plan designation allows for single family residential development and a target density of 4.35 dwellings per net acre. The proposed zone is R-10. The R-10 zone allows for single family residential at a target density of 4.35 dwellings per net acre.

- B. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.

Discussion: Based on the nature of the application the Director finds that the relevant goals and policies of the Comprehensive Plan include: Citizen Participation; Land Use; Housing; and Urbanization. This determination is based on the rationale for the zone changes which is the assignment of a city zoning designation for property considered for annexation into the City.

Citizen Participation

- 1. Encourage and facilitate citizen involvement and inter-agency coordination in the development, implementation and updating of the comprehensive plan.

Discussion: Opportunities for public involvement are provided through the public hearing process. Public hearings on annexation matters are held with the planning commission and City Council. The Planning Commission considers and recommends assignment of a City zoning designation to the subject property. The City Council considers the Planning Commission's zoning assignment recommendation and the merits of the annexation. The City Council adopts an

Order approving the zoning designation concurrent with the annexation. The City Council also adopts an Ordinance approving the annexation.

Notice of the Planning Commission public hearing was provided to property owners within 300 feet of the subject property on March 26, 2013. Notice was also posted at City Hall, the Forest Grove Community Auditorium and Forest Grove Library and the property was posted with a sign announcing the public hearing. In addition, notice of the public hearing was published in the Forest Grove News Times on April 10, 2013.

Land Use

1. Adopt land use map designations for all land use categories based on the findings, goals and policies in the Comprehensive Plan. Where redevelopment of an existing residential neighborhood is deemed necessary to accommodate other uses, standards shall allow mixing of uses when combined with the appropriate plan review for setbacks, screening, landscaping and compatibility with existing residential uses.

Discussion: The Forest Grove Development Code implements this provision of the Comprehensive Plan. Article 3 of the Development Code establishes permitted uses for land use designations. The proposed zone designation for the subject property is R-10. The R-10 zone is a single family residential zone providing opportunities for construction of needed housing.

Urbanization

1. Land shall be made available within the urban growth boundary to meet all urban land use needs.

Discussion: The urban growth boundary establishes the limits for long term land use needs. The annexation process makes unincorporated land within the urban growth boundary available for future development and provides an opportunity for the provision of municipal services necessary to support development. As land is annexed into the City a City zoning designation is applied to the property. Unless an amendment to the Comprehensive Plan Map is initiated and approved a zoning designation consistent with the Comprehensive Plan Map is applied to the property subject property. This zone change is consistent with Urbanization Goal 1 since it will make land planned for development available for development.

2. All lands within the UGB shall be assigned priorities for urban development. Priorities shall be based on the City's ability to provide urban services and the orderly and efficient timing of service extension. These priorities shall be the basis for making decisions on all development proposals and requests for annexation.

Discussion: The subject property is not a high priority for urban development given that existing water and sewer lines are located distant from the subject property. Annexation will treat the subject property similar to adjacent property located to the west annexed in 2007. Therefore, annexation will provide an opportunity for future development similar to nearby properties already in the City. The property owner may be required to extend water and sewer lines necessary to serve future urban development based on the type of development proposal and with approval of the City Engineer. Existing sewer and water lines are 1,000 to 1,500 feet to the south. This distance exceeds the 300 foot proximity requirement for required connections to the sewer system when a septic tank fails. As such, the property owner had discussions with the Engineering Division regarding acceptable alternative methods of on-site sewage disposal. Although, additional discussions are necessary to determine feasibility, this issue of sewer services touches on the timing of this annexation request as well as policy discussions about allowing alternative on-site sanitation within the City. Such questions, including whether on-site treatment should occur and if so, under what circumstances, need to be explored further. Since the provision for service certification by the City Engineer will be in place, the annexation could proceed while this policy issue is explored.

Metro's housing projections indicate that approximately 94% of the area north of David Hill Road and east of Thatcher Road within the urban growth boundary will be developed by the Year 2025.

3. Provide for an urban growth management strategy to set forth policies on the urbanization of vacant and agricultural land. The policies should cover the extension of water and sewer service, land partitioning requirements, zoning and annexations within the UGB. The strategy shall provide for the orderly and cost-efficient accommodation of anticipated growth for the next ten years.

Discussion: The City of Forest Grove has an Urban Planning Area Agreement (UPAA) with Washington County. The UPAA addresses the extension of water and sewer services, zoning and annexations within the urban growth boundary.

4. Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.

Discussion: This criterion presents the critical issue with this annexation, its timing. To receive services at this time would require the extension through unincorporated territory. Therefore, this criterion is not met and suggests the request is premature. However, the services, particularly sewer, could be tight lined through the unincorporated territory. As an alternative, service might be obtained from another unanticipated direction. As an interim solution, the City might consider an alternative sewerage treatment and disposal solution. An interim solution would likely require concurrence by the Washington County sanitarian and Clean Water Services prior to development approval and issuance of building permits.

Housing

1. Provide for an adequate supply of new housing thus avoiding shortages and adverse impacts on price, rents and choice of housing.

Discussion: Zoning property for residential development, in combination with the annexation process, expands the supply of land for construction of new housing within the Forest Grove portion of the urban growth boundary. Metro long range housing projections show approximately 94% of the subject area will be developed by the Year 2025. Annexation of the subject property is necessary to make the land available to meet this expected housing demand. Since assignment of the R-10 zoning designation, concurrent with annexation, supports an adequate supply of land for new housing this rezoning action meets the intent of this housing goal contained in the Forest Grove Comprehensive Plan.

2. Minimum density standards shall apply in all zones allowing residential use.

Discussion: Assignment of the R-10 zoning designation to the subject property will establish a minimum density of 3.48 dwellings per net acre. The target density of the R-10 zone is 4.35 dwellings per acre.

- C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary. The factors to be considered in determining suitability are parcel size and location. Discussion:

Discussion: The site is suitable for the proposed R-10 zone. The subject property is designated C-Low on the Forest Grove Comprehensive Plan Map. The R-10 zone implements the C-Low zoning designation. The land area of the property subject to the annexation is approximately 5.4 acres. Under the R-10 zoning designation, the subject site could accommodate 24 dwelling units if developed at the target density of 4.35 dwellings per acre. The subject property is located within an area identified for future residential development. Metro growth projections suggest that 94% of the residential development capacity will be absorbed by the Year 2025.

- D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed zone change if it may impact transportation facilities.

Discussion: Complete build-out of the site under the City proposed zone designation could generate between 19 to 24 peak hour trips bade in the Institute

of Transportation Engineers Trip Generation manual. The zone change is consistent with the Forest Grove Transportation System Plan. The TSP assumes development and associated traffic impacts based on adopted Comprehensive Plan Map designations. The assignment of a City zoning designation to property considered for annexation implements the adopted Comprehensive Plan Map designation. The Transportation System Plan is based reflects expected travel demand over the next 20 years. Thatcher Road is classified as an arterial street on the Forest Grove Transportation System Plan map. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan.

- E. Public facilities and services for water supply, sanitary waste disposal, stormwater disposal, and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands.

Discussion: Currently water and sewer service are not provided by the City of Forest Grove. The property owner will be required to extend water and sewer lines to City specifications to support future development. Forest Grove Police Department and Forest Grove Fire and Rescue are capable of providing service to the subject property. The subject site is planned for single family residential development on the Forest Grove Comprehensive Plan. Public facilities and services for water supply, sanitary waste disposal, stormwater disposal are not in place to serve the site. Contingent on the type of development proposed after annexation, the property owner may be required to extend water and sewer lines to support the development. Police and fire protection services are capable of supporting the single family residential use allowed by the R-10 zone. The projected service demand of the subject site is 24 single family residential homes. The average household size in Forest Grove is 2.7 persons. Therefore, this zone change could result in a service demand of approximately 64 additional persons.

- F. The establishment of a zone district is not subject to the meeting of conditions.

Discussion: This zone change is not subject to conditions.

Metro Functional Plan Requirements

The proposed zone change is consistent with the Metro Functional Plan. The Metro Functional Plan implements the Metro Regional Framework Plan (Region 2040 Growth Concept). The Functional Plan is divided into various Titles addressing specific policy areas. Titles applicable to this request include Title 1 (Requirements for Housing and Employment Accommodation); Title 7 (Housing Choice); and Title 8 (Compliance Procedures).

Title 1

Discussion: One goal of the Framework Plan is the efficient use of land. Title 1 promotes the efficient use of land within the urban growth boundary by increasing the capacity of land to accommodate housing and employment.

The proposed Zoning Map Amendment meets the intent of Title 1 by promoting the efficient use of land within the urban growth boundary. Rezoning the property to R-10 will allow for the construction of single family residential structures within the urban growth boundary consistent with the Forest Grove Comprehensive Plan.

Title 7

Discussion: Cities within the Metro region must ensure that their comprehensive plans and implementing ordinances, including the Zoning Map, include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.

The proposed zoning map amendment will increase the supply of housing within the urban growth boundary. The R-10 zoning district allows for a variety of housing options including single family detached, single family attached, accessory units, duplexes, and manufactured homes on individual lots.

Title 8

Discussion: Title 8 requires that amendments to comprehensive plans and implementing ordinances comply with Metro Functional Plan. The proposed zoning map amendment complies with the Metro Functional Plan for the reasons stated above.

Statewide Land Use Planning Goals

The proposed zone change is consistent with applicable Statewide Land Use Planning Goals. Applicable goals include: Goal 1: Citizen Involvement; Goal 2: Land Use Planning; Goal 10: Housing; Goal 11: Public Facilities and Services; Goal 12: Transportation; and Goal 14: Urbanization.

Goal 1: Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Discussion: Opportunity for citizen involvement occurred during development of the Forest Grove Comprehensive Plan. The Comprehensive Plan establishes the policy framework for land use decisions within the Forest Grove portion of the Portland regional urban growth boundary. Opportunity for citizen involvement was provided through the zone change public hearing process. Public notices are published in the Forest Grove News Times and mailed to property owners within 300 feet of the subject property. In addition, the property is posted with a public hearing announcement.

Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to the use of land and to assure an adequate factual base for decision and actions.

Discussion: The Forest Grove Comprehensive Plan and Development Code establish the policy and process framework for land use decisions within the City of Forest Grove. The Forest Grove Development Code includes the criteria for evaluating zone changes.

Goal 10: Housing. To provide for the housing needs of the citizens of the state.

Discussion: The R-10 zone is intended for development of housing at a target density of 4.35 dwelling units per acre. Detached single family housing is the most common housing type in the R-10 zone. Accessory dwelling units, duplexes, and attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use approval.

The proposed Zoning Map Amendment meets the intent of Goal 10 by promoting the efficient use of land within the urban growth boundary. Rezoning the property to R-10 will allow for the construction of residential structures within the urban growth boundary.

Goal 11: Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Discussion: The subject property is not located within 300 feet existing public facilities (water and sewer service). In addition, annexation of the subject property is not required for the extension of public facilities to serve nearby property. Therefore, this annexation proposal does not directly support a timely, orderly and efficient arrangement of public facilities to serve as a framework for urban and rural development.

Goal 12: Transportation. To provide and encourage a safe, convenient, and economic transportation system.

Discussion: The subject territory is located adjacent the Thatcher Road. Thatcher Road is classified as an arterial road in the Forest Grove Transportation System Plan.

Goal 14: Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Discussion: The Urban Planning Area Agreement (UPAA) between Forest Grove and Washington County establishes the process for an orderly and efficient transition from rural to urban land use within the urban growth boundary. The UPAA gives Forest Grove planning responsibilities for unincorporated land within the Forest Grove portion of the Portland regional urban growth boundary. The annexation process promotes the orderly transition since municipal service cannot be extended until land is annexed into the City. The annexation process requires a zone change. In this case the zone change is from Washington County FD-10 to Forest Grove R-10.

Comprehensive Plan Compliance

The proposed zoning map amendment complies with the Forest Grove Comprehensive Plan. If approved, the zoning map amendment will apply a zoning designation (R-10) that is consistent with and implements the C-Low Comprehensive Plan designation.

Citizen Participation Goals and Policies

Discussion: The zoning map amendment is consistent with Comprehensive Plan citizen participation goals and policies. The Comprehensive Plan encourage and facilitate citizen involvement and inter-agency coordination in the development, implementation and updating of the comprehensive plan. Opportunities for citizen involvement are provided through the public hearing process. Public hearings are held with the Planning Commission and City Council. Notice of the public hearing is provided to property owners within 300 feet of the subject property, posted at the property, published in the Forest Grove News Times and posted at City Hall, Library, and at least one other location in the City. Notice was also sent to the Oregon Department of Land Conservation and Development. In addition, the proposal was discussed with Metro.

Land Use Goals and Policies

Discussion: The zoning map amendment is consistent with Comprehensive Plan land use goals and policies. The land use chapter of the Comprehensive Plan establishes land use map designations for all land use categories based on the findings goals and policies in the Comprehensive Plan. The Forest Grove Development Code implements this provision of the Comprehensive Plan. Article 3 of the Development Code establishes permitted uses for land use designations. The proposed zone designation for the subject property is R-10. The R-10 zone is a single family residential zone providing opportunities for construction of needed housing identified by the Comprehensive Plan.

Housing Goals and Policies

Discussion: The Housing Chapter of the Comprehensive Plan establishes policies for supply of housing. In particular, the Plan calls for an adequate supply of new housing to avoid shortages and adverse impacts on price, rents, and choice of housing. Zoning property for urban residential development, in combination with the annexation process, expands the supply of land for construction of new housing exists within the Forest Grove portion of the Portland regional urban growth boundary. As result this zone change application meets the intent of the housing goal contained in the Forest Grove Comprehensive Plan. The plan also calls for establishing minimum density standards in all zones allowing residential development. The Forest Grove Development Code implements this provision of the Comprehensive Plan. The Development Code establishes minimum density standards for all zoning districts. The minimum density of the R-10 zone is 3.48 dwellings per net acre.

Legal Notice

Changes to the Zoning Map are classified as a Type III (Quasi-Judicial) land use decision. Notice of the public hearing on Type III applications are provided in accordance with the provisions of ORS 197 .763 and Section 10.1.610 of the Forest Grove Development Code. Notice must be published in a newspaper of general

circulation at least five days before the public hearing. Notice of the public hearing for this request was provided to the Forest Grove News Times for publication on April 10, 2013.

Notice of the hearing must also be sent by mail at least twenty days before the public hearing to interested parties including the applicant and all property owners within 300 feet of the boundaries of the subject property. Notice was sent by mail to interested parties on March 26, 2013.

In addition to the published notice a notice must be posted in three conspicuous places in the City. Notice of the public hearing was placed in the Forest Grove City Hall, Forest Grove Community Auditorium and Forest Grove Library. Notice of was also posted near the affected property.

Notice of this matter will also be provided in a similar manner as above in advance of the City Council hearing to consider an order approving the zoning recommendation and ordinance approving the annexation.

Conclusion

Based on the staff analysis the proposed zone change from Washington County FD-10 to Forest Grove R-10 at 3351 Thatcher Road, as shown on Attachment A, meets the review criteria contained in Forest Grove Development Code and policies contained in Forest Grove Comprehensive Plan, Metro Urban Growth Management Functional Plan, and the Oregon Statewide Land Use Planning Goals.

Alternatives

The Planning Commission has the following alternatives:

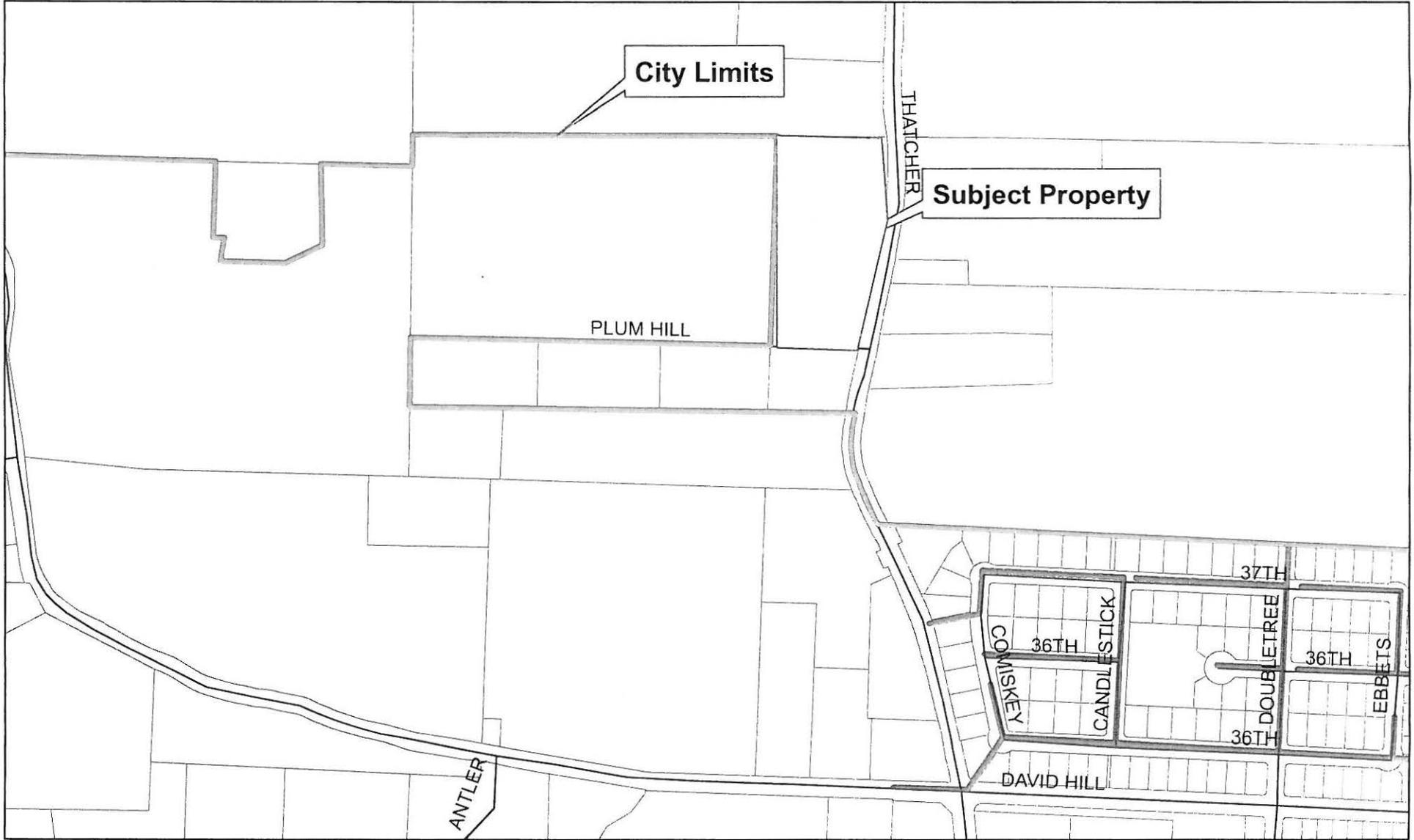
1. Recommend approval of the zoning map amendment as proposed;
2. Deny the zoning map amendment as proposed; or
3. Continue the matter for further consideration.

Recommendation

Notwithstanding the merits of the annexation and timing, staff recommends approval of the zone change from Washington County zoning designation FD-10 to City of Forest Grove zoning designation R-10 for property west of Thatcher Road (3351 Thatcher Road) concurrent with the proposed annexation of the subject territory into the City of Forest Grove.

Attachments

- A. Vicinity Map
- B. Clean Water Services Sewer Line Map
- C. Comprehensive Plan Map
- D. Zoning Map



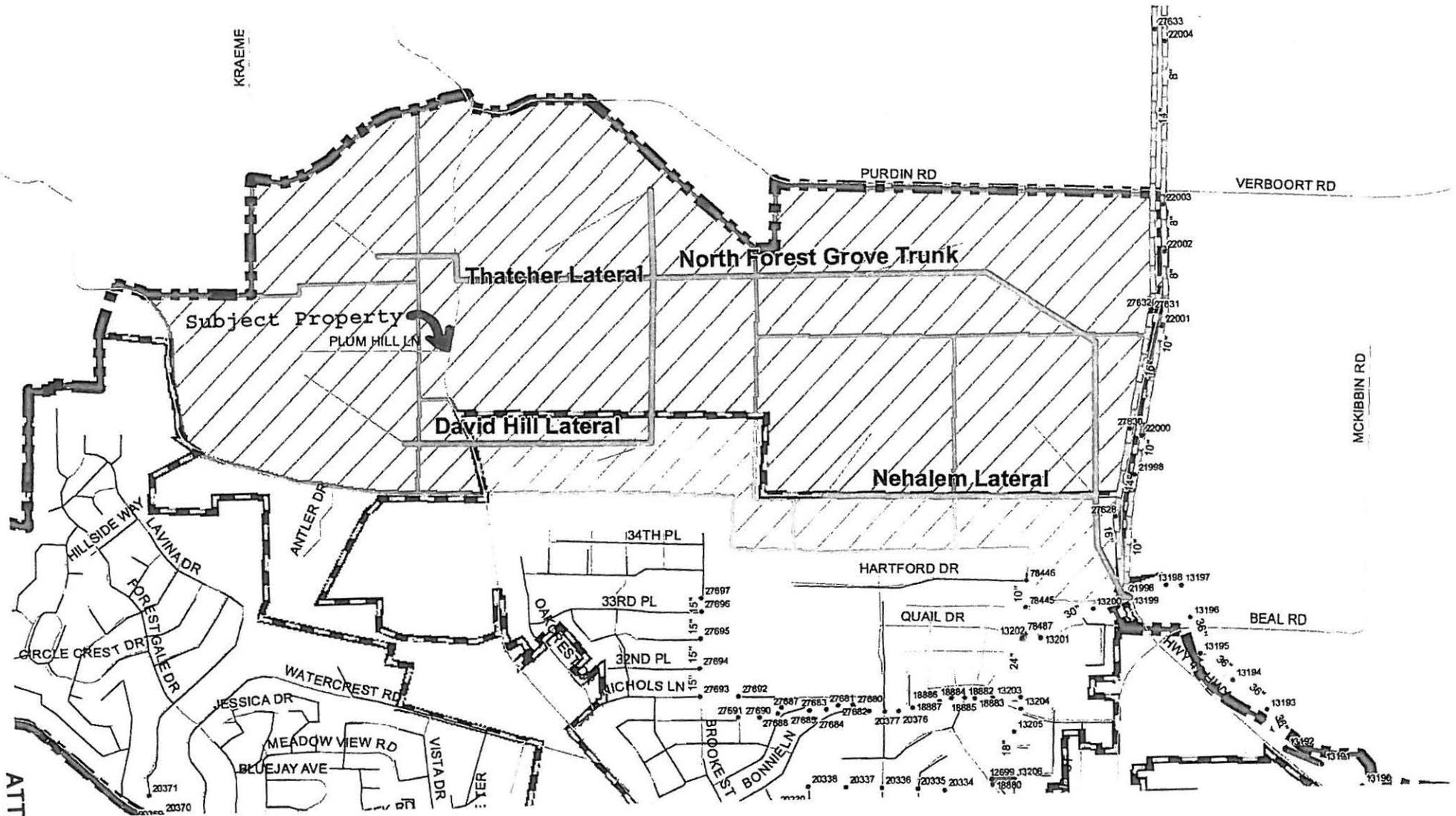
ATTACHMENT A



— Sewer Lines

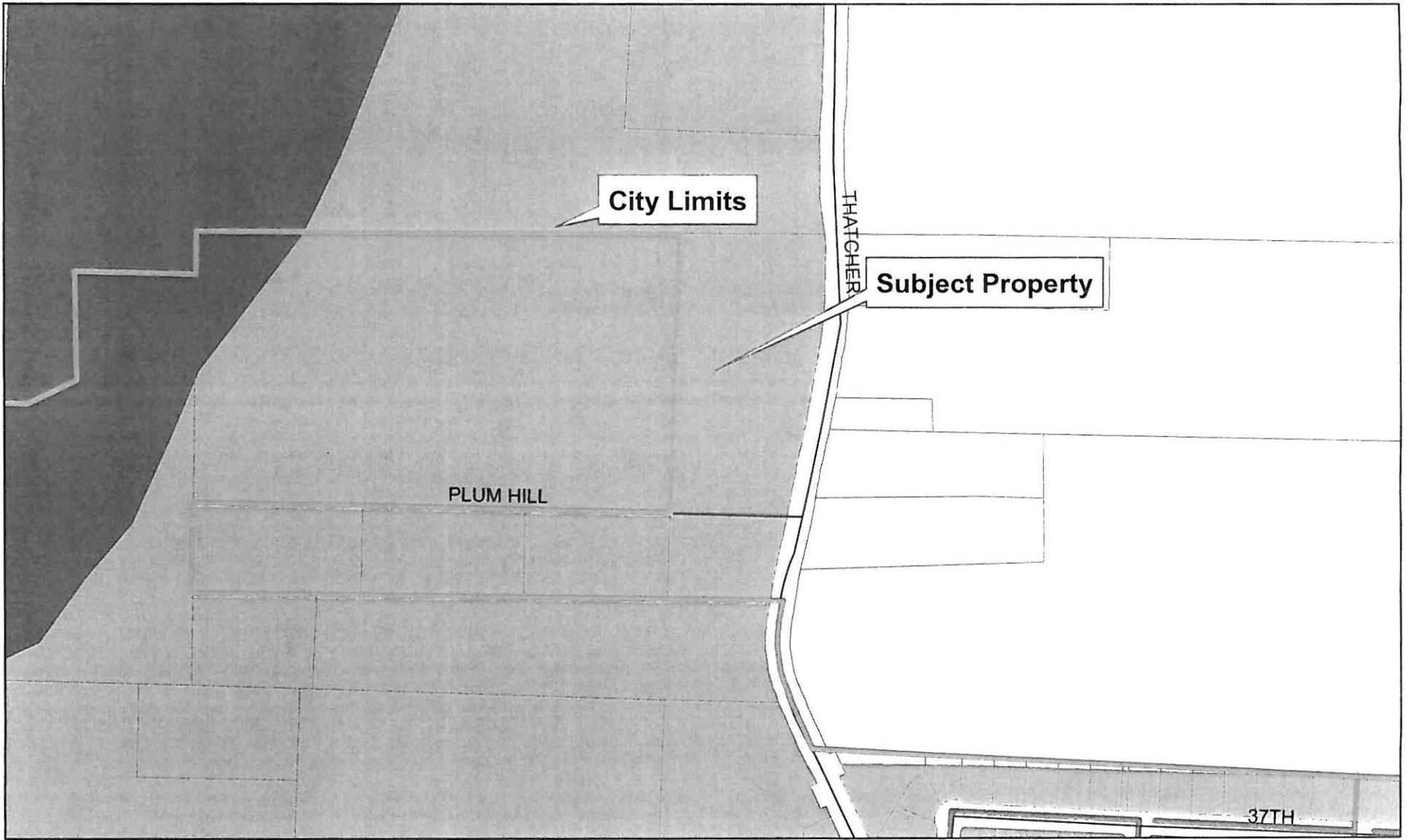
**Annexation Petition
Tax Lot 1N331BB01300
Vicinity Map**





ATTACHMENT B

Dark Blue Line = Sanitary Basin Boundary
 Light Blue Line With Cross Hatching = Future Growth Area
 Purple Line = Future Sewer



Plan Designations

COMP_PLAN

-  C-Low
-  D-Suburban
-  EFU



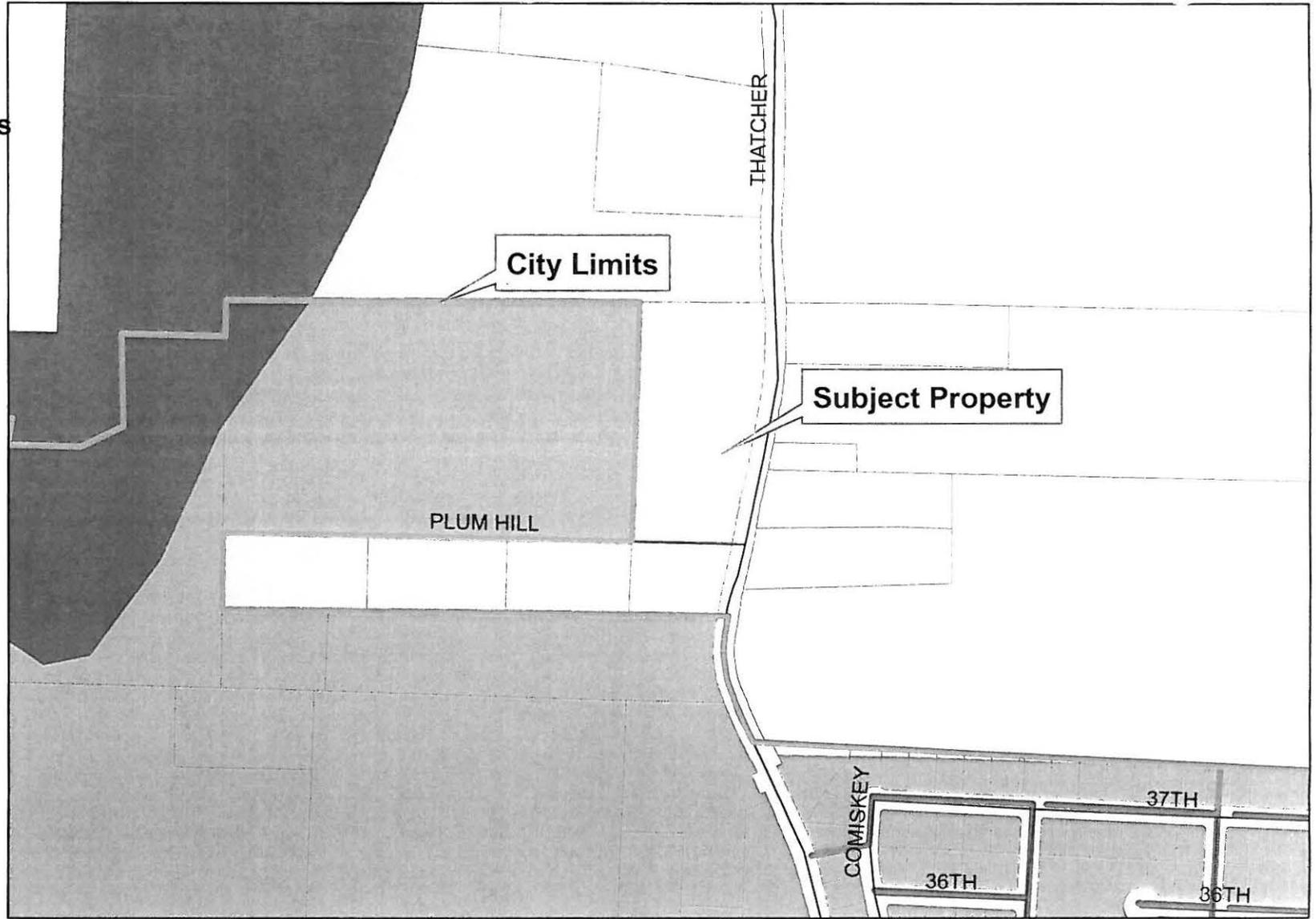
**Annexation Petition
Tax Lot 1N331BB01300
Plan Designations**



Zoning Designations

ZONING

-  CC
-  CN
-  CPD
-  FD-10
-  GI
-  INST
-  LI
-  R-10
-  R-5
-  R-7
-  RMH
-  RML
-  SR
-  TCC
-  TCS
-  TCT



ATTACHMENT D



**Annexation Petition
Tax Lot 1N331BB01300
Zoning Designations**



December 9, 2013

**STAFF REPORT AND ORDINANCE REPEALING AND REENACTING CHAPTER 6
OF THE FOREST GROVE CODE, ENTITLED "VEHICLES AND TRAFFIC",
AND AMENDING CODE SECTIONS 3.210, 5.060, AND 9.620**

PROJECT TEAM: Sue Hudson-Rau, Municipal Court Supervisor
Paul Downey, Director, Administrative Services
Anna Ruggles, CMC, City Recorder
Michael Sykes, City Manager

ISSUE STATEMENT: Staff has embarked on an effort to streamline Chapter 6 of the Forest Grove Code, relating to vehicles and traffic/parking regulations. With this effort, some amendments are also suggested to Chapter 5 (Public Protection) and Chapter 9 (Planning Provisions) for purposes of clarity and consistency. On September 9 and November 25, 2013, staff held work sessions with Council and reviewed the proposed amendments and addressed concerns and/or inquiries from the Council. Staff also met and reviewed the proposed amendments, addressed concerns and/or inquiries, with the Economic Development Commission on September 12th and Public Safety Advisory Commission on September 25, 2013.

DISCUSSION: Chapter 6 of the Code authorizes enforcement of specified traffic and vehicle regulations within the City. There are inconsistencies in Chapter 6, as well as Code Section 3.210, 5.060, and 9.620, of the Code making it increasingly challenging to enforce and administer the Code. The proposed Code amendments, which consist of minor housekeeping items, such as transferring certain sections of the code to new areas as well as renumbering code sections for better flow within the code; new definitions were added, minor language amendments were made and certain sections were deleted due to provisions in the code not consistently followed by the public and are cumbersome to enforce by the City. Attached to the staff report are the following:

Attachment 1 to Staff Report: Cross-Reference (showing renumbering)

Attachment 2 to Staff Report: Existing Code, Chapter 6

The staff report is organized by sections contained in Chapter 6 of the Code, and notes the proposed amendments as outlined in Exhibit A of the Ordinance:

Section 6.010 DEFINITIONS

Additional definitions were added to Chapter 6 for clarity, and all definitions were moved to the start of Chapter 6, with the exception of the abandoned vehicles and discarded vehicles definitions, which are left in their existing sections.

- ◆ Most of the definitions are considered housekeeping items to add clarity.
 - The definition for “Curbed Parkway” was added. This distinguishes those parkways with a curb versus those without. Under the section “Parking Regulations”, parking is prohibited on parkways that are bounded by a curb.
 - The definition of “Enforcement Officer” was added. This enables the City to have flexibility in assigning City positions to enforce parking, and makes it more consistent with the Oregon Revised Statutes.

Section 6.015 – 6.030 ADMINISTRATION

Amendments in this section include changing “Police Officer” to “Enforcement Officer” to enable the City to have flexibility in assigning City positions to enforce parking.

Section 6.035 CONSTRUCTION ZONES

Moved from Section 6.260 and renumbered to the above-noted new section. No amendments otherwise.

Sections 6.040 – 6.050 TRAFFIC CONTROL DEVICES

This new section consolidates language pertaining to traffic control devices from other areas of the code. Sections 6.025, 6.030 and 6.430 are renumbered to the above-noted new sections. No amendments otherwise.

Sections 6.055 – 6.105 GENERAL REGULATIONS AND PENALTIES

- ◆ Penalties are added to certain regulations for clarity.
- ◆ **Section 6.065:** Adding regulation against throwing rubbish from a vehicle, or bicycle.
- ◆ **Section 6.070:** Speed limits in public parks renumbered from Section 6.105.
- ◆ **Section 6.075:** For the purposes of prohibiting skateboarding, roller skating, bike riding, etc., on City sidewalks in certain areas. The proposed boundaries are identified as sidewalks north of 19th Avenue to 21st Avenue and sidewalks east of B Street to Cedar Street; in any public parking lot or where otherwise posted.
- ◆ **Section 6.080:** Replaced “roadside planting strip” with curbed parkways. This prohibits driving on a curbed parkway.

- ◆ **Section 6.090:** New language has been added that replaces the previous time limits on parking for 48 hours and storing a vehicle of 7 days. The new language consolidates both of these restrictions for a period in excess of 72 continuous hours, and adds public property.
- ◆ **Section 6.090 (3):** New language has been added to clarify that personal property, such as rocks, dirt, a POD, etc, cannot be stored on a street or public property, including a curbed parkway, in excess of 24 continuous hours, unless an exception is granted from the City.
- ◆ **Section 6.095:** This section was expanded to include the prohibition against obstructing alleys and public ways, and exchanges specific items that block with more generic language, to clarify that nothing should prevent the passageway of pedestrians and traffic, nor obstruct a driver's view.

Sections 6.105 – 6.110 PEDESTRIANS

Moved from Section 6.320, added new language regarding penalties to the regulations in this section for better clarity

Sections 6.115 – 6.125 BICYCLES

Moved from Sections 6.275 – 6.295

- ◆ **Section 6.115 (2):** Changes make language consistent with earlier language demarking where it is prohibited to ride a bike, skateboard, roller skate, etc.
- ◆ **[Prior] Sections 6.280, 6.285, Section 6.130:** Staff is proposing to delete language requiring bicycle owners to obtain a license, requiring rental bikes to have a license, and requiring bicycle dealers to report the names and addresses of bicycle purchases to the Forest Grove Police Department. These provisions of the code are not consistently followed by the public and are too cumbersome to enforce by the City as discussed in Council work sessions.

Sections 6.130 – 6.160 PARADES AND PROCESSIONS (Events)

Moved from Sections 6.340 – 6.360 and made language amendments for consistency with current policies and added language to require proof of liability insurance and estimated need of public safety personnel, and moved existing violations and penalties below the section for better flow.

Sections 6.200 – 6.245 PARKING REGULATIONS

- ◆ **Section 6.205:** This new section incorporates the State's motor vehicle law and makes prohibitions against stopping, standing or parking a vehicle City Code violations instead of violations of the State's motor vehicle law. This should help clarify prohibitions for citizens, and consolidates for the City all the prohibitions into one place, without having to cross-reference State law.

Not reflected in State law is the prohibition against parking on a curbed parkway. New language in the City Code makes it a parking violation to park on a curbed parkway, subject to a \$15.00 parking fine.

Staff also amended Section 9.620 by stating no parking or driving may occur upon a curbed parkway.

- ◆ **Section 6.210:** This section modifies the prior Prohibited Parking section, by consolidating language regarding timed parking and consolidating the list of types of vehicles prohibited from parking in a residential zone.

The proposed language clarifies that parking is prohibited in excess of maximum designated parking times, both on city streets and on public property, which includes City parking lots. Additionally, it reinforces the 72 continuous hour time limit for parked vehicles, on public streets and public property.

The list of vehicles parking in a residential zone which are restricted from parking within 50 feet of an intersection decreased from 16 specific descriptions to a list of 6 more generically described vehicles, and the restriction for parking near a driveway was reduced to 15 feet of a driveway.

Additionally, language clarifies that trailers or other personal property cannot be parked on a public street or property for the primary purpose of servicing or repairing and/or using it to advertise or sell merchandise. The provision of displaying it for sale has been removed at the recommendation of the City Attorney due to it is subject to “free expression”.

- ◆ **Section 6.215:** Adds to the exemptions to prohibited parking the ability to park momentarily to pick up or drop off a passenger.
- ◆ **Section 6.240:** This section regarding recreational vehicle stay is renumbered from Chapter 5, Section 5.247, to consolidate language pertaining to vehicles and parking in Chapter 6. The language also strikes out the ability for a person to live in their RV on public property, unless otherwise permitted by the City Manager, or designee. The result is that a person could park an RV on public property – such as a street or in a parking lot – subject to the parking rules, but they could not live in their RV.

If a person is to live in an RV, they need to do so on private property, or where otherwise designated, and can only do so for 14 days in a calendar year, in accordance with existing code, and unless otherwise permitted by the City Manager or designee.

- ◆ **Section 6.245:** Moved existing violations and penalties below the section for better flow. Fines are either set by Council resolution, and at this time is \$15 for a parking violation, or are outlined in State statute, or are set at a minimum of \$100 and are capped at \$250. Staff will bring back a proposed resolution re-setting the parking fine violations after second reading of the proposed ordinance for Council consideration.

Sections 6.300 – 6.315 PARKING CITATIONS AND OWNER RESPONSIBILITY

- ◆ **Section 6.300 (1):** Changes timeframe to answer parking citation from 5 days to 10 days. The original language was not consistent – other sections allow 10 days, so this amendment makes it consistent. The days are considered calendar days.
- ◆ **Section 6.300 (2):** This new section clarifies that the parking citation will include the penalties imposed for failure to comply, and clarifies that it is the owner's responsibility, not the operator, to respond within 10 days of the ticket being issued, or the fine will double.
- ◆ **Section 6.305:** This section is re-worded to be more clear, stating the owner of a vehicle which received a parking ticket has 10 days (calendar days, not business days), and that the fine doubles if no action is taken within those 10 days. The language also clarifies that if the vehicle is immobilized or impounded due to unpaid parking citations, the owner must pay the fines and other fees and charges, or the vehicle may be sold or disposed of.

Sections 6.405 – 6.430 RESIDENTIAL PARKING PERMIT

Renumbered from Sections 6.200 – 6.235.

- ◆ **Section 6.415(3):** Adds “posted” to time limits.

Sections 6.500 IMPOUNDING VEHICLES

Renumbered from Sections 6.420. No changes.

Sections 6.600 – 6.670 ABANDONED VEHICLES

Renumbered from Sections 6.505 to 6.585

Staff drafted language consistent with State law, reducing the timeframe from when an abandoned vehicle is first observed to when it is towed off the street. Currently, this process takes at a minimum 7 days, and usually more. Staff is proposing language that an officer posts a notice on a vehicle 24 hours after the vehicle was first observed. This notice would state the owner of the vehicle has 24 hours after posting the notice to remove the vehicle or it will be towed.

- ◆ **Section 6.600:** This section more clearly defines an abandoned vehicle, and also adds trailers to the definition. Definitions that were previously part of this section have been consolidated to the beginning of Chapter 6.
- ◆ **Section 6.635:** This section clarifies that the decision of the Municipal Judge is final and not subject to appeal. This is consistent with the Oregon Revised Statutes.

Sections 6.700 – 6.765 DISCARDED VEHICLES

Renumbered from Sections 6.605 – 6.670.

- ◆ **Section 6.700:** This section more clearly defines a discarded vehicle, and also adds boats, aircraft, recreation vehicles and trailers to the definition. Definitions that were previously part of this section have been consolidated to the beginning of Chapter 6.
- ◆ **Section 6.710:** This section allows for a discarded vehicle to be kept on private property up to 72 hours. Prior language did not allow a discarded vehicle to be kept for any period of time.

Sections 6.800 – 6.825 TOWING OPERATORS

Renumbered from Sections 6.705 – 6.730. No changes.

Exhibit B of the Ordinance is as follows:

Code Section 3.210 – amended to 72 hours be consistent with Code Section 6.090

Code Section 5.060 – deleting in its entirety and replaced within Code Sections 6.100 and 6.210(8)

Code Section 9.620 – added “curbed”, so that riding, driving and parking is prohibited on a curbed parkway.

FISCAL IMPACT: These proposed code amendments will not have any direct fiscal impact. No new penalties are added; existing language pertaining to penalties and violations are renumbered. However, it is anticipated that these changes will result in less staff time being directed toward parking and vehicle violations, and will make the process more efficient and clear for all involved.

STAFF RECOMMENDATION: Staff recommends the City Council adopt the attached ordinance repealing and reenacting Chapter 6 of the Code, entitled “Vehicles and Traffic” as outlined in Exhibit A and amending Code Sections 3.210, 5.060, and 9.620 as outlined in Exhibit B.



November 27, 2013

NewsTimes

Legal Ads/Public Notice:

To be published: Wednesday, December 4, 2013

NOTICE OF PUBLIC HEARING

PROPOSED ORDINANCE AMENDING FOREST GROVE CITY CODE PERTAINING TO VEHICLES AND TRAFFIC REGULATIONS AND PENALTIES

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, December 9, 2013**, at **7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider adopting an ordinance that would repeal and reenact existing Code Chapter 6, Vehicles and Traffic, to adopt provisions regulating general vehicle and traffic regulations and penalties, including abandoned, discarded and impounded vehicles; parking regulations and citations; bicycles; and parade-related events within the City limits. The proposed ordinance, if enacted by the City Council, would take effect 30 days immediately after enactment unless City Council declares an emergency.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed ordinance are available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, PO Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please call Anna Ruggles, City Recorder, at 503.992.3235.

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

Published December 4, 2013

**Attachment 1 to Staff Report
Code Chapter 6, Vehicles and Traffic
Code Section – Cross-Reference**

Old No.	New No.
6.005	Same
6.010	Same
6.015	Same
6.020	Same
6.025	6.040
6.030	6.020
6.035	6.025
6.040	6.030
6.045	6.050
6.070	6.055
6.075	6.060
6.080	6.075
6.085	6.080
6.090	6.085
6.095	6.090
6.100	6.095
6.105	6.070
6.150	6.200
6.155	6.205
6.160	6.210
6.165	6.210(1)
6.170	6.210(3)
6.175	6.220
6.180	6.225
6.185	6.230
6.190	6.235
6.195	6.215
6.200	Deleted

Old No.	New No.
6.205	6.405
6.210	6.410
6.215	6.415
6.220	6.420
6.225	Deleted
6.230	6.425
6.235	6.430
6.260	6.035
6.275	6.115
6.280	Deleted
6.285	Deleted
6.290	Deleted
6.295	6.120
6.320	6.105
6.325	6.110
6.340	6.130
6.345	6.135
6.345(4)	6.140
6.350	6.145
6.355	6.150
6.360	6.155
6.380	6.300
6.385	6.305
6.390	6.310
6.395	6.315
6.420	6.500
6.425	6.245
6.430	6.045
6.505 – 6.585	6.600 – 6.655
6.605 – 6.670	6.700 – 6.765
6.705 – 6.730	6.800 – 6.825

ATTACHMENT 2

EXISTING CODE

CHAPTER 6
VEHICLES AND TRAFFIC

CHAPTER 6

VEHICLES AND TRAFFIC

STATE LAW ADOPTION

6.005 Applicability of State Traffic Laws.

Oregon Revised Statutes, Chapter 153, and the Oregon Vehicle Code, ORS Chapter 801 to 822, are adopted by reference. Violation of an adopted provision of those Chapters is an offense against the City.

DEFINITIONS

6.010 Definitions.

In addition to the definitions contained in the Oregon Vehicle Code, the following mean:

Bus Stop. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

Loading zone. A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

Person. A natural person, firm, partnership, association, or corporation.

Street. The terms "highway", "road", and "street" shall be considered synonymous, unless the context precludes such construction. "Street" includes alleys.

Traffic lane. That area of the roadway used for the movement of a single line of traffic.

ADMINISTRATION**6.015 Powers of Council.**

(1) Subject to State laws, the City Council shall exercise all municipal traffic authority for the City except those powers specifically and expressly delegated by this Code or City ordinance.

(2) The powers of the Council include, but are not limited to:

- (a) Designation of through streets.
- (b) Designation of one-way streets.
- (c) Designation of truck routes.
- (d) Initiation of proceedings to change speed zones.
- (e) Revision of speed limits in parks.
- (f) Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
- (g) Establishment of size and weight limitations governing the use of City streets.

6.020 Duties of the City Manager.

The City Manager or designee shall exercise the following duties:

- (1) Implement the ordinances, resolutions and motions of the Council and his or her own orders by installing, maintaining, removing and altering traffic control devices. The installation shall be based on the standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways".
- (2) Establish, remove or alter the following classes of traffic controls:
 - (a) Crosswalks, safety zones and traffic lanes.
 - (b) Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies.
 - (c) Parking areas and time limitations, including the form of permissible parking.
 - (d) Traffic control signals.
 - (e) Loading zones and stops for vehicles.
- (3) Issue oversize or overweight vehicle permits.
- (4) Temporarily block or close streets.
- (5) Designate and issue reserved parking spaces in the City parking lots to persons upon payment of the required fee. However, no more than 50 percent of the parking spaces in the lots shall be designated reserved spaces.

6.025

Public Danger.

Under conditions constituting a danger to the public, the City Manager or designee may install temporary traffic control devices.

6.030

Standards.

The traffic designs and control device regulations of the City Manager or designee shall be based on:

- (1) Traffic engineering principles and traffic investigation.
- (2) Standards, limitations, and rules promulgated by the Oregon Transportation Commission.
- (3) Other recognized traffic control standards.

6.035

Authority of Police Officers.

- (1) It is the duty of police officers to enforce the provisions of this Code.
- (2) In the event of a fire or public emergency, police officers may direct traffic as conditions require, notwithstanding the provisions of this Code.

6.040

Direction of Traffic.

No person other than a police officer shall direct the movement of traffic, except:

- (1) At the direction of a police officer; or
- (2) In an emergency, and then only until a police officer is present at the scene of the emergency.

6.045

Obedience To and Alternation of Control Devices.

- (1) No person shall disobey the instruction of a traffic control device except as provided by this Code.
- (2) No unauthorized person shall install, move, remove, obstruct, alter the position of, deface or tamper with a traffic control device or a marking, sign, or device that regulates parking, stopping, or standing.

GENERAL REGULATIONS**6.070 Crossing Private Property.**

No operator of a motor vehicle shall proceed from one street to another street by crossing private property or premises open to the public. This provision does not apply to the operator of a motor vehicle who stops on the property to procure or provide goods or services.

6.075 Unlawful Riding.

(1) No operator of a motor vehicle shall permit a passenger to, and no passenger shall, ride on a motor vehicle on a street except on a portion of the vehicle designed or intended for the use of passengers. This provision does not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

(2) No person shall board or alight from a motor vehicle while the vehicle is in motion on a street.

6.080 Roller Skates, Sleds, Etc.

(1) No person upon roller skates, a skateboard or riding in or by means of a coaster, toy vehicle or similar device shall use the streets, except while crossing at a crosswalk or in an authorized area.

(2) No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.

(3) No person upon roller skates, a skateboard, or riding in or by means of a coaster, toy vehicle, or similar device shall use sidewalks in the Central Business District of the City. (Ord. 1987-09, 06/22/1987)

6.085 Damaging Sidewalks and Curbs.

(1) The operator of a motor vehicle shall not drive on a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

(2) No unauthorized person shall place dirt, wood, or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

(3) No person shall remove a portion of a curb or move a motor vehicle or a device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization from the City and posting bond if required. A person who causes damage shall be responsible for the cost of repair.

6.090

Removing Glass and Debris.

A party to a vehicle accident or a person causing broken glass or other debris to be on a street shall remove the glass or debris from the street.

6.095

Storage of Motor Vehicles and Property on Streets.

No person shall store or permit to be stored on a street, without permission of the Council, a motor vehicle or personal property for a period in excess of seven consecutive days. Failure to remove a motor vehicle or other personal property after a period of seven consecutive days constitutes prima facie evidence of storage.

6.100

Obstructing Streets.

No person shall park or leave on a street, parking strip, sidewalk or curb, any vehicle part, trailer, box, ware, merchandise of any description, or any other thing that impedes traffic.

6.105

Speed Limits in Public Parks.

No person shall drive a vehicle on a street in a public park of this City at a speed exceeding 15 miles per hour unless signs erected indicate otherwise.

6.110

Unnecessary Noise. "Jake Brakes" New Code Section 5.253
(Repealed in its entirety Ord. 2010-08, 02/28/2011)

PARKING REGULATIONS**6.150 Method of Parking.**

(1) No person shall stand or park a motor vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

(2) Where parking spaces are designated on a street, no person shall stand or park a vehicle other than in the indicated direction and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

(3) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street has priority to park in that space and no other vehicle operator shall attempt to interfere.

(4) When the operator of a vehicle discovers the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

6.155 Prohibited Parking or Standing.

No person shall park or stand:

- (1) A vehicle in violation of State motor vehicle laws or in violation of a lawfully erected parking limitation sign or marking.
- (2) A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes in any two-hour period.
- (3) A motor vehicle that is designed, used or maintained for the transportation of property and having a gross weight in excess of 8,000 pounds, on a street between the hours of 9 p.m. and 7 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation.

- (4) The following licensed vehicles in a residential zone:
- (a) Farm
 - (b) Heavy fixed load
 - (c) Heavy trailer
 - (d) Light fixed load
 - (e) Mobile home
 - (f) Motor home
 - (g) Prorate trailer
 - (h) Bus
 - (i) Recreational trailer
 - (j) Special-use trailer
 - (k) Truck
 - (l) Transporter
 - (m) Towing registration/permit
 - (n) Utility trailer/light trailer
 - (o) School bus
 - (p) Camper

Parking within 50 feet of an intersection; or within 30 feet of a driveway; or of more than 24 continuous hours in the same block.

- (5) A vehicle in a designated fire lane. The lane must be signed or marked and approved by the Forest Grove Fire Marshal. (Ord. 2006-01, 01/23/2006)

6.160**Prohibited Parking.**

No operator shall park and no owner shall allow a vehicle to be parked on street for the principal purpose of:

- (1) Displaying the vehicle for sale.
- (2) Repairing or servicing the vehicle, except repairs necessitated by an emergency.
- (3) Displaying advertising from the vehicle.
- (4) Selling merchandise from the vehicle, except when authorized.

6.165

Extension of Parking Time.

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

6.170

Parking on Public Property.

No person shall park a vehicle in excess of 48 hours on public property or any street, where the parking is permitted, unless authorized by the Council. (Ord. 2004-02, 04/12/2004)

6.175

Use of Loading Zone.

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. When the hours applicable to the loading zone are in effect, the loading and unloading shall not exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

6.180

Restricted Use of Bus and Taxicab Stand.

No person shall stand or stop a vehicle other than a taxicab in a designated taxicab stand, or a bus in a designated bus stop, except that the operator or a passenger vehicle may temporarily stop to load or unload passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space. (Ord. 1991-09, 09/09/1991)

6.185

Lights on Parked Vehicle.

No lights need be displayed upon a vehicle that is parked in accordance with this Code on a street where there is sufficient light to reveal a person or object at a distance of a least 500 feet from the vehicle.

6.190

Unattended Vehicles.

No operator or person in charge of a motor vehicle shall park it or allow it to be parked unattended on a street, on premises open to the public or on a car lot, without first stopping the engine, locking the ignition, removing the ignition key from the vehicle, and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed. When a Police Officer finds a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

6.195

Exemption.

The provisions of this Chapter that regulate the parking, stopping, or standing of vehicles do not apply to:

- (1) A vehicle of the City, County, State, or a public utility while necessarily in use for construction or repair work on a street.
- (2) A vehicle owned by the United States while in use for the collection, transportation, or delivery of mail.
- (3) A vehicle of a disabled person who complies with the provisions of ORS 811.610 to 811.630.

RESIDENTIAL PARKING PERMIT

(Ord. 2005-16, 08/08/2005)

6.200

Short Title.

Forest Grove Code Section 6.200 to 6.235 shall be known and may be cited as the "Residential Parking Permit Ordinance" and may also be referred to herein as "this Ordinance". (Ord. 2005-16, 08/08/2005)

6.205

Purpose.

It is hereby declared necessary, in the interest of the residents of the City of Forest Grove, to establish a residential parking permit system, by which motor vehicles bearing a valid Residential Parking Permit may be parked on City streets in excess of the time limits on specific sections of streets within designated areas. The acquisition of a permit under this Ordinance confers no rights upon the holder. It is merely a privilege which provides exemption from the parking time limitation and is subject to revocation at the discretion of the City.

6.210

Temporary Designations of On-Street Parking Permit Areas and Residential Parking Permit System.

(A) The City Manager or designee shall make recommendations to the City Council to designate by resolution suitable temporary parking permit areas where parking is normally allowed.

(B) The City Manager or designee shall establish a permit system to assign to owners of residences in a designated area a permit that must be prominently affixed to the driver's side of the vehicle on the upper left side of the windshield while the vehicle is parked in a designated area.

(C) A Residential Parking Permit shall be issued upon application to the owner or operator of the vehicle who resides within a designated area.

(D) A permit under this Ordinance confers no rights upon the holder. It is merely a privilege which provides exemption from the parking time limitation and is subject to revocation at the discretion of the City.

6.215

Issuance and Use of Parking Permit.

Following the designation by the City Council of specific sections of streets within designated areas as being subject to this Ordinance, the City Manager or designee may issue a Residential Parking Permit during normal business hours to the owner or operator of the vehicle who resides within a designated area.

(A) A Residential Parking Permit shall be issued at a fee established by resolution of the Council, upon application, to the owner or operator of the vehicle who resides within a designated area.

(B) To be valid, a Residential Parking Permit that has been assigned to the affected residence must be prominently displayed on the driver's side of the vehicle on the upper left side of the windshield while the vehicle is parked in specific sections of streets within a designated area.

(C) Vehicles bearing a Residential Parking Permit may park on specific sections of streets within a designated area in excess of the time limits.

(D) Vehicles that do not have a Residential Parking Permit displayed visibly as required in subsection B of this Section and are parked in specific sections of streets within a designated area will be subject to the City's standard parking regulations and penalties.

(E) A Residential Parking Permit shall not guarantee or reserve to the holder a parking space, whether on a given residential street or on any residential street within a designated area.

(F) A Residential Parking Permit does not exempt holders from other parking, abandonment, towing, or immobilization regulations and penalties.

(G) Unauthorized use of a parking permit is subject to permit revocation at the discretion of the City Manager or designee. It shall also be a violation of this Ordinance for any person to copy, reproduce or sell a permit.

6.220 **Application.**

Each application shall be made on a form provided by the City and shall include the following information:

1. The name of the owner or operator of the motor vehicle
2. Proof of residential address
3. Vehicle make and model
4. Vehicle identification number or license number

The City Manager or designee may request further information from the applicant to verify eligibility for issuance of a permit. Permit holders shall contact the City regarding change of residence or disposition of a permitted vehicle.

6.225 **Term of Permit.**

A permit will automatically expire annually.

6.230 **Temporary Residents.**

Temporary residents of a designated area in the City may apply for and obtain a temporary Residential Parking Permit. Temporary permits shall expire not more than thirty (30) days from the issuance date, and shall be subject to all provisions of this Ordinance.

6.235 **Guests of Residents.**

Guests Parking Permits are available upon request for guests of residents of streets within designated areas. The Guest Parking Permit shall be displayed on the front dashboard of the vehicle while the vehicle is parked in a designated area, and shall be subject to all the provisions of this Ordinance.

CONSTRUCTION ZONES**6.260****Application and Fee.**

Upon proper application, the City Manager or designee is hereby authorized to establish construction zones in patrolled parking districts. The fee for establishment of a construction zone shall be fixed by the Council by resolution. Such application shall not be granted unless the applicant first obtains a building permit authorizing the proposed construction from the City Manager and unless the creation of the construction zone is necessary in order to relieve traffic congestion and traffic hazards upon the City streets. Such construction zones shall not exceed three parking meter spaces immediately adjacent to the construction area and shall be limited in time during which actual construction work is in progress. Upon approval of the application and establishment of the construction zone by the City Manager or designee and after appropriate signs are posted beside each parking space affected, no authorized person shall park in the designated spaces.

BICYCLES**6.275 Operating Rules.**

In addition to observing all other applicable provisions of this Code and state law pertaining to bicycles, no person shall:

(1) Leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance.

(2) Ride or operate a bicycle upon a sidewalk in the Central Business District.

6.280 License Required.

(1) No person who resides within the City shall ride a bicycle on any street or public way unless the bicycle has been licensed in accordance with this Section within 30 days after being brought within the City.

(2) Application for a license shall be made to the Chief of Police who may issue a license effective for four years or until transfer of ownership of the bicycle, whichever occurs first.

(3) The applicant must submit satisfactory proof of ownership of the bicycle and pay a license fee set by Council resolution.

(4) Upon the transfer of ownership of a licensed bicycle, the new owner, if a resident of the City, shall apply for a license as provided by this Section.

6.285 Renting Bicycles.

No person shall rent a bicycle to another person unless the bicycle is licensed and equipped as required by this Code.

6.290 Bicycle Dealers.

Every person engaged in the business of dealing in new or second-hand bicycles in the City shall maintain a record of every bicycle purchased and sold at retail, giving the name and address of the person from whom purchased or to whom sold, a description of the bicycle by name or make, the frame number and license number, if any, found on the bicycle. This information shall be delivered to the Chief of Police within 10 days of the retail sale or purchase of any bicycle.

6.295

Impounding of Bicycles.

- (1) No person shall leave a bicycle on private property without the consent of the owner or person in charge. Consent is implied on private business property unless bicycle parking is expressly prohibited.
- (2) A bicycle left on public property for a period in excess of 72 hours may be impounded by the Police Department.
- (3) In addition to any citation issued, a bicycle parked in violation of this Code, that obstructs or impedes the free flow of pedestrian or vehicular traffic or otherwise endangers the public, may be immediately impounded by the Police Department.
- (4) If a bicycle impounded under this Code is licensed, or other reasonable means of identifying its ownership exist, the Police shall make reasonable efforts to notify the owner. No impoundment fee shall be charged to the owner of a stolen bicycle that has been impounded.
- (5) A bicycle impounded under this Code that remains unclaimed shall be disposed of in accordance with the City's procedures for disposal of abandoned or lost personal property.
- (6) Except as provided in subsection (5), a fee as set by Council resolution may be charged to the owner of a bicycle impounded under this Section.

PEDESTRIANS

6.320

Crossing Outside of Crosswalks.

No pedestrian, when crossing a street other than within a crosswalk, shall cross in a manner that impedes traffic.

6.325

Right Angles.

No pedestrian shall cross a street other than by a route at right angles to the curb or by the shortest route to the opposite curb, unless crossing within a crosswalk.

PARADES AND PROCESSIONS

6.340 Prohibited Activity.

No person shall organize or participate in a parade on a public street without obtaining a permit. Except as provided by this Code, a permit shall always be required of a procession of people using the public right-of-way. No permit is necessary for processions of Federal or State military forces.

6.345 Parade Permit.

(1) Application for parade permits shall be made to the Police Chief at least 14 days prior to the intended date of the parade, unless the time is waived by the Chief.

(2) Application shall include the following information:

- (a) The name and address of the person responsible for the proposed parade.
- (b) The date of the proposed parade.
- (c) The desired route, including assembling points.
- (d) The number of persons, vehicles, and animals that will be participating in the parade.
- (e) The proposed starting and ending time.

(3) The application shall be signed by the person designated as chairperson.

(4) The Police Chief shall issue a parade permit conditioned on the applicant's written agreement to comply with the terms of the permit unless the Chief finds that:

- (a) The time, route, and size of the parade will unreasonably disrupt the movement of other traffic.
- (b) The parade is of a size or nature that requires the diversion of so great number of police officers to properly police the line of movement and contiguous areas that allowing the parade would deny reasonable police protection to the City.
- (c) The parade will interfere with another parade for which a permit has already been issued.
- (d) Information contained in the application is found to be false or a material detail is omitted.
- (e) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(5) If one or more of the conditions listed in subsection (4), other than subpart (e), exists, the Police Chief may impose reasonable conditions in the permit, including but not limited to:

- (a) Requiring an alternate date.
- (b) Requiring an alternate route.
- (c) Restricting the size of the parade.

(6) The Police Chief shall notify the applicant of the decision within three days after receipt of the application.

(7) If the Police Chief proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the City Manager.

6.350**Appeal to City Manager.**

(1) An applicant may appeal the decision of the Police Chief by filing a written request of appeal with the City Manager within five days after the Chief has proposed alternatives or refused to issue a permit.

(2) The City Manager shall schedule a hearing date, which shall not be later than seven days following the filing of the written appeal with the Manager, and shall notify the applicant of the date and time that he or she may appear either in person or by a representative. Following the hearing, the Manager may deny or approve the permit, with or without changes.

6.355**Offenses Against Parade.**

(1) No person shall unreasonably interfere with a parade or parade participant.

(2) No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

6.360**Funeral Procession.**

(1) No permit is required for a funeral procession.

(2) A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.

(3) The procession shall be accompanied by adequate escort vehicles for traffic control.

(4) All motor vehicles in the funeral procession shall be operated with their lights on.

(5) No person shall unreasonably interfere with a funeral procession.

(6) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

(7) Each driver in the procession shall follow the vehicle ahead as closely as is practical and safe.

PARKING CITATIONS AND OWNER RESPONSIBILITY

6.380 Citation on Illegally Parked Vehicle.

When a vehicle without an operator is found parked in violation of a restriction imposed by this Code, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle that may identify its owner, and shall conspicuously affix to the vehicle a parking citation instructing the operator to answer to the charge or pay the penalty imposed within five days during specific hours and at a specific place.

6.385 Failure to Comply With Parking Citation Attached to Parked Vehicle.

If the operator fails to respond to a parking citation affixed to a vehicle within ten working days, the City may send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of ten days:

- (1) The fine will be doubled; and
- (2) The vehicle is subject to impoundment or immobilization if three unpaid parking tickets exist against the vehicle; and (Ord. 2005-14,06/27/2005)
- (3) After impoundment if the parking tickets are not redeemed the vehicle may be sold. (Ord. 1989-15, 12/11/1989)

6.390 Owner Responsibility.

The owner of a vehicle in violation of a parking restriction shall be responsible for the offense, unless the use of the vehicle was secured by the operator without the owner's consent.

6.395 Registered Owner Presumption.

In a proceeding against a vehicle owner charging a violation of a restriction on parking, proof the vehicle was registered to the defendant at the time of the violation shall constitute a presumption the defendant was the owner.

IMPOUNDMENT AND PENALTIES**6.420 Impoundment of Vehicles.**

(1) When a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, even if the vehicle was parked by another or if the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

(2) The disposition of a vehicle towed and stored under authority of this Section shall be in accordance with the procedures of the City relating to impoundment and disposition of vehicles abandoned on the City streets.

(3) The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this Code.

(4) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

(5) Whenever a Police Officer observes a parked vehicle with three or more unpaid violations outstanding against the vehicle, the officer may cause the vehicle to be impounded or immobilized. An impounded or immobilized vehicle shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in subsection (2) of this Section.

6.425 Penalties.

(1) Violation of Sections 6.070 to 6.110 is punishable by fine not to exceed \$100.

(2) Violation of Sections 6.150 to 6.365 is punishable by fines set by Council resolution. (Ord. 1989-15, 12/11/1989)

(3) Violation of a provision identical to a State statute is punishable by fine not to exceed the penalty prescribed by the State statute.

6.430 Existing Control Devices and Markings.

Parking and traffic control device and markings installed prior to the adoption of this Code are lawfully authorized.

ABANDONED VEHICLES**6.505****Definitions.**

For the purpose of Code Sections 6.510 to 6.585, the following words and terms mean:

Abandoned vehicle. A vehicle left unoccupied and unclaimed or in such damaged, disabled or dismantled condition that it is inoperable.

Hazardous Vehicle. A vehicle left in a location or in a condition which constitutes an immediate and continuous hazard to the safety of persons using the streets or alleys of the City, including, but not limited to, vehicles blocking public or private right-of-ways or fire hydrants and vehicles with leaking fuel tanks.

Law enforcement officer. A law enforcement officer of the City or other City employee authorized to enforce this Code.

Owner. The person having all the incidents of ownership in a vehicle or where the incidents or ownership is in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement or a lessor for a term of ten or more successive days.

Private garage. A private storage yard, garage or other storage place selected by the City.

Vehicle. A device in, on or by which a person or property can be transported or drawn on a public highway, except devices moved exclusively by human power or used exclusively on stationary rails or tracks.

6.510**Abandoned Vehicles Prohibited.**

- (1) No vehicle which a law enforcement officer has reason to believe is abandoned shall be parked or left standing on the right-of-way of a street or alley or on any City property in excess of 48 hours.
- (2) A vehicle so parked or left standing may be taken into custody by a law enforcement officer after compliance with Section 6.530 and held at the expense of the owner or person entitled to possession of the vehicle. The law enforcement officer may use City personnel, equipment and facilities for removal and storage of the vehicle or may hire other personnel, equipment or facilities for that purpose.

6.515 **Vehicle Left on Private Property.**

At the request of the owner or person in lawful possession of the land a law enforcement officer may take a vehicle into custody and remove the vehicle as provided under this Code if the vehicle is parked or left standing upon any private property without the express consent of the owner or person in lawful possession or control of the property after the law enforcement officer complies with Section 6.530 of this Code.

6.520 **Towing Without Notice.**

(1) A law enforcement officer may immediately cause a vehicle to be towed without prior notice if:

- (a) It is a hazardous vehicle, or
- (b) The vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle was available under the circumstances, or
- (c) The vehicle bears license plates which are not issued to the vehicle according to the records of the Department of Motor Vehicles.
- (d) The vehicle is parked in a designated fire lane and the vehicle's presence would prevent access of emergency vehicles.

(2) The owner of the vehicle shall be responsible for the cost of towing and storing the vehicle.

6.525 **Towing and Storage Liens.**

(1) A person who, at the request of a law enforcement officer, takes a vehicle into custody under provisions of this Code shall have a lien on the vehicle for just and reasonable towing and storage charges, as provided by Section 6.580 of this Code. If the appraised value of the vehicle is \$750 or less, the vehicle shall be disposed of in the manner provided in Section 6.575 of this Code.

(2) If the vehicle is taken into custody under provisions of this Code and held by a law enforcement officer, rather than by a private garage, the vehicle shall be disposed of in the manner provided in Sections 6.565 and 6.570 of this Code.

6.530

Pre-Towing Investigation and Notice.

(1) When a vehicle is found in violation of Section 6.510 or 6.515, the law enforcement officer shall:

(a) Make a routine investigation to discover the owner and request removal of the vehicle.

(b) Failing to discover the owner, make a diligent inquiry as to the name and address of the owner of the vehicle by examining it for license number, identification number, make, style and any other information which will aid in identifying ownership and, when the vehicle is required by law to be registered with the State Motor Vehicles Division, transmit all information pertaining to the vehicle to that Division with a request for the name and address of the owner.

(c) Mail a notice to the owner and legal owner at the address shown in the Motor Vehicles Division records at least five calendar days before taking the vehicle into custody, that period not to include holidays, Saturdays or Sundays.

(d) Place a notice on the windshield or another part of the vehicle where it can be easily seen.

(2) This Section does not apply to vehicles listed under Section 6.520.

6.535

Contents of Pre-Towing Notice.

(1) Notices sent or placed under Section 6.530 shall state:

(a) The name and badge number of the law enforcement officer or other authorized City employee issuing the notice.

(b) That the vehicle will be towed as an abandoned vehicle and taken into custody by the City if it is not removed within five calendar days of the date of the notice, that time period not to include holidays, Saturdays or Sundays.

(c) The telephone number and address of the appropriate authority whom the owner may contact to obtain information.

(d) That the person who tows an abandoned vehicle at the request of a law enforcement officer or other City employee shall have a lien on the vehicle for reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold to satisfy the lien.

(e) That the owner of the vehicle is entitled to a hearing on the validity of the proposed tow and/or the reasonableness of any towing and storage charges.

(f) That the hearing must be requested within five calendar days from the notice, that time period not to include holidays, Saturdays or Sundays, and that the request must be made in writing or in person.

(2) If the owner of the vehicle requests a hearing before the vehicle is taken into custody, the vehicle shall not be taken until a hearing is set and held in accordance with Sections 6.545 through 6.555 of this Code.

(3) Failure to present a written request for hearing, or to request a hearing in person, within five calendar days, not to include holidays, Saturdays or Sundays, of the date of the notice, shall act as a waiver of the right to a hearing.

6.540

Post-Towing Notice.

(1) After a vehicle has been taken into custody under Section 6.510, Section 6.515 or Section 6.520, notice shall be provided to the owner stating:

(a) That the City had the vehicle towed.

(b) The Code Section or rule under which the vehicle was towed.

(c) The location of the vehicle or the telephone number where information concerning the vehicle can be obtained.

(d) That a lien has been placed on the vehicle in favor of the person who towed the vehicle.

(e) That the vehicle may be sold to satisfy the lien.

(f) That, if requested, a prompt hearing shall be held on the validity of the tow and the creation and amount of the lien.

(g) The time within which a hearing must be requested and the method for requesting the hearing.

(h) That, if the owner requests a hearing, the owner may immediately recover possession of the vehicle before the hearing by:

(1) Presenting proof of ownership or right to possession, and

(2) Either paying the towing and storage charges or posting a security deposit in accordance with the security deposit schedule authorized in Section 6.565 with the City for towing and storage charges that have accumulated as of the date of the request for hearing.

(2) Notice is considered given when a certified letter addressed to the registered owner of the vehicle and a similar certified letter addressed to the legal owner, if different, return receipt requested, are mailed within 48 hours, not , including holidays, Saturdays or Sundays, after the vehicle is taken into custody by the law enforcement officer.

(3) If the vehicle is registered in the office of the State Motor Vehicles Division, notice may be addressed to the registered owner and the legal owner at the addresses shown on the records in that office. If the vehicle is not registered, reasonable efforts shall be made to ascertain the names and addresses of the legal owner and person entitled to possession of the vehicle so that notice can be mailed within the time period prescribed in subsection (2) of this Section.

(4) The owner must request a hearing within five days after receipt of the notice. The request shall state the grounds upon which the person requesting the hearing believes the towing is invalid or the charges unreasonable. The request may be made in person or in writing, and failure to appear in person or to mail a letter within five days after receipt of the notice shall act as a waiver of the right to a hearing, that time period not to include holidays, Saturdays or Sundays.

6.545**Hearings.**

(1) A pre-towing hearing shall be held before the Chief of Police or designee on the written or oral request of the legal owner or the person entitled to possession of the vehicle prior to the removal of the vehicle.

(2) This hearing is to be conducted within 72 hours of receipt of the written or oral request not, including holidays, Saturdays or Sundays.

(3) The hearing is to show cause why the vehicle should not be removed.

(4) A post-towing hearing shall be held before the Municipal Judge on the written or oral request of the legal owner or the person entitled to possession of the vehicle.

(5) The hearing shall be set and conducted within 72 hours of receipt of the written or oral request, holidays, Saturdays and Sundays not included. The hearing may be set for a later date if requested in writing or in person by the owner or person entitled to possession. At the hearing, the owner may contest:

(a) The validity of the action of the law enforcement officer in taking the vehicle into custody.

(b) The creation and amount of the lien attached to the vehicle.

(6) The City shall have the burden of showing the validity of the taking of the vehicle.

6.550**Decision.**

(1) If the Municipal Judge finds that the action of the law enforcement officer in taking the vehicle was proper, the Municipal Judge shall enter an order supporting the removal.

(2) If the Chief of Police or designee finds a proposed tow valid, the Chief of Police or designee may order it to be towed.

(3) If the Municipal Judge finds that the action of the law enforcement officer in taking the vehicle into custody was invalid, the judge shall:

(a) Order the vehicle released to the owner.

(b) Find that the owner is not liable for towing or storage charges occasioned by the taking.

(c) Order the City to satisfy the towing and storage lien.

6.555**Failure to Appear at Hearing.**

(1) If the person who requested the hearing does not appear at the pre-towing hearing, the Chief of Police or designee may enter an order supporting the removal of the vehicle.

(2) If the person who requested the hearing does not appear at the post-towing hearing, the judge may enter an order supporting the removal and assessment of towing and storage costs and apply security posted against the costs.

6.560**Appraisal of Vehicle Towed.**

Any vehicle towed under Section 6.510, Section 6.515, or Section 6.520 of this Code shall be appraised within a reasonable time by a person with a permit issued under ORS 819.230.

6.565

Return of Vehicle to Owner.

(1) An owner whose vehicle has been towed pursuant to this Code may recover immediate possession of the vehicle by:

- (a) Presenting proof of ownership or right to possession, and
- (b) Either paying the towing and storage charges or, if a hearing has been requested, by posting a security deposit in the form of a bond or cash with the City for towing and storage charges that have accumulated as of the date of the request for a hearing.

(2) The Municipal Judge is authorized to establish, by court order, a security deposit schedule.

6.570

Sale of Vehicle Not Reclaimed.

(1) If a vehicle taken into custody under Section 6.510, Section 6.515 or Section 6.520 of this Code is not reclaimed within 30 days after it has been taken into custody, the City shall dispose of the vehicle at public auction, except as provided in Section 6.575.

(2) After a vehicle has been sold under subsection (1) of this Section, the former owner, legal owner or person entitled to possession has no further right, title, claim or interest in or to the vehicle itself, or the contents.

(3) Upon the sale of a vehicle under subsection (1) of this Section, the City shall issue a certification of sale, in duplicate, at the time of the payment of the purchase price. The original of the certificate of sale shall be given to the purchaser and the copy retained by the City. The certificate of sale shall contain:

- (a) Name and address of purchaser.
- (b) Date of sale.
- (c) Amount paid for vehicle.
- (d) A description of the vehicle.
- (e) A stipulation that no warranty is made as to the condition or title of the vehicle.

(4) When a vehicle is sold under subsection (1) of this Section, the City shall transmit to the Oregon Motor Vehicles Division and to the treasurer of the City a return of sale setting forth:

- (a) The name and address of the purchaser.
- (b) The amount paid for the vehicle.
- (c) The description of the vehicle.
- (d) The costs incurred in the sale.
- (e) The costs and expenses incurred in the removal, preservation and custody of the vehicle.

(5) The return of sale sent to the treasurer of the City shall be accompanied by the proceeds of the sale, except that the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the vehicle may first be deducted. The return of sale shall then be filed in the treasurer's office and the treasurer shall deposit the proceeds in the general fund of the City.

(6) The former owner of a vehicle sold under subsection (1) of this Section may recover the proceeds of the sale under subsection (5) of this Section by filing a claim with the City, provided the claim is filed within two years of the date of the sale. The claim shall be audited and paid by the City.

6.575**Sale or Disposition of Vehicle Appraised at \$750 or Less.**

(1) A vehicle appraised under Section 6.560 of this Code at a value of \$750 or less shall be disposed of according to this Section.

(2) If a vehicle is appraised at \$750 or less, the City shall file with the Oregon Motor Vehicles Division an affidavit containing:

(a) The description of the vehicle.

(b) The location of the vehicle.

(c) The appraised value of the vehicle.

(d) A statement that the vehicle will be junked or dismantled.

(e) That notice to junk or dismantle the vehicle, along with the location of the vehicle, has been sent to the legal owner and owner or person entitled to possession.

(f) That the owner has signed a release under oath, disclaiming any future interest in the vehicle, the oath to accompany the affidavit.

(3) The failure of the legal owner, owner or person entitled to possession to sign the release or to reclaim the vehicle under Section 6.565 of this Code within 15 days of the date of the notification is mailed shall constitute a waiver of the interest of such person.

(4) Upon completion and mailing of the affidavit the City may, without notice or public auction, dispose of the vehicle.

(a) By sale to a wrecker licensed under ORS 822.110 and execution of a certificate of sale as provided in Section 6.570 of this Code; or

(b) By sale to any other person after requiring that person to comply with and execute the forms required under ORS 819.010 and to include such forms with the certificate of sale as provided under Section 6.570 of this Code.

6.580

FOREST GROVE CODE

6.585

6.580

Towing and Storage Fees.

The Council may, by resolution, rule, agreement or contract, set uniform towing and storage charges for abandoned vehicles that have been towed which shall be deemed reasonable for the purposes of this Code.

6.585

Penalties.

Violation of Section 6.505, 6.510 or 6.515 of this Code is punishable by a fine not to exceed \$50.

DISCARDED VEHICLES**6.605** **Definitions.** (Ord. 2005-20, 11/28/2005)

For the purpose of Code Sections 6.605 to 6.665, the following words and terms mean:

Costs. The expense of removing, storing or selling a junked vehicle.

City. The City of Forest Grove.

Discarded vehicle. A vehicle (including major parts of vehicles (i.e. bodies, engines, transmissions, etc.) that is in one or more of the following conditions:

- (a) Inoperative, unregistered or unlicensed.
- (b) Wrecked.
- (c) Dismantled.
- (d) Partially dismantled.
- (e) Abandoned.
- (f) Junked.

Enforcement officer. Any person charged or designated in writing by the City Manager with enforcing the terms of Code Sections 6.605 to 6.665.

Person in charge of property. An agent, occupant, lessee, contract purchaser, owner or person having possession, control or title to property where a vehicle is located.

Vehicle. Every device in, upon or by which a person or property is or may be transported or drawn on a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Vehicle owner. An individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or an interest, legal or equitable, in a vehicle.

6.610 **Declaration of Public Nuisance.**

The open accumulation or storage of a discarded vehicle is found to create a condition tending to reduce the value of private property; promote blight, deterioration and unsightliness; invite plundering; create fire hazards; constitute an attractive nuisance causing a hazard to the health and safety of minors; create a harborage for rodents and insects; and otherwise be injurious to the health, safety and general welfare. Therefore, the presence of a discarded vehicle on private property is declared to constitute a public nuisance which may be abated in accordance with the provisions of Sections 6.605 to 6.665 of this Code. (Ord. 2005-20, 11/28/2005)

6.615

Prohibited Action.

(1) No person shall store or permit the storing of a discarded vehicle upon private property within the City unless the vehicle is:

- (a) Completely enclosed within a building; or is
- (b) Kept in connection with a lawfully conducted

business enterprise dealing in junked vehicles.

(2) No person shall store or permit the storing of any discarded vehicles not within an enclosed building on property under their ownership or control within the City unless it is in connection with a lawfully conducted business enterprise dealing in junked vehicles. (Ord. 2005-20, 11/28/2005)

6.620

Pre-Abatement Investigation and Notice.

(1) Whenever a discarded vehicle is found on private property, the enforcement officer shall make an investigation to discover the person in charge of the property on which the vehicle is located and, where possible, the owner of the vehicle. The enforcement officer shall give written dated notice to them by personal service or by registered or certified mail that the vehicle and the property is in violation of Section 6.615.

(2) The notice shall state that the discarded vehicle is in violation of this Code and within ten (10) calendar days of the day of sending or posting the notice:

- (a) The vehicle must be removed from the City or to the storage yard of a lawfully conducted business enterprise dealing in junked vehicles; or
- (b) Be completely enclosed within a building.

(3) The notice shall also state that the alternative to compliance with subsection 6.620(2) is to petition the Municipal Court in writing within ten (10) days of date of the notice and show cause why the vehicle should not be abated as provided in this Code.

(4) The notice shall also state:

(a) That failure to comply with this Code authorizes the City to remove the vehicle and charge the cost against the property and may result in the issuance of a citation to appear before the Municipal Court. Any costs that are unpaid beyond thirty days of the billing may result in the placement of a lien on the property consistent with subsection 6.660(3)(4)(5).

(b) That abatement by the City does not affect the liability of the owner of the property and/or vehicle for imposition of civil penalties consistent with Section 6.670. (Ord. 2005-20, 11/28/2005)

6.625

Entry on Private Property.

(1) An enforcement officer is authorized at all reasonable times to enter on private property to:

- (a) Examine a vehicle to determine whether it is in a discarded condition;
- (b) Examine a vehicle to determine ownership; or
- (c) Remove the vehicle pursuant to Code Section 6.630.

Except when an emergency exists, before entering on private property, the officer shall obtain the consent of an occupant or obtain a warrant from the Municipal Court authorizing entry onto the property for inspection.

(2) No search warrant may be issued until an affidavit has been filed with the Municipal Court showing probable cause for the inspection, stating the purpose and extent of the proposed inspection, citing this Section (6.625) as the basis for the inspection, stating whether it is an inspection instituted by complaint and such other information concerning the vehicle in question or the property on which it is situated which the Court deems relevant.

(3) No person shall interfere with or attempt to prevent the enforcement officer from entering on private premises and inspecting or removing a vehicle when an emergency exists or when the officer exhibits a warrant authorizing entry. (Ord. 2005-20, 11/28/2005)

6.630

Hearing by Municipal Court.

(1) Following a petition submitted consistent with Section 6.620 or pursuant to a citation being issued, the Municipal Court shall fix a time for a hearing to show cause why a vehicle nuisance should not be abated and to receive evidence on the existence, location and condition of the vehicle. After the hearing, the Court may continue the matter to authorize the enforcement officer access to the property through the issuance of a search warrant to obtain additional information on the vehicle or order the vehicle removed by the City, declaring the vehicle to be a public nuisance. In making an order, the Court may issue a warrant to authorize the enforcement officer access to the property for the purpose of removing the vehicle. The order may authorize the removal of all listed vehicle(s) and may consolidate the hearings and orders relating to more than one vehicle. The persons receiving the notice specified in Section 6.620 shall be sent copies of the order of the Court.

(2) The Court may impose conditions and take such other action as it considers appropriate under the circumstances to carry out the purposes of this Code. It may impose civil penalties pursuant to Section 6.670. It may delay the time for removal of the vehicle when, in Court's discretion, circumstances justify such removal. It shall refuse to order removal of the vehicle when the vehicle is not subject to the provisions of this Code. The Court shall not be bound by technical rules of evidence in conducting the hearing. (Ord. 2005-20, 11/28/2005)

6.635

Abatement by the City and Appraisal.

(1) Ten (10) days after giving the notice required in Section 6.620 or ten (10) days after issuance of an order by the Municipal Court under Section 6.630, the City may abate the nuisance and remove the subject vehicle(s) by use of City employees or independent contractors. No person shall interfere with, hinder or refuse to allow authorized persons to enter on private property for the purpose of removing a vehicle under the provisions of this Code.

(2) After removing the vehicle, the City shall cause it to be appraised. (Ord. 2005-20, 11/28/2005)

6.640

Sale or Disposition of Vehicle Appraised at \$750 or Less.

(1) A vehicle appraised under Section 6.635 of this Code at a value of \$750 or less shall be disposed of according to this Section.

(2) If a vehicle is appraised at \$750 or less, the City shall file with the Oregon Department of Motor Vehicles (DMV) an affidavit containing:

- (a) Description of the vehicle.
- (b) Location of the vehicle.
- (c) Appraised value of the vehicle.
- (d) Statement that the vehicle will be junked or dismantled.
- (e) A statement that notice to junk or dismantle the vehicle, along with the location of the vehicle, has been sent by certified mail or personal service to the legal owner and owner or person entitled to possession.
- (f) A statement that the owner has signed a release under oath, disclaiming any future interest in the vehicle with the signed release to accompany the affidavit.

(3) The failure of the owner or person in charge of property from which the vehicle was removed to sign a release or to abate the vehicle within 15 days of the date the notification was mailed shall constitute a release of the interest of such person.

(4) Upon completion and forwarding of the affidavit, the City may, without notice or public auction, dispose of the vehicle:

(a) By sale to a wrecker licensed under ORS 822.110 and execution of a certificate of sale as provided in section 6.570 of this Code; or

(b) By sale to any other person after requiring that person to comply with and execute the forms required under ORS 819.010 and to include such forms with the certificate of sale. (Ord. 2005-20, 11/28/2005)

6.645**Public Sale Notice.**

(1) If the vehicle is appraised over \$750, the enforcement officer shall publish a notice of sale in a newspaper of general circulation within the City. The notice of sale shall state:

(a) The sale is of a discarded motor vehicle as defined by City Code and in the possession of the City.

(b) A description of the vehicle, including the type, make, license number, identification number and any other information that will aid in accurately identifying the vehicle.

(c) The terms of the sale.

(d) The date, time and place of the sale.

(2) The notice of sale shall be published two times. The first publication shall be made not less than 15 days before the date of the proposed sale and the second shall be made not less than 7 days before the date of the proposed sale.

6.650**Public Sale.**

(1) If a vehicle is appraised over \$750, the enforcement officer shall hold a sale at the time and place appointed within view of the vehicle to be sold.

(2) The vehicle shall be sold to the highest bidder. However, if no bids are entered, or those bids that are entered are less than the costs incurred by the City, the enforcement officer may enter a bid in an amount equal to the costs on behalf of the City.

(3) At the time of payment of the purchase price, the enforcement officer shall execute a certificate of sale in duplicate; the original shall be delivered to the purchaser and a copy filed with the City Recorder.

6.655 **Redemption Before Sale.**

(1) A vehicle impounded under the provisions of this Code may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed by applying to the enforcement officer before a sale or disposition has taken place. The person shall:

- (a) Submit satisfactory evidence of ownership or interest in the vehicle to the enforcement officer that the claim is rightful.
- (b) Pay the costs owing at the time the application to redeem is made.
- (c) Give evidence that the nuisance character of the vehicle will not be resumed.

(2) Upon compliance with subsection (1) of this Section, the enforcement officer shall execute a receipt and cause the vehicle to be returned. (Ord. 2005-20, 11/28/2005)

6.660 **Assessment of Costs.**

(1) After disposing of the discarded vehicle and deducting any money received from the sale of the vehicle from the costs, the City Recorder shall give notice in writing by either certified mail or personal service as specified in Section 6.620 to the person in charge of the property from which the vehicle was removed:

- (a) Of the unpaid costs of abatement.
- (b) That the costs as indicated will be assessed to and become a lien against the real property unless paid within 30 days from the date of the notice.
- (c) That if the person in charge of the property objects to the indicated costs of abatement a written notice of objection must be filed with the City Recorder within 20 days of the date of the notice setting out the reason(s) for said objection.

(2) Objections to the proposed assessment shall be heard and determined by the City Council within thirty (30) days of the receipt of the objection by the City Recorder.

(3) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs shall be made by Council resolution, entered in the docket of City liens, and when the entry is made it shall constitute a lien on the real property from which the nuisance was removed or abated.

(4) The liens shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 12 percent per annum. Interest shall accrue from the date of the entry of the lien in the lien docket.

(5) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property. (Ord. 2005-20, 11/28/2005)

6.665 Towing and Storage Fees.

The Council may, by resolution, rule, agreement or contract set uniform towing and storage charges for discarded vehicles that have been towed which shall be deemed reasonable for the purposes of this Code.

6.670 Civil Penalty.

In addition to the authority to abate the nuisance created by violation of Section 6.615, the owner of the vehicle(s) and/or the owner(s) of the property on which a violation of Section 6.615 has or is occurring, is subject to a civil penalty of not less than \$100 per day and not more than \$250 per day for each day of the violation(s), with each discarded vehicle and each day being treated as separate violations.

The enforcement officer is authorized to issue citation(s) to the owner(s) of the vehicle and property and have the matter heard by the Municipal Court.

TOWING OPERATORS

6.705

Definitions.

For the purpose of Code Sections 6.710 to 6.730, "on-call tow" means a motor vehicle towing company which is authorized to providing towing services for the City Police Department when requested in the City's interest or when required by private citizens expressing no tow company preference.

6.710

Chief of Police Authorized to Adopt Regulations.

(1) The Chief of Police is authorized to adopt regulations governing qualifications of on-call tow applicants with the specific intent of restricting authorization to those applicants and employees who have a history of lawful and responsible conduct related to towing functions. The Chief of Police is authorized to adopt regulations governing towing equipment and accessories, insurance coverage and the response procedure by which on-call tows are summoned to the scene. No provision of these regulations shall authorize the Chief of Police to fix or set rates for towing services.

(2) Any decision of the Chief of Police adverse to the applicant and relevant to qualifications for on-call tow may be appealed to the City Manager by written notice given within 10 days of the ruling by the Chief of Police. The Manager shall review the decision of the Chief of Police and shall affirm, deny or modify the decision. The determination by the Manager shall be final.

6.715

Licenses Required.

Each on-call tow shall obtain any applicable City and State licenses including but not limited to business and operator's licenses. In addition, each on-call tow shall comply with all regulations issued by the Chief of Police.

6.720

Inspection of Vehicles.

The Chief of Police shall periodically, but not less than annually, inspect the vehicles, operators' licenses and on-call tows for compliance with Sections 6.605 to 6.630 and administrative regulations.

6.725**On-Call Rotation.**

Any towing company which provides the Chief of Police with proof of compliance with Sections 6.605 to 6.630 and all regulations promulgated hereunder may participate in the procedure described below for responding to Police Department requests for towing services. All such companies shall be placed on a list to be utilized by Police Department radio dispatch. The Police Department shall rotate the particular on-call tow to be utilized each week among the listed towing companies.

6.730**Violations, Penalties.**

Any person or firm providing on-call tow whether as principal, agent, employee or otherwise, who violates or causes the violation of any provision of Sections 6.605 to 6.630 or regulations issued hereunder shall be punishable by a fine or not more than \$1,000. In addition, the Chief of Police may exclude from the on-call towing schedule any towing company which has violated Sections 6.605 to 6.630 or administrative regulations hereunder until the Chief of Police has determined that further violations will not occur. (Ord. 2005-20, 11/28/2005)

ORDINANCE NO. 2013-13**ORDINANCE REPEALING AND REENACTING CHAPTER 6
OF THE FOREST GROVE CODE, ENTITLED "VEHICLES AND TRAFFIC",
AND AMENDING CODE SECTIONS 3.210, 5.060, AND 9.620**

WHEREAS, the City of Forest Grove desires to repeal and reenact the City's current vehicles and traffic regulations, codified in Chapter 6 of the Forest Grove Code, to be consistent with state laws and current practices;

WHEREAS, Chapter 6 of the City Code authorizes enforcement of specified traffic and vehicle regulations within the City of Forest Grove; and

WHEREAS, there are inconsistencies in Chapter 6 (Vehicles and Traffic), as well as Code Section 3.210, 5.060, and 9.620, of the City Code making it increasingly challenging to enforce and administer the Code; and

WHEREAS, on September 9 and November 25, 2013, the City Council held work sessions to review the proposed code amendments, which consist of minor housekeeping items, such as transferring certain sections of the code to new areas as well as renumbering code sections for better flow within the code; new definitions were added, minor language amendments were made and certain sections deleted due to provisions of the code not consistently followed by the public and are cumbersome to enforce by the City; and

WHEREAS, the proposed code amendments will not have any fiscal impact to the City and no new penalties were added; existing language pertaining to penalties and violations were renumbered to coincide with pertinent sections within the Code.

WHEREAS, the City Council held a duly-notice Public Hearing on December 9, 2013, and January 13, 2014.

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

Section 1. Chapter 6 of the Forest Grove Code, entitled Vehicles and Traffic, is hereby repealed in its entirety and reenacted as shown in the attached Exhibit A, Vehicles and Traffic.

Section 2. Chapter 3.210, 5.060 (deleted), and 9.620 of the Forest Grove Code are hereby amended as shown in the attached Exhibit B, Amendments.

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

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

PRESENTED AND PASSED the first reading the 9th day of December, 2013.

PASSED the second reading the 13th day of January, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of January, 2014.

Peter B. Truax, Mayor

ORDINANCE NO. 2013-13

EXHIBIT A

FOREST GROVE CODE

CHAPTER 6

VEHICLES AND TRAFFIC

STATE TRAFFIC LAW ADOPTION

6.005 Applicability of State Traffic Law.

- (1) Oregon Revised Statutes, Chapter 153, and the Oregon Vehicle Code, ORS Chapter 801 to 826 (2013), are adopted by reference. Violation of an adopted provision of those Chapters is an offense against the City.
- (2) Fines for violations of the Oregon Vehicle Code are set in accordance with ORS Chapter 153.

DEFINITIONS

6.010 Definitions.

In addition to the definitions contained in the Oregon Vehicle Code, for the purpose of this Chapter 6 the following terms shall mean, unless the context requires otherwise, as set out herein:

Aircraft. Any vehicle capable of flight.

Boat. Watercraft, used or capable of being used as a means of transportation on the water.

Bus Stop. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

City. Forest Grove.

Commercial Vehicle. A vehicle used for the transportation of persons for compensation or is designed or used primarily for the transportation of personal property for hire.

Costs. The expense of removing, storing or selling a junked vehicle.

Curbed Parkway. A parkway where the street edge is bounded by a curb.

Enforcement Officer. A person designated by the City Manager to enforce the provision of this Chapter or defined as an enforcement officer by ORS 153.005(2013).

Farm Vehicle. A vehicle or trailer designed for and used primarily in agricultural operations.

Fixed Load. As defined in ORS 801.285(2013).

Hazardous Vehicle. A vehicle in a location or condition which an Enforcement Officer believes constitutes an immediate hazard to the public.

Loading zone. A right of way space designated by sign for the loading or unloading passengers or materials during specified hours of specified days.

Owner. The person, other than a security interest holder, having the incidents of ownership in a vehicle or where the incidents or ownership is in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement or a lessor for a term of 10 or more successive days.

Parkway. The portion of the right-of-way not used as either a roadway or sidewalk.

Person. An individual partnership, corporation or other entity capable of owning property.

Public Property. Real property owned, leased, rented or lawfully used or operated by a governmental entity.

Personal Property. Any movable or intangible thing subject to ownership and not classified as real property.

Person in charge of property. A person having possession, control or title to property where a vehicle is located.

Private garage. A privately-owned storage yard, garage or other storage place selected by the City.

Recreational Vehicle. A vehicle designed for human occupancy temporarily for recreational purposes, including motor homes, campers, and camp, tent or travel trailers.

Street. Any public way open for vehicle use by the general public.

Traffic lane. That area of the roadway used for the movement of a single line of traffic.

Trailer. Every vehicle without motive power designed to be drawn by another vehicle. Includes, but not limited to, balance, semi, truck, boat, utility and special use trailers.

Vehicle. Every device by which persons or property may be transported upon a street, including all vehicles powered by any means other than human power.

ADMINISTRATION

6.015 Powers of Council.

- (1) The City Council shall exercise the City's traffic authority delegated by this Code.

6.020 Duties of the City Manager.

The City Manager, or designee, has authority to cause any of the following:

- (1) Install, maintain, remove and alter traffic control devices subject to standards contained in the "Oregon Manual on Uniform Traffic Control Devices for Streets and Highways" (2013).
- (2) Establish, remove or alter the following:
 - a) Crosswalks, safety zones and traffic lanes.
 - b) Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies.
 - c) Parking areas and time limitations, including the form of permissible parking.
 - d) Traffic control signals.
 - e) Loading zones and stops for vehicles.
- (3) Issue oversize or overweight vehicle permits.
- (4) Temporarily block or close streets.
- (5) Designate and issue reserved parking spaces in the City parking lots to persons upon payment of required fees.

However, no more than 50 percent of the parking spaces in the lots shall be designated reserved spaces.

6.025 Authority of Enforcement Officers.

- (1) Enforcement Officers are authorized to enforce the provisions of this Chapter.
- (2) In the event of a fire or public emergency, Enforcement Officers may direct traffic as conditions require, notwithstanding the provisions of this Code.

6.030 Direction of Traffic.

No person other than Enforcement Officers may direct the movement of traffic, except:

- (1) At the direction of an Enforcement Officer; or
- (2) In an emergency and only until an Enforcement Officer arrives at the scene.

CONSTRUCTION ZONES

6.035 Application and Fee.

- (1) The City Manager or designee is authorized to establish construction zones in patrolled parking districts.
- (2) The fee associated therefor shall be set by Council resolution.
- (3) No application shall be granted unless the applicant first obtains a building permit and the construction zone is deemed necessary by the City Manager or designee to minimize traffic congestion and hazards.
- (4) Any construction zones shall not include more than three (3) metered spaces immediately adjacent to the construction site and shall be limited to when actual construction work is in progress.
- (5) Upon the construction zone's establishment and posting of appropriate signage, no unauthorized person shall park therein.

TRAFFIC CONTROL DEVICES

6.040 Installation of Temporary Traffic Control Devices Under Conditions of Public Danger.

The City Manager or designee may install temporary traffic control devices when deemed appropriate.

6.045 Existing Control Devices and Markings.

Parking and traffic control device and markings installed prior to the adoption of this Code are lawfully authorized.

GENERAL REGULATIONS AND PENALTIES

- 6.050** **Obedience To and Alternation of Control Devices.**
- (1) No person shall disobey the instructions of a traffic control device except as may be otherwise provided by this Code.
 - (2) No person shall install, move, remove, obstruct, alter the position of, deface or tamper with an official traffic control device or marking, sign or device regulating parking, stopping, or standing.
- 6.055** **Crossing Private Property.**
- (1) No motor vehicle operator shall proceed from one street to another by crossing private property or premises open to the public except in the case of a motor vehicle operator who stops to procure or provide goods or services on the property or premises.
 - (2) The violation of this provision is a Class C traffic infraction.
- 6.060** **Unlawful Riding.**
- (1) No person shall ride on a motor vehicle on a street except on a portion of the vehicle designed or intended for the use by passengers. This provision does not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.
 - (2) No person may board or alight from a motor vehicle while the vehicle is in motion on a street.
 - (3) The violation of this provision is a Class C traffic infraction.
- 6.065** **Throwing Material from a Motor Vehicle or Bicycle.**
- (1) No motor vehicle operator or bicyclist may allow or suffer the deposit of solid waste or burning material onto a street, sidewalk or other public property from a motor vehicle or bicycle in their control..
 - (2) The violation of this section is a Class C traffic infraction.
- 6.070** **Speed Limits in Public Parks.**
- (1) No person shall drive a vehicle on a street in a public park of this City at a speed exceeding 15 miles per hour unless signs erected indicate otherwise.
 - (2) Violation of this section is a Class D traffic infraction.

6.075

Roller Skates, Sleds and Similar Devices.

- (1) No person shall roller skate, skateboard or ride a coaster, toy vehicle or any similar device(s) on streets except while crossing at a crosswalk or in an area authorized for use of those devices.
- (2) No person shall use streets for traveling on skis, toboggans, sleds or similar devices except where or when authorized.
- (3) No person shall roller skate, skateboard or ride a coaster, toy vehicle, or any similar device(s) on sidewalks in the area described as: Sidewalks north of 19th Avenue to 21st Avenue; Sidewalks east of B Street to Cedar Street; in any public parking lot or where otherwise posted.

6.080

Damaging Sidewalks and Curbs; Liability of Damage.

- (1) The operator of a motor vehicle shall not drive on sidewalks or curbed parkways except in crossing at a permanent or temporary driveway.
- (2) No unauthorized person shall place dirt, wood, or other material in the gutter or space next to the curb for purposes of a driveway.
- (3) No person shall remove curbing or move a motor vehicle or device moved by a motor vehicle onto a curb or sidewalk without first obtaining authorization from the City and posting bond if required.

6.085

Removing Glass and Debris.

All parties involved in vehicular accidents or persons causing broken glass or other debris to be on a street shall be responsible for the removal thereof from the street.

6.090

Prohibited Storage of Vehicles and Property.

- (1) No person shall store or permit any vehicle, recreational vehicle, trailer or other personal property on a street or other public property without written authorization of the City Manager or designee.
- (2) For the purpose of this section, a vehicle, recreational vehicle, or trailer is deemed "stored" if it has been parked on a street or other public property for a period in excess of 72 continuous hours.
- (3) Personal property is deemed "stored" if it has been on a street or other public property for a period in excess of 24 continuous hours.
- (4) For the purpose of this section, movement of a vehicle, recreational vehicle, or trailer on a street or other public property less than 300 feet in any 72 continuous hour period

does not avoid having the vehicle, recreational vehicle, or trailer deemed “stored”.

6.095

Obstructing Streets or Public Ways.

Except as may otherwise be specifically provided elsewhere in the Code, no person shall place, park, deposit or leave on a street, alley, public way, sidewalk or curb any article, thing or material which prevents, interferes with, or obstructs the free passage of pedestrian or vehicular traffic or obstructs a driver's view of traffic or official traffic control signs and signals.

6.100

Violations and Penalties.

- (1) Notwithstanding Sections 6.055, 6.060, 6.065 and 6.070, any person violating Sections 6.050 - 6.095 is subject to a civil penalty in an amount of not less than \$100 and not more than \$250.
- (2) The Enforcement Officer may cite into Municipal Court for the violations.

PEDESTRIANS

6.105 Crossing Outside of Crosswalks.

- (1) No pedestrian, when crossing a street other than within a crosswalk, shall cross in a manner that impedes traffic.
- (2) Violation of this section is a Class D traffic infraction.
- (3) The Enforcement Officer may cite into Municipal Court for the violations.

6.110 Right Angles.

- (1) No pedestrian shall cross a street other than at right angles to the curb or by the shortest route to the opposite curb, unless within a crosswalk.
- (2) Violation of this section is a Class D traffic infraction.
- (3) The Enforcement Officer may cite into Municipal Court for the violations.

BICYCLES

6.115 Operating Rules.

In addition to observing other applicable Code provisions and State laws pertaining to bicycles, no person shall:

- (1) Leave a bicycle except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance.
- (2) Ride or operate a bicycle upon a sidewalk in the area described as: Sidewalks north of 19th Avenue to 21st Avenue; Sidewalks east of B Street to Cedar Street; or where otherwise posted.

6.120 Impounding of Bicycles.

- (1) No person shall leave a bicycle on private property without the consent of the owner or person in charge. Consent is implied on business property unless bicycle parking is expressly prohibited.
- (2) A bicycle left on public property in excess of 72 continuous hours may be impounded by the City.
- (3) In addition to any citation issued, a bicycle parked in violation of this Code obstructing or impeding free flow of pedestrian or vehicular traffic or endangering the public may be immediately impounded by the City.
- (4) If a bicycle is impounded, the City shall make efforts to identify and notify the owner. No impoundment fee shall be charged to the owner of a stolen bicycle that has been impounded.
- (5) An impounded bicycle remaining unclaimed shall be disposed of consistent with the City's procedures for disposal of abandoned property.
- (6) Except as provided in subsections (4) and (5), the owner of the bicycle may be charged a fee.

6.125 Violations and Penalties.

- (1) Any person violating Sections 6.115 – 6.120 is subject to a civil penalty in an amount of not less than \$100 and not more than \$250.
- (2) The Enforcement Officer may cite into Municipal Court for the violations.

PARADES AND PROCESSIONS (EVENTS)

6.130 Prohibited Event Activity.

- (1) No person shall organize or participate in an organized parade, procession, race or similar public assembly ("Event") likely to consist of twenty-five (25) or more persons (which may also include animals or vehicles or any combination thereof) which is to travel or use in unison or for a common purpose any public street which use does not comport with the normal or usual traffic regulation or control thereof without first obtaining a permit from the City as provided herein.

6.135 Event Permit Required.

- (1) Application for an Event Permit shall be made to the Chief of Police or designee not less than fourteen (14) days prior to the intended date of the Event unless the time is shortened for good cause shown by the applicant to the Chief.
- 2) Application for Events shall be on forms provided by the City and will require, at a minimum, information relating to:
 - a) The names and contact information of the individual(s), entity(ies) or organization(s) applying to conduct the Event, including names addresses and telephone numbers for persons acting as primary contact(s).
 - b) The proposed Event date.
 - c) The proposed start time and end time.
 - d) The proposed assembly points.
 - e) The detailed description, including a map of the desired route, a traffic control plan which the Police Chief believes (in consultation with the City Engineer) addresses traffic impacts arising from the Event.
 - f) Information relating to the provision of sufficient equipment and/or services to protect participants and spectators including provision for first aid or emergency medical services.
 - g) The estimated number of persons, vehicles, and animals that will be participating in the Event.
 - h) Evidence of comprehensive general liability and automobile liability insurance as well as evidence that the insurance will include the City, its elected and appointed officials, officers, employees,

agents and volunteers as additionally named. Comprehensive general liability insurance coverage shall be in combined single limit of at least One Million Dollars (\$1,000,000.00) with a \$2,000,000 aggregate.

- i) The estimated need for public safety personnel.
- j) Evidence that the sponsor or applicant has received approval of other local, state or federal regulatory agencies having jurisdiction over the activities anticipated to be conducted.

6.140

Issuance of Event Permit.

- (1) The Police Chief shall issue an Event Permit conditioned on the applicant's written agreement to comply with the terms of the permit.
- (2) The Chief may approve, approve with conditions, or deny an application for an Event Permit.
- (3) The issuance of an Event Permit under this section confers upon the Permit Holder the right to control and regulate activities within the Event venue consistent with the terms of the Permit.
- (4) The issuance of an Event Permit does not obligate the City to provide municipal services, equipment or personnel in support thereof.
- (5) The Chief may deny an Event Permit to an applicant for any of the following reasons:
 - a) Applicant's failure to provide a traffic control plan sufficient to address the traffic impacts anticipated to result from the Event;
 - b) Applicant has materially failed to comply with conditions of previously issued Event Permits;
 - c) The proposed Event conflicts with an activity already scheduled;
 - d) Applicant's failure to show that there will be sufficient sanitation or other equipment and/or services to protect participants, spectators and the general public's health and safety;
 - e) Applicant's failure to timely file a complete application or meet the requirements for submission of the application, including payment of any fees;
 - f) The Event may violate public health or safety regulations; or
 - g) Applicant demonstrates an unwillingness or inability to conduct the proposed vent pursuant to the terms of this section.

- 6.145** **Appeal to City Manager.**
- (1) Any party aggrieved by the Police Chief's decision, may request an administrative hearing by submitting a written appeal to the City Manager within five (5) business days after the Chief's decision.
 - (2) The City Manager or designee shall notify the applicant of the date and time of the administrative hearing within five (5) business days of receiving written appeal, assuming the appeal is filed in time to allow notice to the applicant of said appeal in accordance with Section 6.145(1).
 - (3) Following the administrative hearing, the City Manager may approve, approve with conditions, or deny the Event Permit. The City Manager's decision is final.
- 6.150** **Offenses Against Event.**
- (1) No person shall unreasonably interfere with an Event or Event participant.
 - (2) No person shall operate a vehicle that is not part of an Event between the vehicles or persons comprising an Event.
- 6.155** **Funeral Procession.**
- (1) No permit is required for a funeral procession.
 - (2) A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.
 - (3) The procession shall be accompanied by adequate escort vehicles for traffic control.
 - (4) All motor vehicles in the funeral procession shall be operated with their lights on.
 - (5) No person shall unreasonably interfere with a funeral procession.
 - (6) No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.
 - (7) Each driver in the procession shall follow the vehicle ahead as closely as is practical and safe.
 - (8) Any violation of this section's provisions is a Class C traffic infraction.
- 6.160** **Violations and Penalties.**
- (1) Notwithstanding the provisions and penalty of Section 6.155, any person who violates Sections 6.130 – 6.150 is subject to a civil penalty in an amount of not less than \$100 and not more than \$250.
 - (2) The Enforcement Officer may cite into Municipal Court for the violations.

PARKING REGULATIONS

6.200 Parking Method and Restrictions.

- (1) No person shall park a vehicle on a street other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels within 12 inches of the curb except where marked or signed for angle parking.
- (2) Where parking spaces are designated, no person shall park a vehicle other than in the indicated direction and within a single marked space unless the vehicle's size and/or shape make compliance impossible.
- (3) The operator first maneuvering a motor vehicle into a vacant parking space has priority to park in that space and other vehicle operators shall attempt to interfere with that priority.
- (4) When a vehicle operator discovers the vehicle is parked close to a building to which the Fire Department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

6.205 Prohibited Stopping, Standing or Parking.

No person shall stop, stand or park a vehicle:

- (1) On any street in any location prohibited by State law;
- (2) On a sidewalk;
- (3) On a crosswalk;
- (4) On a curbed parkway;
- (5) Within an intersection;
- (6) Within a designated bicycle lane;
- (7) Within 15 feet of the driveway entrance to a fire station;
- (8) Within 10 feet of a fire hydrant;
- (9) Blocking any portion of a public or private driveway;
- (10) Within areas marked by yellow paint on the street or curb;
- (11) On the roadway side of a stopped or parked vehicle at the edge or curb of a street;
- (12) Where official signs or pavement markings prohibit stopping, standing or parking;
- (13) In violation of a disabled parking space as defined by Oregon Vehicle Code, which constitutes a violation of ORS 811.615 (2013).

6.210

Prohibited Parking.

No person shall park a vehicle:

- (1) Upon a public street or public property for a period in excess of maximum parking time limits where so designated by official sign or other marking. Where maximum parking time limits are designated by sign, movement of a vehicle within the same block or parking lot shall not extend the time limits for parking;
- (2) In any City Park in violation of posted hours unless specifically authorized by the Director of Parks and Recreation;
- (3) Upon a public street or public property for more than 72 consecutive hours without written authorization of the City Manager or designee;
- (4) In an alley except to load or unload persons or cargo and with a time limit of 30 minutes in any two-hour period;
- (5) That is designated, used or maintained for the transportation of property and having a gross weight in excess of 8000 pounds on a street between the hours of 9 p.m. and 7 a.m. in front of or adjacent to a residence, motel, hotel, apartment house or other sleeping accommodation;
- (6) In a designated fire lane. The lane must be signed or marked and approved by the Forest Grove Fire Marshal; (Ord. 2006-01, 01/23/2006)
- (7) The following vehicles in a residential zone within 50 feet of an intersection or within 15 feet of a driveway:
 - a) Bus
 - b) Commercial Vehicle
 - c) Farm Vehicle
 - d) Fixed Load
 - e) Recreational Vehicle
 - f) Trailer
- (8) Except as may be otherwise provided, a vehicle, trailer or other personal property upon a street or other public property for the primary purpose of:
 - a) Servicing or repairing the vehicle, trailer or other personal property, except repairs necessitated by an emergency.
 - b) Displaying advertising from the vehicle, trailer or other personal property.
 - c) Selling merchandise from the vehicle, trailer or other personal property.

- 6.215** **Exemptions of Parking, Stopping or Standing Regulations.**
The provisions of Chapter 6 regulating parking, stopping or standing of vehicles do not apply to:
- (1) A vehicle of the City, County, State, or a public utility while necessarily in use for construction or repair work on a street.
 - (2) A vehicle while in use for the collection, transportation or delivery of mail.
 - (3) A vehicle stopped, standing or parked momentarily to pick up or discharge a passenger.
 - (4) A vehicle of a disabled person compliant with ORS 811.602 to 811.637 (2013).
- 6.220** **Use of Loading Zone.**
- (1) No person shall stop, stand, or park a vehicle in a place designated as a loading zone when the hours applicable to that loading zone are in effect. Other than for the expeditious loading or unloading of persons or materials. When the hours applicable to the loading zone are in effect, the loading and unloading shall not exceed the time limits posted.
 - (2) If no time limits are posted, the use of the zone shall not exceed 30 minutes.
- 6.225** **Restricted Use of Bus and Taxicab Stand.**
No person shall stand or stop a vehicle other than a taxicab in a designated taxicab stand or a bus at a designated bus stop, except an operator or passenger vehicle may stop to load or unload passengers provided the stopping does not interfere with either a bus or taxicab waiting to enter or about to enter the stand or stop.
- 6.230** **Lights on Parked Vehicle.**
No lights need be displayed upon a vehicle parked consistent with this Code on a street where there is sufficient light to reveal a person or object at a distance of a least 500 feet from the vehicle.
- 6.235** **Unattended Vehicles.**
- (1) No motor vehicle shall be parked unattended on a street on premises open to the public or car lot without first stopping the engine, locking the ignition, removing the ignition key from the vehicle, and effectively setting the brake.
 - (2) When an Enforcement Officer finds a motor vehicle parked or standing unattended with the ignition key in the vehicle, the Officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

6.240

Recreational Vehicle Stay.

- (1) No person shall be allowed to reside in a recreational vehicle except as follows:
 - a) On premises of a private residence, within a residential zone district, with consent of the resident for no more than 14 total days in a calendar year unless authorized by the City Manager or designee.
 - b) On private property, within a commercial or industrial zone district, with consent of the property owner for no more than two (2) total days in a calendar year unless authorized by the City Manager or designee.
 - c) The vehicle is located in a recreational vehicle park approved by the City through the requirements of the Zoning Code and authorized pursuant to Oregon Administrative Rules (OAR) Chapter 918-650.
- (2) No person shall be allowed to reside in a recreational vehicle on public property without written authorization by the City Manager or designee.

6.245

Violations and Penalties.

- (1) Any person violating Sections 6.200 – 6.215 is subject to a civil penalty in the amount set by Council resolution.
- (2) Any person violating Sections 6.220 – 6.240 is subject to a civil penalty in an amount of not less than \$100 and not more than \$250.
- (3) Violation of a provision identical to a State statute is subject to a fine or penalty not exceeding the fine or penalty prescribed by the relevant state statute.
- (4) The Enforcement Officer may cite into Municipal Court for the violations.

PARKING CITATIONS AND OWNER RESPONSIBILITY

6.300 Citation on Illegally Parked Vehicle.

- (1) When a vehicle without an operator is found parked in violation of this Code, the Enforcement Officer shall take its license number and other information that may assist in the identification of its owner and affix a parking citation to the vehicle instructing the owner to answer the charge or pay the penalty imposed within 10 days during specific hours and at a specific place.
- (2) The citation shall list the penalties that may be imposed and note that if the owner fails to respond within 10 days, the fine will double.

6.305 Failure to Comply With Parking Citation Attached to Parked Vehicle.

If the owner fails to respond to a parking citation affixed to a vehicle within 10 days, the City may send a letter to the owner informing them of the violation that because the citation was disregarded for a period of 10 days:

- (1) The fine has doubled; and
- (2) The vehicle is subject to impoundment or immobilization as prescribed in Code Section 6.500(5) if three or more unpaid parking citations exist against the vehicle; and
- (3) After impoundment if the outstanding parking citations and other fees and charges are not paid, the vehicle will be disposed of in the same manner prescribed in Code Section 6.500(2).

6.310 Owner Responsibility.

The owner of a vehicle in violation of a parking restriction shall be responsible for the violation unless the use of the vehicle was without owner consent.

6.315 Registered Owner Presumption.

In a proceeding against a vehicle owner for a parking violation, evidence the vehicle was registered to the person charged with the violation at the time of the violation constitutes a rebuttable presumption as to that person's ownership of the vehicle.

RESIDENTIAL PARKING PERMIT

6.405

Purpose.

A residential parking permit system is established so motor vehicles bearing a valid Residential Parking Permit may be parked on City streets in excess of the time limits on specific street sections within designated areas. A permit confers no rights upon the holder but rather is a privilege providing exemption from the time limitations and is subject to revocation at any time in the discretion of the City.

6.410

Temporary Designations of On-Street Parking Permit Areas and Residential Parking Permit System.

- (1) The City Manager or designee shall make recommendations to the City Council designating suitable temporary permit areas where parking is allowed.
- (2) The City Manager or designee shall implement a system assigning Residential Parking Permits in designated area(s).
- (3) A Residential Parking Permit shall be issued upon application by the owner or operator of the vehicle residing a designated area.
- (4) A Residential Parking Permit shall be affixed to the upper left windshield of the vehicle while the vehicle is parked in designated area.

6.415

Issuance and Use of Parking Permit.

Following designation by the City Council of areas subject to the Residential Parking Permit program, the City Manager or designee may issue a Residential Parking Permit to the owner or operator of the vehicle residing in the designated area.

- (1) A Residential Parking Permit shall be issued upon application and payment of the fee to the owner or operator of a vehicle residing the designated area. Permit is valid for one year from date of issuance.
- (2) A Residential Parking Permit must be displayed on the upper left windshield of the vehicle while the vehicle is parked in designated area.
- (3) Vehicles with a properly displayed Residential Parking Permit may park in the designated area in excess of the posted time limits.
- (4) A Residential Parking Permit neither guarantees nor reserves a parking space.
- (5) A Residential Parking Permit does not exempt holders from other parking, abandonment, towing, or immobilization regulations and penalties.

- (6) Unauthorized use of a Residential Parking Permit subjects the holder to permit revocation.
- (7) It is a violation of the Residential Parking Permit program for any person to copy, reproduce or sell a Residential Parking Permit.

6.420 Application.

- (1) Each application shall be on a form provided by the City and include the following information:
 - a) The name of the owner or operator of the motor vehicle
 - b) Proof of residency
 - c) Vehicle make and model
 - d) Vehicle identification number or license number
- (2) The City Manager or designee may request further information from the applicant verifying eligibility. Permit holders shall contact the City regarding change of residence or disposition of a permitted vehicle.

6.425 Temporary Permit.

Temporary residents of a designated area may apply for a Temporary Residential Parking Permit which expire thirty (30) days from the issuance date

6.430 Guest Parking Permit.

Residents of a designated area may apply for Guest Parking Permit upon request. A Guest Parking Permit shall be displayed on the front dashboard of the vehicle while the vehicle is parked in a designated area.

IMPOUNDING VEHICLES

6.500

Impoundment of Vehicles.

- (1) When a vehicle is placed in a manner or location which an Enforcement Officer reasonably believes constitutes an obstruction to traffic or hazard, the Officer may order the owner or operator thereof to move the vehicle. If the vehicle is unattended, the Officer may cause the vehicle to be towed and stored at the owner's expense.
- (2) The towing, impoundment and/or storage of vehicles under this Section shall be done consistent with Code Sections 6.600 to 6.605 ("Abandoned Vehicles") and the statutory provisions adopted thereby.
- (3) Impoundment of a vehicle under this section, does not preclude issuance of a citation for violation of any provision of this Code.
- (4) Stolen vehicles may be towed from public or private property and stored at the owner's expense.
- (5) When an Enforcement Officer observes a parked vehicle with three or more unpaid violations outstanding against the vehicle, the Officer may impound or immobilize the vehicle. An impounded or immobilized vehicle shall not be released until all outstanding fines and charges have been paid.

ABANDONED VEHICLES

6.600 **Definitions.**

For purpose of Sections 6.605 to 6.655, the following words and terms mean as described:

Abandoned Vehicle. A vehicle that has remained in the same location in excess of 24 hours and one or more of the following conditions exist:

- (1) The vehicle appears inoperative or disabled;
- (2) The vehicle appears wrecked, partially dismantled, or junked; or
- (3) The vehicle does not display a current registration plate or trip permit.

Abandoned Trailer. A trailer that has remained in the same location for in excess of 24 hours and one or more of the following conditions exist:

- (1) The trailer is unclaimed or damaged, disabled or dismantled such that it is inoperable.
- (2) The trailer does not display a current registration plate or trip permit, unless exempt therefrom under law.
- (3) The trailer is on a public right-of-way and no person residing at a property in the vicinity thereof claims a right of control over it.

6.605 **Abandoned Vehicles and Trailers Prohibited; Penalty.**

- (1) No vehicle or trailer which the Enforcement Officer has reason to believe is abandoned shall be parked or left standing on the right-of-way of a City street or alley or City property for a period in excess of 24 hours.
- (2) A vehicle or trailer so parked or left standing may be taken into custody by the Officer and shall be held at the expense of the owner of the vehicle or trailer. The Officer may use city personnel, equipment and facilities for removal and storage of the vehicle or may hire other personnel, equipment or facilities for that purpose.
- (3) The violation of this provision is a Class B traffic violation.
- (4) The Enforcement Officer may cite into Municipal Court for the violations.

6.610 **Vehicle Left on Private Property.**

A person who is the owner, or is the lawful possession, of private property on which a vehicle has been abandoned may have the vehicle towed from the property providing the owner provides

required notice pursuant to ORS 98.830 (2013) before towing vehicle from private property.

6.615 Towing Without Notice

- (1) An Enforcement Officer may immediately take custody of and tow a vehicle without prior notice if the vehicle:
 - a) Constitutes a hazard or obstruction to motor vehicle traffic.
 - b) The vehicle was in possession of a person taken into custody by an Officer and no other reasonable disposition of the vehicle is available.
 - c) The vehicle bears license plates not issued for the vehicle according to the records of the Department of Transportation.
 - d) The vehicle is parked in a designated fire lane and prevents access of emergency vehicles.
- (2) The owner of the vehicle shall be responsible for the costs of towing and storing the vehicle.

6.620 Towing and Storage Liens.

- (1) A person who, at the request of the Enforcement Officer, takes a vehicle or trailer into custody under provisions of Sections 6.605 and 6.615 shall have a lien on the vehicle or trailer and its contents for reasonable towing and storage charges.
- (2) If the appraised value of the vehicle or trailer is \$750.00 or less, the vehicle or trailer shall be disposed of in the manner provided in Section 6.650.
- (3) If the vehicle is taken into custody under provisions of Section 6.615 and held by the City, rather than by a private garage, the vehicle shall be disposed of in the manner provided in Sections 6.645 and 6.650.

6.625 Pre-Towing Notice.

- (1) When a vehicle or trailer is found in violation of Section 6.605, the Enforcement Officer shall affix a Pre-Tow Notice to the vehicle or trailer at least 24 hours prior to taking the vehicle or trailer into custody, excluding holidays, Saturdays and Sundays. The Pre-Tow Notice shall state:
 - a) The vehicle or trailer is in violation of City Code 6.605;
 - b) The vehicle or trailer may be taken into custody and towed if it is not removed before the date set by the City;

- c) The telephone number and address of the Police Department to obtain further information;
 - d) If the vehicle or trailer is taken into custody and towed by the City, it will be subject to towing and storage charges and a lien will attach to the vehicle or trailer and its contents;
 - e) The vehicle or trailer and its contents may be sold to satisfy the costs of towing and storage if the charges are not paid;
 - f) The owner or person having an interest in the vehicle or trailer is entitled to a pre-tow hearing; and
 - g) If a pre-towing hearing is requested, the vehicle will not be towed until the Municipal Court makes a determination.
- (2) This Section does not apply to vehicles towed without notice pursuant to Section 6.615.

6.630

Post-Towing Notice.

- (1) After a vehicle or trailer has been towed pursuant to Sections 6.605 or 6.615, written notice shall be provided to registered owner(s) and any other person(s) having interest in the vehicle or trailer as shown in the records of the Department of Transportation.
- (2) The notice will be mailed by certified mail within 48 hours of the tow, excluding holidays, Saturdays and Sundays. The Post-Tow Notice shall include the following information:
 - a) The vehicle or trailer has been towed by the City pursuant to City Code (6.605 or 6.615);
 - b) The location of the vehicle or trailer and address and telephone number of the facility that may be contacted for information;
 - c) The vehicle or trailer is subject to towing and storage charges and any outstanding parking tickets and administrative fees;
 - d) The vehicle or trailer and its contents are subject to a possessory lien for the towing and storage charges;
 - e) If the vehicle is not claimed by a specified date the vehicle or trailer and its contents may be sold by the City or the towing and storage facility where the vehicle or trailer is located and failure to timely reclaim the vehicle or trailer constitutes a waiver of all interest in the vehicle or trailer;

- f) The vehicle or trailer and its contents may be reclaimed by presentation of satisfactory proof of ownership or right to possession and payment of all towing and storage charges;
 - g) The owner, possessor or person having an interest in the vehicle or trailer is entitled to a prompt hearing contesting the validity of the tow and/or to contest the reasonableness of the towing and storage charges. The request must be submitted in writing to the Municipal Court not more than five (5) days from the mailing date of the notice, excluding holidays, Saturdays and Sundays.
- (3) If no vehicle identification number, registration plates or other markings on the vehicle or trailer can identify the owner, then no notice need be mailed or provided.

6.635

Hearings and Determination:

- (1) If a vehicle or trailer is proposed to be towed pursuant to Code Section 6.605, a request for a hearing may be made in writing stating the grounds upon which the person requesting the hearing believes the proposed tow is not justified. The request must be delivered to the Municipal Court after the affixing of the Pre-Tow Notice and prior to the towing of the vehicle or trailer. The Municipal Court shall set a time for the hearing within 72 hours of receipt of the request filed pursuant to this Section, excluding holidays, Saturdays, and Sundays.
- (2) In the case of a vehicle or trailer towed pursuant to Code Section 6.605 or 6.615, a written request for a hearing may be made stating the grounds upon which the person requesting the hearing believes the custody and towing of the vehicle or trailer is not justified. The request must be submitted to the Municipal Court not more than five (5) days from the mailing date of the notice, excluding holidays, Saturdays and Sundays. Upon receipt of a request for a hearing, the Municipal Court shall set a time for the hearing within 72 hours of its receipt of the request and shall provide notice of the hearing to the person requesting the hearing as well any lessors or security interest holders.
- (3) If the Municipal Court finds substantial evidence on the record that the custody and towing of the vehicle or trailer was:
 - (a) Invalid, the Court shall order the immediate release of the vehicle or trailer to the owner or person with right

of possession. If the vehicle or trailer is released under this subsection, the person to whom the vehicle or trailer is released is not liable for any towing or storage charges. If the person has already paid the towing and storage charges on the vehicle or trailer, the City shall reimburse the person of the charges. New storage costs on the vehicle will not start to accrue, however, until more than 24 hours after the time the vehicle is officially released to the owner or person under this subsection.

- (b) Valid, the Court shall order the vehicle or trailer to be held in custody until the costs of the hearing, administrative fees, outstanding parking tickets, towing and storage costs are paid by the owner or person claiming the vehicle. If the vehicle has not yet been towed, the City shall order that the vehicle or trailer be towed if the code violation involving the vehicle or trailer has not been corrected.
- (4) A person failing to appear at the hearing is not entitled to another hearing unless the person provides satisfactory reasons to the Municipal Court for the person's failure to appear.
- (5) The Court is required only to provide one hearing for each proposed or actual vehicle or trailer custody and/or tow.
- (6) A hearing under this subsection may be used to determine the reasonableness of the charge for towing and storage of the vehicle or trailer. If the vehicle or trailer is towed by City equipment and personnel, the charges shall be fixed by Council resolution. Any private company that tows and stores any vehicle or trailer pursuant to Sections 6.605 or 6.615, shall have a lien on the vehicle or trailer, in accordance with ORS 87.152 (2013), for the just and reasonable charges for the tow and storage services performed. The tow company may retain possession of that vehicle or trailer until towing and storage charges have been paid.
- (7) The determination of the Municipal Court is final and is not subject to appeal except by way of ORS 34.010 to ORS 34.110 (Writ of Review). The Municipal Court shall provide a written statement of the results of the hearing under this section to the owner or person requesting the hearing.

6.640

Charges and Release of Vehicle or Trailer.

- (1) If the required towing and storage charges have been paid, the vehicle or trailer shall be immediately released to the owner(s) or person(s) entitled to lawful possession thereof

upon proof a person with valid driving privileges will be operating the vehicle, proof of insurance, proof of payment of towing and storage charges, and administrative fees and outstanding parking tickets are paid to the City. If towing and storage charges and administrative fees and outstanding parking tickets have not been paid, a vehicle or trailer will not be released, except upon order of the Municipal Court.

- (2) A vehicle towed pursuant to Section 6.605 and 6.615 may only be released to owner(s) or person(s) entitled to lawful possession or control of the vehicle at time it was towed, or to a person who purchased the vehicle from the owner and who produces written proof of ownership. In all cases, adequate evidence of the right of possession of the vehicle or trailer as determined by the Police Department must be presented prior to issuing the release of the vehicle or trailer.

6.645

Sale or Disposal of Vehicle or Trailer Not Reclaimed.

- (1) If a vehicle or trailer taken into custody pursuant to Sections 6.605 or 6.615 is not reclaimed within 30 after being taken into custody, the person or tow company who towed the vehicle or trailer shall either:
 - a) Sell the vehicle or trailer and its contents at public auction in the manner provided in ORS 87.192 (2013) and ORS 87.196 (2013); or
 - b) If the vehicle is valued at \$750.00 or less, dispose of the vehicle or trailer and its contents to a dismantler within 15 days of the date of the notice under 6.650.
- (2) Sale or disposal of a vehicle or trailer and its contents as provided in this section extinguishes all prior ownership and possessor rights.
- (3) The contents of any vehicle or trailer sold under this section are subject to the same conditions of sale as the vehicle or trailer in which they are found.

6.650

Sale or Disposition of Vehicle or Trailer Appraised at \$750 or Less.

- (1) If a vehicle or trailer is towed pursuant to Sections 6.605, 6.615 or 6.730 and is appraised at a value of \$750.00 or less by a person who holds a certificate issued under ORS 819.480(2013), the person or tow company who towed the vehicle shall:
 - a) Notify the registered owner and secured parties as provided in subsection (3) of this section;

- b) Photograph the vehicle or trailer;
 - c) Notify the Department of Transportation that the vehicle or trailer will be disposed of,
 - d) Unless the vehicle or trailer is claimed by a person entitled to possession of it within 15 days of the date of notice under subsection (3) of this section, dispose of the vehicle and its contents to a person who holds a valid dismantler certificate issued by the Department of Transportation.
- (2) The Enforcement Officer shall provide to the person or tow company who tows the vehicle or trailer, at the time of the tow (or as soon as reasonably possible thereafter), a written statement containing the name and address of the registered owner and/or name and addresses of any persons claiming interests in the vehicle or trailer as shown by records of the department.
 - (3) Within 48 hours (excluding holidays, Saturdays, and Sundays) after the written statement is provided under subsection (2) above to the person or tow company towing a vehicle or trailer, the person must give written notice to the persons whose names are furnished in the statement stating that a person entitled to possession of the vehicle or trailer has 15 days from the mailing date of the notice to claim the vehicle or trailer, and that if the vehicle or trailer is not claimed, it will be disposed of as provided in this section.
 - (4) If an Enforcement Officer requesting towing of an abandoned vehicle or trailer fails to provide the person or tow company towing the vehicle or trailer the written statement within 48 hours after the vehicle is towed, the person may dispose of the vehicle as provided in ORS 819.210(2013).
 - (5) Disposal of a vehicle or trailer to a dismantler as provided in this section extinguishes all prior ownership and possessor rights.

6.655

Towing and Storage Fees.

The Council may, by resolution, rule, agreement or contract, set uniform towing and storage charges for abandoned vehicles or trailers that have been towed.

DISCARDED VEHICLES

6.700 **Definitions.** For purpose of Sections 6.705 to 6.765, the following term means as described:

Discarded vehicle. A discarded vehicle includes any motor vehicle, boat, aircraft, recreational vehicle or trailer (including major parts thereof, i.e., bodies, engines, transmissions, etc.) having one or more of the following conditions:

- a) Inoperative;
- b) Wrecked;
- c) Dismantled;
- d) Partially dismantled;
- e) Abandoned; or
- f) Junked.

6.705 **Declaration of Public Nuisance.**

The storage of discarded vehicle(s) on private property is hereby deemed a public nuisance which may be abated consistent with the provisions of Sections 6.700 to 6.760.

6.710 **Prohibited Action.**

- (1) No person shall keep, permit or suffer the storing of discarded vehicle(s) on private property within the City in excess of 72 hours unless the vehicle is:
- a) Completely enclosed within a building; or
 - b) Kept in connection with a lawfully conducted business enterprise dealing in junked vehicles.

6.715 **Entry on Private Property.**

- (1) An Enforcement Officer is authorized at all reasonable times to enter private property to:
- a) Examine a vehicle to determine whether it is discarded and in violation of Code Section 6.710;
 - b) Examine a vehicle to determine ownership; and
 - c) Remove the vehicle pursuant to Code Section 6.725.
- (2) If entry onto the property by the officer is refused or otherwise prevented, the officer shall obtain a warrant from the Municipal Court authorizing entry onto the property.

6.720

Pre-Abatement Investigation and Notice.

- (1) When an Enforcement Officer has cause to believe a discarded vehicle on private property exists, the Officer shall provide written notice to both the owner of the affected property and vehicle (if different) by personal service and/or certified mail. The Pre-Abatement Notice shall state:
 - a) The vehicle(s) and property are in violation of Code Section 6.710;
 - b) The vehicle(s) must be removed from the property and either brought to a lawfully conducted business enterprise dealing in junked vehicles or kept completely enclosed within a building;
 - c) The owner(s) of the property and vehicle have the ability to file a petition with the Municipal Court within 10 days of date of the notice and request a hearing to show cause why the vehicle does not qualify as a discarded vehicle.
 - d) That failure to either remove the discarded vehicle from the property or otherwise comply with the terms of Code Section 6.710 may result in the City removing the vehicle from the property and charging the cost for said removal and disposal thereof against the property and may result also in issuance of a citation.
- (2) Should the owner(s) of the property and/or vehicle wish to file a petition challenging the determination the vehicle(s) is discarded, it shall be in writing and set out the facts supporting the claim.

6.725

Hearing by Municipal Court.

- (1) Should a property or vehicle owner file a petition described in Section 6.720(2) or pursuant to a citation, the Municipal Court shall fix a time for a hearing and notify the parties as to the time and place thereof. At the hearing, the Court may:
 - a) Continue the matter to obtain additional information;
 - b) Order abatement of the vehicle(s) by the owner of the property and or vehicle(s);
 - c) Authorize the City's entry on the property and removal of the vehicle(s) or otherwise abate the nuisance;
 - d) Impose civil penalties pursuant to Section 6.765; and/or
 - e) Take any and all such other actions as the Court deems necessary or appropriate to effect

the purposes of the City's regulation of discarded vehicles.

- 6.730** **Abatement by the City and Appraisal.**
- (1) Upon the issuance of an order by the Municipal Court, pursuant to Section 6.725, the City may abate and remove the subject vehicle(s) using City employees or independent contractors.
 - (2) After removing the vehicle, the City shall cause it to be appraised by a person who holds a certificate issued by the Department of Transportation under ORS 819.480(2013) for the appraisal of vehicles.
- 6.735** **Sale or Disposition of Vehicle Appraised at \$750 or Less.**
- A vehicle(s) abated and removed by the City, pursuant to Section 6.730, with an appraised value of \$750.00 or less, shall be disposed of in accordance with the provisions of Section 6.650.
- 6.740** **Public Sale Notice.**
- (1) If the vehicle is appraised at a value over \$750.00, the Enforcement Officer shall publish a notice of sale in a newspaper of general circulation within the City stating:
 - a) The vehicle is in possession of the City.
 - b) The type, make, license number, vehicle identification number (VIN) and any other information that will aid in accurately identifying the vehicle
 - c) The terms of the sale.
 - d) The date, time and place of the sale.
 - (2) The notice shall be published two times with the first publication made not less than 15 days before the date of the proposed sale and with the second publication being not less than seven (7) days prior to the proposed sale date.
- 6.745** **Public Sale.**
- (1) For vehicles appraised at a value over \$750.00, the Enforcement Officer shall hold a sale at the time and place appointed within view of the vehicle to be sold.
 - (2) The vehicle shall be sold to the highest bidder; if no bids are made or are less than the City's incurred costs, the Enforcement Officer may enter a bid equal to the City's costs to purchase the vehicle for the City
 - (3) At the time of payment, the Enforcement Officer shall execute a certificate of sale with the original delivered to the purchaser and a copy filed with the City Recorder.

6.750 **Redemption Before Sale.**

- (1) An impounded vehicle may be redeemed by its owner (or authorized representative thereof) by applying to the City prior to the sale and shall:
 - a) Submit satisfactory evidence of ownership or interest in the vehicle to the Enforcement Officer that the claim is rightful; and
 - b) Pay the City's incurred costs to date.
- (2) Upon compliance with subsection (1) of this Section, the Enforcement Officer shall execute a receipt and cause the vehicle to be released from impoundment.

6.755 **Assessment of Costs.**

- (1) After vehicle is disposed of and deducting any monies received from the sale thereof, the Enforcement Officer shall send written notice to the person in charge of the property from which the vehicle was taken of the following:
 - a) The remaining unpaid costs of abatement.
 - b) That said costs will be assessed against and become an assessment lien against the real property unless fully paid within sixty (60) days from the notice's date.
 - c) That the person in charge of the property may object to the abatement costs by filing a written notice of objection with the City Recorder within twenty (20) days of the date of the notice setting out the reason(s) for said objection.
- (2) Objections to the proposed assessment shall be heard and determined by the City Council within sixty (60) days of the receipt of the objection by the City Recorder.
- (3) If the costs of the abatement are not paid within sixty (60) days of the notice date, an assessment shall be made by Council resolution, entered in the City liens docket and shall thereby constitute an assessment lien on the real property.
- (4) The liens shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the legal rate. Interest accruing from the date of entry in the docket.
- (5) An error in the name of the person in charge of the property shall not affect the assessment, nor will a failure to receive notice of the proposed assessment.

6.760 Towing and Storage Fees.

The Council may, by resolution, rule, agreement or contract, set uniform towing and storage charges for discarded vehicles that have been towed.

6.765 Violations and Penalties.

- (1) In addition abatement, the owner of the vehicle(s) and/or the owner(s) of the property shall be subject to a civil penalty in an amount of not less than \$100.00 per day and not more than \$250.00 per day for each day of the violation(s) for each vehicle with each day being treated as separate violations.
- (2) The Enforcement Officer is authorized to issue citation(s) to the owner(s) of the vehicle and/or property and have the matter heard by the Municipal Court.

TOWING OPERATORS

6.800 Definitions.

For the purpose of Code Sections 6.805 to 6.825 “on-call tow” means a motor vehicle towing company which is authorized to provide towing services for the City’s Police Department.

6.805 Chief of Police Authorized to Adopt Regulations.

- (1) The Chief of Police is authorized to adopt regulations governing qualifications of on-call tow applicants with the specific intent of restricting authorization to applicants having a history of lawful and responsible conduct related to towing functions. The Chief is authorized to adopt regulations governing towing equipment and accessories, insurance coverage and the response procedure by which on-call tows are summoned to the scene. The Chief has no independent authority to fix or set rates for towing services.
- (2) Any decision of the Chief of Police adverse to the applicant and relevant to qualifications for on-call tow may be appealed to the City Manager by written notice given within 10 days of the ruling by the Chief of Police. The Manager shall review the decision of the Chief of Police and shall affirm, deny or modify the decision. The determination by the Manager shall be final.

6.810 Licenses Required.

Each on-call tow shall obtain any applicable City and State licenses including but not limited to business and operator’s licenses. In addition, each on-call tow shall comply with all regulations issued by the Chief of Police.

6.815 Inspection of Vehicles.

The Chief of Police shall periodically, but not less than annually, inspect the vehicles, operators’ licenses and on-call tows for compliance with Sections 6.805 to 6.825 and administrative regulations.

6.820 On-Call Rotation.

Any towing company which provides the Chief of Police with proof of compliance with Sections 6.805 to 6.825 and all regulations promulgated hereunder may participate in the procedure described below for responding to Police Department requests for towing services. All such companies shall be placed on a list to be utilized by Police Department radio dispatch. The Police Department shall

rotate the particular on-call tow to be utilized each week among the listed towing companies.

6.825

Violations and Penalties.

Any person or firm providing on-call tow whether as principal, agent, employee or otherwise, who violates or causes the violation of any provision of Sections 6.805 to 6.825 or regulations issued hereunder shall be punishable by a fine of not more than \$1,000. In addition, the Chief of Police may exclude from the on-call towing schedule any towing company which has violated Sections 6.805 to 6.825 or administrative regulations hereunder until the Chief of Police has determined that further violations will not occur.

ORDINANCE NO. 2013-13

EXHIBIT B

AMENDMENTS

CHAPTER 3

3.210 Deposits on Streets.

- (1) No person shall deposit any article or material on any street without first securing a permit from the City Manager or designee and paying the required fee. The permit may be denied if the Manager or designee determines that the article or material will seriously impede traffic or unduly obstruct the view of motor vehicle drivers.
- (2) No permit is required if the article or material is being delivered, does not obstruct traffic or the vision of motor vehicle drivers, and does not remain on the street for more than three hours.
- (3) A holder of a permit to deposit any article or material on the street shall provide adequate safeguards, railing, lights and markers to warn persons passing by.
- (4) No deposit permit shall be effective for longer than 72 hours unless authorized by the City Manager or designee.

CHAPTER 5

5.060 Obstructing Passageways. (Delete in its entirety).

- ~~(1) No person, except as permitted by this code, shall obstruct, cause to be obstructed or assist in obstructing pedestrian or vehicular traffic on any street or public way.~~
- ~~(2) No person shall use any street or public way for selling, storing or display of merchandise or equipment, except as permitted by this code.~~

CHAPTER 9

9.620 Prohibitions.

No person shall cut, remove or deface any tree in the parkway without first obtaining the consent of the City Manager or designee. No person shall ride or drive or park any vehicle, trailer, camper or motor home upon a curbed parkway. (Ord. 1997-14, 09/08/1997)

December 9, 2013

**REPORT ON RESOLUTION FIXING SOLID WASTE RATES
TO BE CHARGED BY FRANCHISE IN THE CITY OF FOREST GROVE
AND REPEALING RESOLUTION NO. 2010-82**

Project Team: Paul Downey, Director of Administrative Services
Michael Sykes, City Manager

ISSUE STATEMENT: On October 7, 2013, Waste Management (WM) requested a rate increase of 7.7% across all classes of services. The franchise agreement, Ordinance 87-2 known as the Solid Waste Ordinance, describes the process to review the rate adjustment request. The process is:

- First, WM must submit a rate request adjustment in writing to the City.
- Second, within 30 days of the written notice of the rate increase request, the City Manager must evaluate the request and present a report with findings of fact and a recommendation to the City Council that the request be approved, denied, or approved in a different form.
- Third, within 60 days of the written notice for rate increase request, the City Council shall hold a public hearing on the request.
- Finally, Council must take final action on the proposed rate change within 45 days of the public hearing.

City staff presented the findings of fact to the City Council on November 25, 2013, and is recommending the City Council consider a 4% increase to all rates. Staff prepared a resolution with the new rates which would be effective January 1, 2014, if approved by the City Council.

BACKGROUND: Waste Management's last rate increase was 4.37% for rates on 20, 35, 60, and 90-gallon roll carts for residential and commercial services and was effective January 1, 2011. The commercial container service and roll-off drop box service rates were not changed at that time. The intent of the rate increase on roll carts only at that time was to try to reduce the subsidization of residential rates by commercial rates. Prior to that increase, WM's last rate increase was a 7% across the board rate increase that was effective on December 1, 2002. Other changes approved by the City Council over the last decade include:

- City increased franchise fee charged to Waste Management from 3% to 5% effective July 1, 2005.
- In November 2006, the City amended the franchise ordinance to add a second free curbside clean-up week and added an additional day for bulky waste and tire drop-off day to the existing discarded appliance and tire drop-off day.
- In November 2006, the City amended the franchise ordinance to limit the franchisee to a maximum rate of return of 11% with any return over 11% being paid to the City for the development and maintenance of park trails. For calendar years 2006-2008, WM made payments to the City as its rate of return was over 11%.
- In November 2006, the City passed a resolution defining the minimum items that constitute residential weekly can service and set parameters on the amount of waste for collection on free curbside collection days and the number of items that can be left at the transfer station on the bulky waste and discarded appliance collection days.
- In April 2007, the City added a \$4.75 per month fee for each additional residential recycling roll cart.

Section 8(4) of the franchise agreement states that the City Manager, in making the recommendation to the Council, shall give due consideration to the following:

- Changes in cost of operations
- Comparative collection rates in other cities
- Cost of acquiring and replacing equipment
- Cost of providing added or different service
- A reasonable return to the Franchisee for doing business based on a percentage of the gross receipts from the franchised business
- Cost of meeting growth in service or capital requirement.

DISCUSSION:

WM has requested a 7.7% increase to be effective as soon as the rate review process is completed. Waste Management's primary reason for the rate increase is a decrease in the return on revenue below what is considered to be a reasonable rate of return for franchised haulers. Typically, the City, like many other jurisdictions in Washington County, has used a minimum return of 8% for a reasonable rate of return for franchised haulers. Forest Grove caps the maximum reasonable rate of return at 11% while other

jurisdictions cap the maximum rate of return at 12%. The actual rates of return from 2009 through 2012 and the projected rate of return by WM for 2013 are:

Year	Rate of Return
2009 Actual	8.1%
2010 Actual	8.1%
2011 Actual	10.0%
2012 Actual	4.7%
2013 Projected	3.1%

The 2013 rate of return is based on taking the 2012 reported revenues and costs and then increasing all costs by the CPI of 2.18% except for: 1) disposal and processing costs were increased by 3.04% to reflect the actual increase; and 2) the corporate overhead allocation was reduced by 10% to reflect the change in overhead allocated to these operations. The revenue for 2012 was not adjusted to determine the 2013 projected rate of return. WM's explanation of why revenue was not changed to reflect growth was then the increased costs to serve those additional locations would have to be factored into the numbers. They wanted to use the 2012 numbers increased by inflationary amounts or the actual increases or decreases if known.

City staff understands the logic of increasing the 2012 costs by inflation and not changing the 2012 revenue when forecasting the 2013 rate of return since the rates did not change. However, WM's reported revenue increased by 2.4% from 2011 to 2012 and has average 4.4% per year for the last three years. City staff feels that by not including any revenue increase, the 2013 projected rate of return is probably understated as the marginal costs of providing service for increasing number of accounts or increased service to existing accounts should not be 100% of any revenue growth.

Based on the 4.7% reported rate of return in 2012 and considering the targeted rate of return for WM, staff recommends that the City Council consider a 4% increase to all rates effective January 1, 2014. That would give WM a projected rate of 8.7% using the 2012 revenues and costs. Staff understands that WM's costs in 2013 are probably higher as WM has forecasted. But with the growth of housing and the island annexation, which increased the number of service accounts in WM's franchise area, staff feels that the revenue will increase as well. Since the revenue for 2013 was not projected, staff feels that using the reported 2012 rate of return is a more appropriate number to use when considering the percentage of the rate increase.

Staff has included Exhibit 1 which shows the current rates, City staff's proposed rates as of January 1, 2014, and WM's proposed rates.

Exhibit 2 compares the residential, commercial container and drop box rates in Forest Grove to some other Washington County jurisdictions.

The resolution includes the proposed new rate schedule to be effective January 1, 2014. The rates for roll carts have been rounded to the nearest five cents and the roll-off drop box service rates have been rounded up to nearest dollar as has been done with previous rate increases.

STAFF RECOMMENDATION: Staff recommends the City Council approve the attached Resolution and Exhibit A providing for a 4% increase in solid waste rates to be charged by Waste Management, effective January 1, 2014.

Waste Management
Proposed Rate Increase
Effective January 1, 2014

Residential	Current Rate	City Proposed Rate	Increase	WM Proposed Rate	Increase
20-Gallon Roll Cart Service	17.35	18.05	0.70	18.69	1.34
35-Gallon Roll Cart Service	19.85	20.65	0.80	21.38	1.53
60-Gallon Roll Cart Service	32.34	33.65	1.31	34.85	2.51
90-Gallon Roll Cart Service	46.35	48.20	1.85	49.93	3.58
Commercial Rate Impact					
1-Yard Container Weekly Service	87.40	90.90	3.50	94.15	6.75
1-Yard Container 2 Time Per Week Service	165.00	171.60	6.60	177.74	12.74
2-Yard Container Weekly Service	152.00	158.10	6.10	163.74	11.74
2-Yard Container 2 Time Per Week Service	292.00	303.70	11.70	314.55	22.55
4-Yard Container Weekly Service	277.00	288.10	11.10	298.39	21.39
4-Yard Container 2 Time Per Week Service	538.00	559.50	21.50	579.55	41.55
6-Yard Container Weekly Service	365.00	379.60	14.60	393.19	28.19
6-Yard Container 2 Time Per Week Service	711.00	739.40	28.40	765.90	54.90
Drop Box Service					
10/20 Yard Box	153.00	160.00	7.00	164.81	11.81
30 Yard Box	179.00	187.00	8.00	192.82	13.82
40 Yard Box	204.00	213.00	9.00	219.75	15.75

Exhibit 1

Waste Management
Proposed Rate Increase - Comparison with Other Jurisdictions
Effective January 1, 2014

Residential	20-Gal Cart	35- Gal Cart	60- Gal Cart	20- Gal Cart	
Forest Grove - Current	17.35	19.85	32.34	46.35	(1)
Forest Grove - WM Proposed	18.69	21.38	34.85	49.93	
Forest Grove - City Proposed	18.05	20.65	33.65	48.20	
Washington County	20.62	22.44	34.00	40.00	(2)
Beaverton	18.00	21.00	34.00	40.00	(1)
Hillsboro	18.65	22.35	32.20	41.90	(3)
Tigard	20.10	22.90	34.05	40.65	
Gresham	23.70	27.30	36.15	40.55	(1)
Clackamas County	25.15	28.90	38.10	44.70	

(1) - Weekly Collection of Garbage/Recycling/Yard Debris

(2) - Recycling and Yard Debris Collected Every Other Week

(3) - Weekly Garbage & Recycling, Yard Debris every other week, and Glass monthly

Commercial Rate Impact	City Proposed FG	Wash Co.	Beaverton	Tigard
1-Yard Container Weekly Service	90.90	95.12	85.83	99.94
1-Yard Container 2 Time Per Week Service	171.60	158.46	165.35	186.87
2-Yard Container Weekly Service	158.10	143.74	136.20	153.62
2-Yard Container 2 Time Per Week Service	303.70	253.87	256.85	286.94
4-Yard Container Weekly Service	288.10	240.73	228.27	254.41
4-Yard Container 2 Time Per Week Service	559.50	444.46	440.02	487.24
6-Yard Container Weekly Service	379.60	337.04	320.21	355.00
6-Yard Container 2 Time Per Week Service	739.40	634.36	622.83	687.15

Drop Box Service

	City Proposed FG	Wash Co.	Beaverton	Tigard
10/20 Yard Box	160.00	154.00	175.00	134.00
30 Yard Box	187.00	183.00	190.00	134.00
40 Yard Box	213.00	183.00	190.00	134.00



November 27, 2013

NewsTimes

Legal Ads/Public Notice:

To be published: Wednesday, December 4, 2013

**NOTICE OF PUBLIC HEARING
PROPOSED RESOLUTION INCREASING SOLID WASTE RATES
IN THE CITY OF FOREST GROVE**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, December 9, 2013**, at **7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider adopting a resolution fixing solid waste rates to be charged by a franchise, Waste Management. The proposed resolution, if enacted by the City Council, would take effect immediately, and the changes in the passed through fees would result in a four (4%) percent increase in monthly rates for 20, 35, 60, and 90-gallon roll carts for residential and commercial services, effective January 1, 2014.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed resolution are available for inspection before the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing or sent to the attention of the City Recorder's Office, PO Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please call Anna Ruggles, City Recorder, at 503.992.3235.

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

Published December 4, 2013

RESOLUTION NO. 2013-72**RESOLUTION FIXING SOLID WASTE RATES TO BE CHARGED BY FRANCHISE IN THE CITY OF FOREST GROVE AND REPEALING RESOLUTION NO. 2010-82**

WHEREAS, the City Council has adopted Ordinance No. 87-2, known as the City of Forest Grove Solid Waste Management Ordinance; and

WHEREAS, Section 8, Paragraph 4 of Ordinance No. 87-2 allows the Franchisee or the City to apply for a rate adjustment when there has been a significant increase or decrease in the Franchisee's costs of operation; and

WHEREAS, Section 8, Paragraph 4 of Ordinance No. 87-2 says the City shall consider a reasonable return to the Franchisee for doing business based on a percentage of the gross receipts of the franchised business; and

WHEREAS, on October 7, 2013, Waste Management applied for a 7.7% increase across all classes of service; and

WHEREAS, City staff recommended a 4% increase across all classes of service effective January 1, 2014; and

WHEREAS, the City Council held a duly-noticed Public Hearing on December 9, 2013, and concurred with City staff's recommendation.

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

Section 1. Resolution No. 2010-82 is hereby repealed effective January 1, 2014.

Section 2. Effective January 1, 2014, solid waste service rates within the City of Forest Grove shall be uniform for the same service and shall not exceed those rates set forth in Exhibit A.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND APPROVED this 9th day of December, 2013.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 9th day of December, 2013.

Peter B. Truax, Mayor

City of Forest Grove Residential Rates

Effective January 1, 2014 Exhibit A

WEEKLY ROLL CART SERVICE	Monthly Rate
One - 20gal cart - 1 pickup per week	\$ 18.05
One - 35gal cart - 1 pickup per week	\$ 20.65
Each additional 35gal cart	\$ 13.95
One - 60gal cart - 1 pickup per week	\$ 33.65
Each additional 60gal cart	\$ 26.55
One - 90gal cart - 1 pickup per week	\$ 48.20
Each additional 90gal cart	\$ 39.65
WILL CALL SERVICE	
Will call cash - 35gal cart	\$ 3.75
Will call billed - 35gal cart	\$ 5.00
Will call container rental - 35gal cart (Includes Weekly Recycling)	\$ 9.05
EXTRAS	
Additional Recycling Roll Cart (added 2007)	\$ 4.95
Garbage - can or bag	\$ 8.05
Yard Debris - bag or 2x2 bundle	\$ 2.20
RECYCLING ONLY	
One Pickup per Week	\$ 9.05
YARD DEBRIS ONLY	
Bi-weekly pickup - 60 gal cart	\$ 3.85
Additional Yard Debris Cart	\$ 3.85
Bi-weekly pickup - 90 gal cart	\$ 4.10
Additional Yard Debris Cart	\$ 4.10
MISCELLANEOUS	
Call Back Charge	\$ 14.90
Distance Charge	\$ 2.50
Cart Delivery/Pickup Charge	\$ 13.95

**City of Forest Grove
Commercial and Multi-Family Rates**

Effective January 1, 2014

Exhibit A

Rate Category	Serviced per Week	Monthly Adopted Rates	
<u>Commercial Rollcart Service (Loose)</u>			
	<u>Stops/wk</u>		
20 Gallon	1	\$	17.35
35 Gallon	1	\$	19.85
60 Gallon	1	\$	32.35
90 Gallon	1	\$	46.35
<u>Commercial Container Service (Loose)</u>			
	<u>Container Size</u>		<u>Stops/wk</u>
Commercial Front Load Containers			
One yard		1	\$ 90.90
Each Additional			\$ 82.68
One yard		2	\$ 171.60
Each Additional			\$ 155.00
One yard		3	\$ 252.70
Each Additional			\$ 228.80
One yard		4	\$ 333.80
Each Additional			\$ 301.60
One yard		5	\$ 415.00
Each Additional			\$ 374.40
One and 1/2		1	\$ 125.80
Each Additional			\$ 115.40
One and 1/2		2	\$ 242.30
Each Additional			\$ 219.40
One and 1/2		3	\$ 357.80
Each Additional			\$ 323.40
One and 1/2		4	\$ 473.20
Each Additional			\$ 428.50
One and 1/2		5	\$ 588.60
Each Additional			\$ 533.50
Two yards		1	\$ 158.10
Each Additional			\$ 144.60
Two yards		2	\$ 303.70
Each Additional			\$ 276.60
Two yards		3	\$ 452.40
Each Additional			\$ 408.70
Two yards		4	\$ 559.50
Each Additional			\$ 541.80
Two yards		5	\$ 673.90
Each Additional			\$ 639.60
Three yards		1	\$ 226.70
Each Additional			\$ 210.10
Three yards		2	\$ 437.80
Each Additional			\$ 405.60
Three yards		3	\$ 650.00
Each Additional			\$ 601.10
Three yards		4	\$ 861.10
Each Additional			\$ 796.60
Three yards		5	\$ 1,073.30
Each Additional			\$ 992.20

**City of Forest Grove
Commercial and Multi-Family Rates**

Effective January 1, 2014

Exhibit A

Rate Category	Serviced per Week	Monthly Adopted Rates	
<u>Commercial Container Service (Loose)</u>			
<u>Container Size</u>		<u>Stops/wk</u>	
Commercial Front Load Containers			
Four yards	1	\$	288.10
Each Additional		\$	271.40
Four yards	2	\$	559.50
Each Additional		\$	526.20
Four yards	3	\$	831.00
Each Additional		\$	782.10
Four yards	4	\$	1,102.40
Each Additional		\$	1,036.90
Four yards	5	\$	1,373.80
Each Additional		\$	1,292.70
Six yards	1	\$	379.60
Each Additional		\$	358.80
Six yards	2	\$	739.40
Each Additional		\$	698.90
Six yards	3	\$	1,100.30
Each Additional		\$	1,039.00
Six yards	4	\$	1,460.20
Each Additional		\$	1,378.00
Six yards	5	\$	1,821.00
Each Additional		\$	1,717.00
Eight yards	1	\$	491.90
Each Additional		\$	455.50
Eight yards	2	\$	942.20
Each Additional		\$	869.40
Eight yards	3	\$	1,391.50
Each Additional		\$	1,282.30
Eight yards	4	\$	1,841.80
Each Additional		\$	1,696.20
Eight yards	5	\$	2,291.10
Each Additional		\$	2,109.10
<u>Commercial Container Services - Recycling</u>			
35 Gallon Rollcart		\$	5.85
60 Gallon Rollcart		\$	8.05
90 Gallon Rollcart		\$	9.30
1 Yard Container		\$	14.70
1.5 Yard Container		\$	18.85
2 Yard Container		\$	21.85
3 Yard Container		\$	30.40
4 Yard Container		\$	39.25
6 Yard Container		\$	48.80
8 Yard Container		\$	62.10

**City of Forest Grove
Commercial and Multi-Family Rates**

Effective January 1, 2014

Exhibit A

Rate Category	Serviced per Week	Monthly Adopted Rates
<u>Commercial Container Services - Will Call</u>		
1 Yard Container - Rental		\$ 15.85
1 Yard Container - Dump Fee Per Pull		\$ 22.40
2 Yard Container - Rental		\$ 22.90
2 Yard Container - Dump Fee Per Pull		\$ 44.65
3 Yard Container - Rental		\$ 31.45
3 Yard Container - Dump Fee Per Pull		\$ 67.00
<u>Commercial Container Services - Temporary</u>		
2 Yard Container - Delivery Fee		\$ 39.45
2 Yard Container - Dump Fee Per Pull		\$ 44.65
3 Yard Container - Delivery Fee		\$ 39.45
3 Yard Container - Dump Fee Per Pull		\$ 667.00
4 Yard Container - Delivery Fee		\$ 39.45
4 Yard Container - Dump Fee Per Pull		\$ 89.35

City of Forest Grove Roll-off Drop Box Service - Rates

Effective January 1, 2014 Exhibit A

	Adopted Rate
Non-Compacted	
10 Yard	\$ 160.00
20 Yard	\$ 160.00
30 Yard	\$ 187.00
40 Yard	\$ 213.00
Wet Waste Rate	
10 Yard	\$ 181.00
20 Yard	\$ 192.00
30 Yard	\$ 237.00
40 Yard	\$ 270.00
Compacted	
10 Yard	\$ 213.00
20 Yard	\$ 213.00
30 Yard	\$ 228.00
40 Yard	\$ 262.00
Wet Waste Rate	
10 Yard	\$ 262.00
20 Yard	\$ 262.00
30 Yard	\$ 327.00
40 Yard	\$ 391.00
Exchange Service	
20 Yard	\$ 142.00
30 Yard	\$ 170.00
40 Yard	\$ 224.00
Wet Waste Rate	
20 Yard	\$ 174.00
30 Yard	\$ 220.00
40 Yard	\$ 281.00
Demmuration	
10-20 Yard	\$ 8.05
30 Yard	\$ 10.30
40 Yard	\$ 14.35
Wet Waste Rate	
10-20 Yard	\$ 8.05
30 Yard	\$ 10.30
40 Yard	\$ 14.35