

# CITY COUNCIL MONTHLY MEETING CALENDAR

Jun-19						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	Planning Comm 7pm	3	4	Municipal Court PAC SubComm 5pm FGRFD Mtg	5	6
		CCI 5:30pm		7	8	Municipal Court
9	CITY COUNCIL 5:30 PM - WORK SESSION(s) 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	10	Red Cross Blood Drive (Canceled)	11	12	13
		Library Comm 6:30pm		Sister Cities (canceled)	14	15
			<i>FG/Nyuzen Delegation Visit (Mayor Truax &amp; Councilor Thompson depart 06/12)</i>			
16	Chamber Luncheon	17	18	P&R 7am CFC 5:15pm	19	20
	Planning Comm 7pm				21	22
			<i>FG/Nyuzen Delegation Visit (Mayor Truax &amp; Councilor Thompson return 06/19)</i>			
23	CITY COUNCIL 5:30 PM - EXECUTIVE SESSION (CM Eval) 6:00 PM - WORK SESSION(s) 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	24	Red Cross Blood Drive 1pm-6pm, Comm Aud	25	26	27
		HLB 6:30pm		Municipal Court	28	29
				PSAC (Mtg Canceled)	30	31
			<i>Council President Johnston out until 08/03</i>			
30						
Jul-19						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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Meeting dates/times may change or cancel without advanced notice; please confirm with meeting agendas.  
TBD-To Be Determined

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*A place where families and businesses thrive.*

**CITY COUNCIL MEETING AGENDA**

**MONDAY, JUNE 10, 2019**

**5:30 PM – Work Sessions (Housing Needs Assessment;  
Downtown Parking Study; and Grant Feasibility)  
7:00 PM – City Council 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  
Timothy A. Rippe  
Ronald C. Thompson

Elena Uhing  
Adolph “Val” Valfre, Jr.  
Malynda H. Wenzl

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, [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov), 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, [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov), 503-992-3235, at least 48 hours prior to the meeting.

**5:30 WORK SESSIONS:**

The City Council will convene in the Community Auditorium – Conference Room to conduct the following 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).

(PowerPoint Presentations)  
 Dan Riordan, Senior Planner  
 Bryan Pohl, Community  
 Development Director  
 Paul Downey, Administrative  
 Services Director  
 Jesse VanderZanden, City Manager

- *Housing Needs Analysis Update (40 minutes)*
- *Town Center Parking Study (30 minutes)*
- *Federal Grant Feasibility Analysis (20 minutes)*

**7:00**

1. **REGULAR MEETING:** Roll Call and Pledge of Allegiance
2. **CITIZEN COMMUNICATIONS:** Anyone wishing to speak to Council on an item not on the agenda may be heard at this time. *Please sign-in before the meeting on the Citizen Communications form posted in the foyer.* In the interest of time, please limit comments to two minutes. Thank you.
3. **CONSENT AGENDA:** See Page 5
4. **ADDITIONS/DELETIONS:**
5. **PRESENTATIONS:**

(PowerPoint Presentation)  
 Gregory Robertson, Public Works  
 Director

**7:10**  
 15mins

5. A.
  - *Engineering/Public Works Update*

(PowerPoint Presentation)  
 Dan Riordan, Senior Planner  
 Bryan Pohl Community  
 Development Director

**7:25**  
 10mins

5. B.
  - *Second Annual Severe Rent Burden Meeting Report*

(PowerPoint Presentation)  
 James Reitz, Senior Planner  
 Bryan Pohl Community  
 Development Director  
 Jesse VanderZanden, City Manager

**7:35**

6. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-05 AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLES 1 INTRODUCTION AND PROCEDURES, 2 LAND USE REVIEWS, 3 ZONING DISTRICTS, 5 SPECIAL PROVISIONS, 7 MISCELLANEOUS PROVISIONS, 8 GENERAL DEVELOPMENT STANDARDS, AND 12 USE CATEGORIES AND DEFINITIONS; AND REPEALING ORDINANCE NO. 2009-08; FILE NUMBER 311-19-00002-PLNG**

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- |   |      |   |
|---|------|---|
| James Reitz, Senior Planner<br>Bryan Pohl Community<br>Development Director<br>Jesse VanderZanden, City Manager                     | 7:55 | 7. <b><u>PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-06 REPEALING ORDINANCE NO. 2004-08, CHAPTER 33 (REGULATORY MEASURE 37 CLAIMS PROCEDURE) IN ITS ENTIRETY AND ADOPTING FOREST GROVE CODE OF ORDINANCES, TITLE IX (GENERAL REGULATIONS), CHAPTER 93 (§93.01 THROUGH §93.04), DOMESTICATED FOWL; AND AMENDING FOREST GROVE CODE §90.25 (B); FILE NO. 311-19-000002-PLNG</u></b> |
| (PowerPoint Presentations)<br>Paul Downey, Administrative<br>Services Director<br>Jesse VanderZanden, City Manager                  | 8:05 | 8. <b><u>PUBLIC HEARING AND RESOLUTION NO. 2019-24 SETTING FEES AND CHARGES (3% INCREASE), EFFECTIVE JULY 1, 2019, AND REPEALING RESOLUTION NO. 2018-53</u></b>   |
| Keith Hormann, Light and Power<br>Director<br>Paul Downey, Administrative<br>Services Director<br>Jesse VanderZanden, City Manager  | 8:15 | 9. <b><u>PUBLIC HEARING AND RESOLUTION NO. 2019-25 ADOPTING NEW LIGHT AND POWER ELECTRIC RATE (4.6% INCREASE) SCHEDULES AND DEFINITIONS AND DESCRIPTIONS FOR THE CITY OF FOREST GROVE, EFFECTIVE AUGUST 13, 2019, AND REPEALING RESOLUTION NO. 2018-14</u></b>  |
| Gregory Robertson, Public Works<br>Director<br>Paul Downey, Administrative<br>Services Director<br>Jesse VanderZanden, City Manager | 8:25 | 10. <b><u>PUBLIC HEARING AND RESOLUTION NO. 2019-26 FIXING WATER RATES (2% INCREASE) FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2019, AND REPEALING RESOLUTION NO. 2018-50</u></b>   |
| Gregory Robertson, Public Works<br>Director<br>Paul Downey, Administrative<br>Services Director<br>Jesse VanderZanden, City Manager | 8:30 | 11. <b><u>PUBLIC HEARING AND RESOLUTION NO. 2019-27 ESTABLISHING SANITARY SEWER UTILITY RATES (2% INCREASE) FOR CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2019, AND REPEALING RESOLUTION NO. 2018-51</u></b>  |
| Gregory Robertson, Public Works<br>Director<br>Paul Downey, Administrative<br>Services Director<br>Jesse VanderZanden, City Manager | 8:35 | 12. <b><u>PUBLIC HEARING AND RESOLUTION NO. 2019-28 ESTABLISHING SURFACE WATER MANAGEMENT RATE (5.5% INCREASE) FOR CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2019, AND REPEALING RESOLUTION NO. 2018-52</u></b>   |

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- |   |                    |   |
|---|--------------------|---|
| Gregory Robertson, Public Works Director<br>Paul Downey, Administrative Services Director<br>Jesse VanderZanden, City Manager | 8:40               | 13. <b><u>RESOLUTION NO. 2019-29 ACCEPTING CLEAN WATER SERVICES SANITARY SEWER UTILITY RATES (3%) PER MONTH INCREASE); SURFACE WATER MANAGEMENT RATES (\$0.50) PER MONTH INCREASE); SURFACE WATER MANAGEMENT SYSTEM DEVELOPMENT CHARGES (\$545 TO \$560 (\$15) INCREASE PER EDU); AND SANITARY SEWER SYSTEM DEVELOPMENT CHARGES (\$5,650 TO \$5,800 (\$150) INCREASE PER EDU), EFFECTIVE JULY 1, 2019, AND REPEALING RESOLUTION NO. 2018-66</u></b>   |
| Tom Gamble, Parks and Recreation Director<br>Colleen Winters, Library Director<br>Jesse VanderZanden, City Manager            | 8:45               | 14. <b><u>RESOLUTION NO. 2019-30 ACCEPTING PUBLIC ARTS COMMISSION (PAC) STRATEGIC PLAN</u></b>  |
| Michael Kinkade, Fire Chief<br>Jesse VanderZanden, City Manager   | 8:50               | 15. <b><u>RESOLUTION NO. 2019-31 AUTHORIZING TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF FOREST GROVE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, BY AND THROUGH ITS FIRE DEPARTMENT (“GRANTEE”), AND THE FOLLOWING: THE CITY OF HILLSBORO, BY AND THROUGH ITS FIRE DEPARTMENT; THE CITY OF CORNELIUS, BY AND THROUGH ITS FIRE DEPARTMENT; TUALATIN VALLEY FIRE AND RESCUE; BANKS FIRE DISTRICT NO. 13; CORNELIUS RURAL FIRE PROTECTION DISTRICT; FOREST GROVE RURAL FIRE PROTECTION DISTRICT; GASTON RURAL FIRE PROTECTION DISTRICT</u></b> |
| Michael Kinkade, Fire Chief<br>Jesse VanderZanden, City Manager   | 8:55               | 16. <b><u>RESOLUTION NO. 2019-32 AUTHORIZING TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF FOREST GROVE, THE CITY OF CORNELIUS, AND THE GASTON RURAL FIRE PROTECTION DISTRICT FOR THE PROVISION OF SHARED LOGISTICS TECHNICIAN SERVICES</u></b>   |
| City Councilors   | 9:00               | 17. <b><u>CITY COUNCIL COMMUNICATIONS:</u></b>  |
| Jesse VanderZanden, City Manager  | 9:20               | 18. <b><u>CITY MANAGER'S REPORT:</u></b>  |
| Peter Truax, Mayor  | 9:25               | 19. <b><u>MAYOR'S REPORT:</u></b>   |
|   | <b><u>9:30</u></b> | 20. <b><u>ADJOURNMENT:</u></b>  |

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 remaining Consent Agenda item(s).
- A. Approve City Council Executive Session (City Manager Performance Evaluation) Meeting Minutes of May 28, 2019.
  - B. Approve City Council Work Session (Light and Power Solar Feasibility Study) Meeting Minutes of May 28, 2019.
  - C. Approve City Council Regular Meeting Minutes of May 28, 2019.
  - D. Accept Planning Commission Meeting Minutes of May 6, 2019.
  - E. Accept Sustainability Commission Meeting Minutes of April 25, 2019.
  - F. Community Development Department Monthly Building Activity Informational Report for May 2019.

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# HOUSING NEEDS ANALYSIS UPDATE

DAN RIORDAN  
Senior Planner  
Community Development Dept.

TIM WOOD  
Project Consultant  
FCS Group

# WORK SESSION PURPOSE

Tonight's work session will:

- ❑ Brief City Council on the 2009 Housing Needs Analysis (HNA) Update.
- ❑ Provide an opportunity for Council feedback and discussion on work completed including current housing estimates and projections.
- ❑ Provide an opportunity for Council direction on policies for needed housing.

# BACKGROUND

- ❑ The State Department of Land Conservation and Development (DLCD) is helping severe rent burdened communities by funding updates to local HNAs.
- ❑ DLCD selected FCS Group to lead the update and do technical analysis.



# BACKGROUND

- ❑ To date, FCS completed the following tasks:
  - ❑ Current housing inventory;
  - ❑ Housing needs forecast for the next 20-years;
  - ❑ Reconciliation of housing supply and demand;
  - ❑ Assessment of land needs for housing for the next 20-years; and
  - ❑ Preliminary housing policy memo.

# BACKGROUND

- ❑ Tasks remaining include:
  - ❑ Final housing policy memo;
  - ❑ Adoption draft of complete HNA; and
  - ❑ Adoption process.
  
- ❑ Under DLCD funding requirements the final HNA must be done by June 30<sup>th</sup>.

# BACKGROUND

The last HNA was done in 2009 to support the City's Comprehensive Plan update and to ensure compliance with State rules for needed housing.

Much has changed since 2009:

- ❑ The “Great Recession” occurred.
- ❑ The economic rebound affected housing demand.
- ❑ The Oregon Legislature expanded the UGB in the City's planning area.
- ❑ Forest Grove was identified by the State as a severely rent burdened community.

# CONTEXT

- ❑ In general, an HNA includes:
  - ❑ An inventory of existing housing stock by type and price range.
  - ❑ Housing demand projections by type and price range for the next 20 years.
  - ❑ Assessment of housing land needs based on how land is currently zoned and the housing projections.

# PROJECT ADVISORY COMMITTEE

- ❑ An advisory committee was convened to assist the consultant and review work products.
- ❑ The committee also discussed housing policies for consideration to promote needed housing.
- ❑ The committee met three times.

## Participants

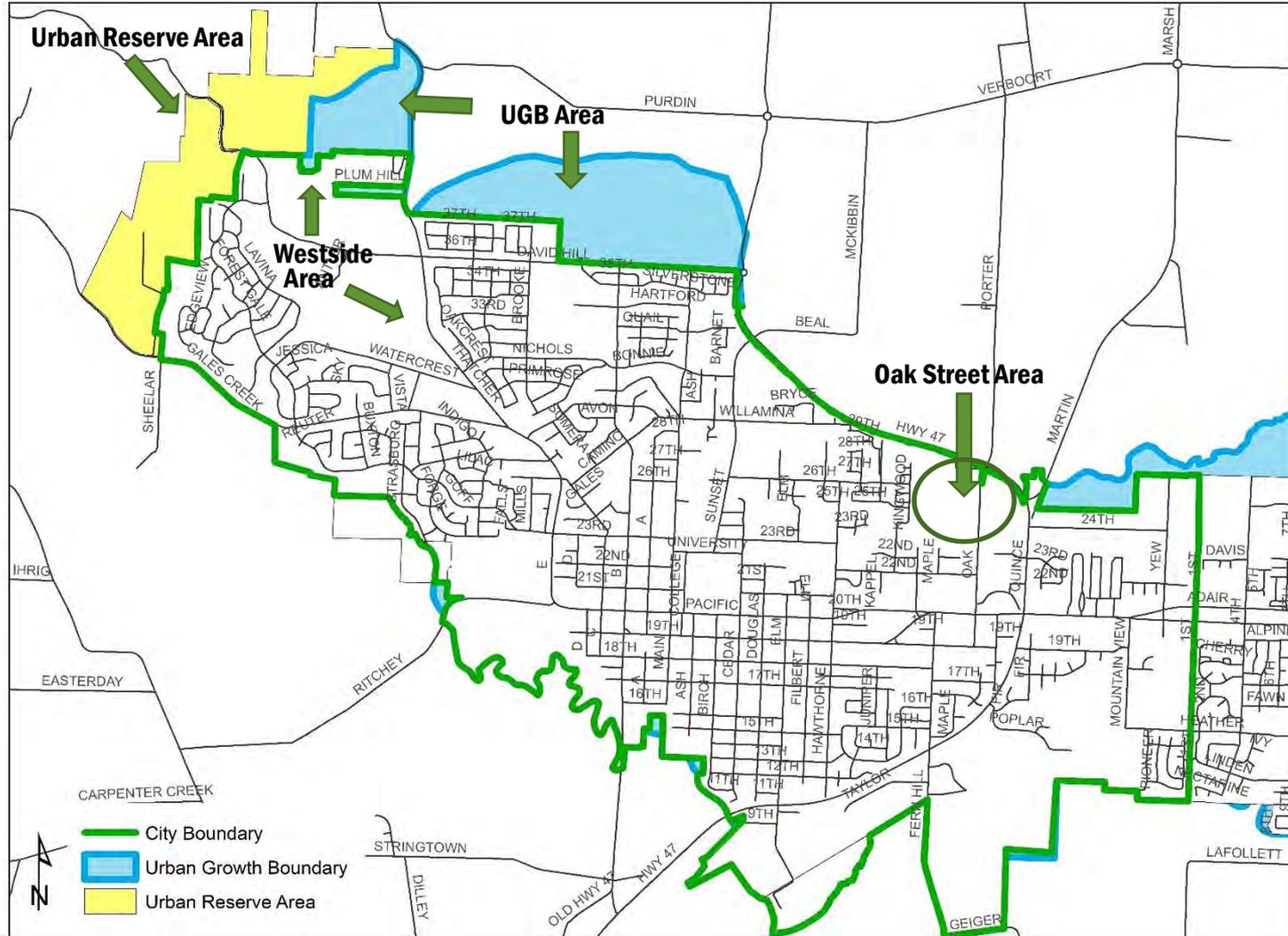
- ❖ **City Councilor Valfre**
- ❖ **Planning Commission member**
- ❖ **Bienestar Director**
- ❖ **West Tuality Habitat Director**
- ❖ **Home Builders Association Staff**
- ❖ **Local Apartment Manager**
- ❖ **Affordable Housing Ad-Hoc Member**

# Housing Needs Analysis

Significant Findings

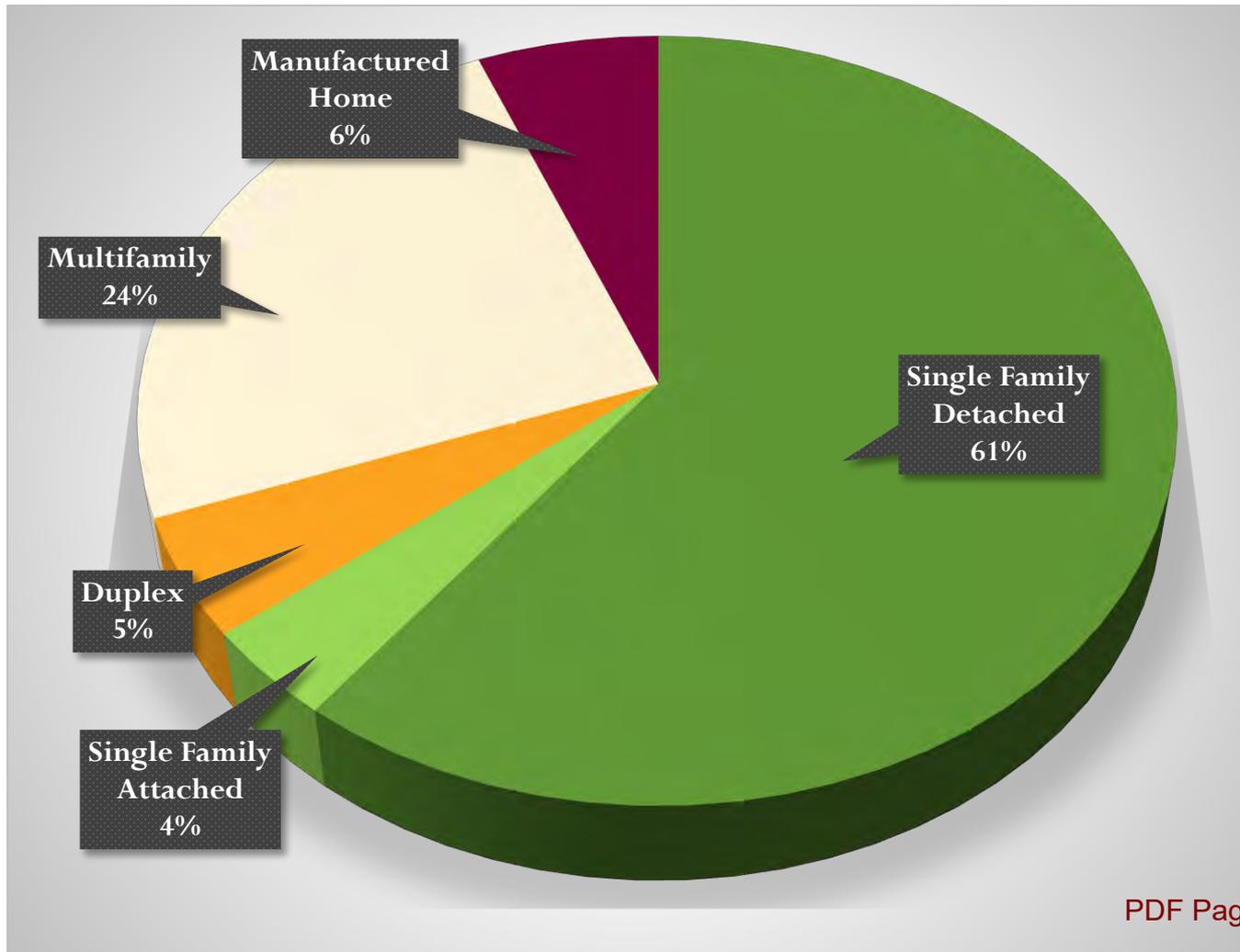


# PLANNING AREAS

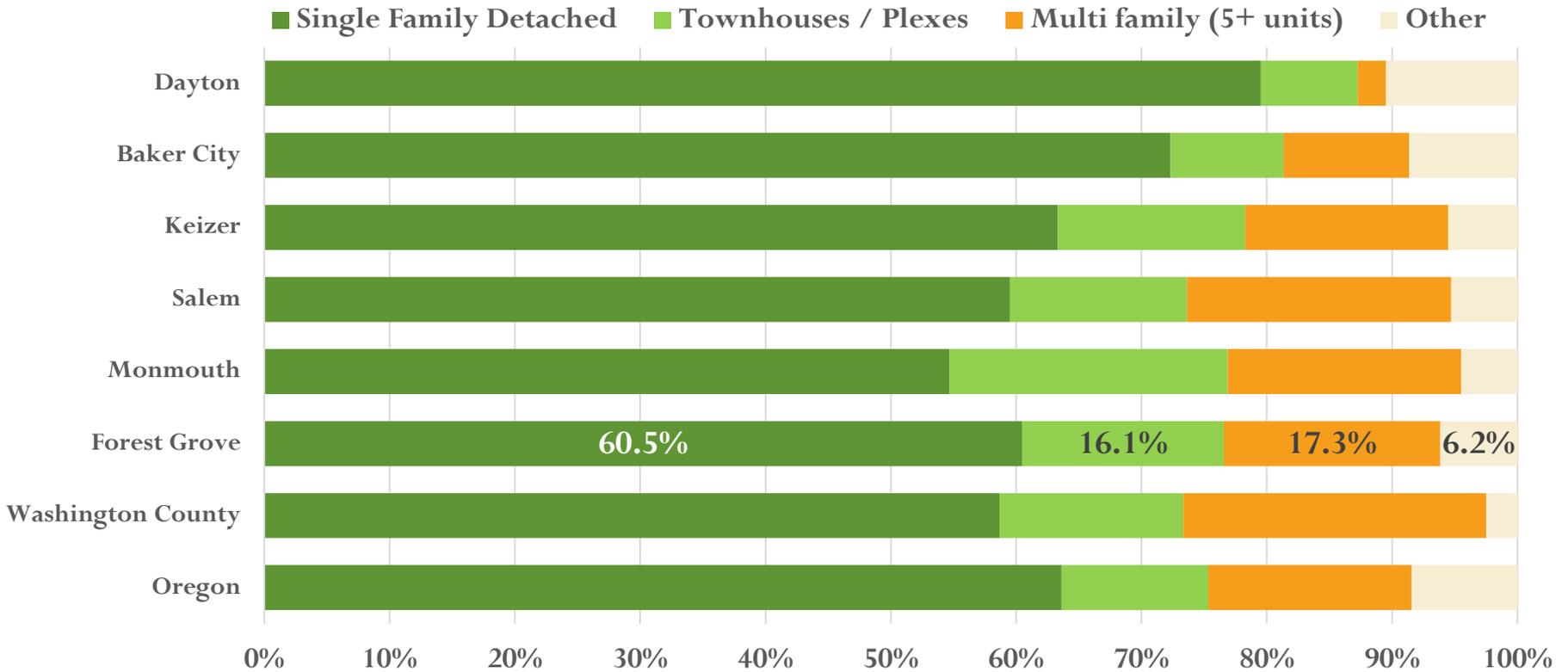


# CURRENT HOUSING SUPPLY

Total Housing Units: 8,440

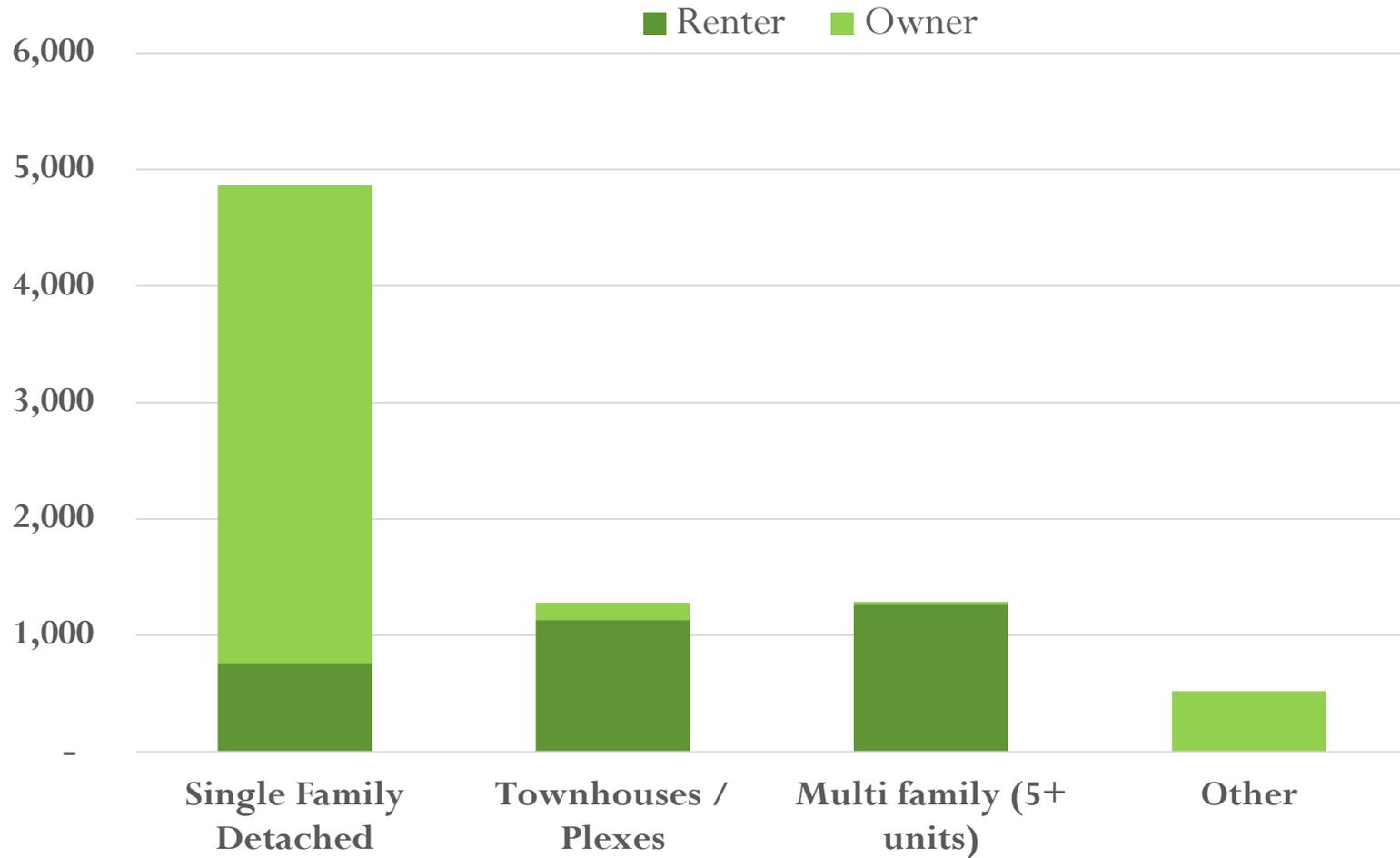


# CURRENT HOUSING MIX



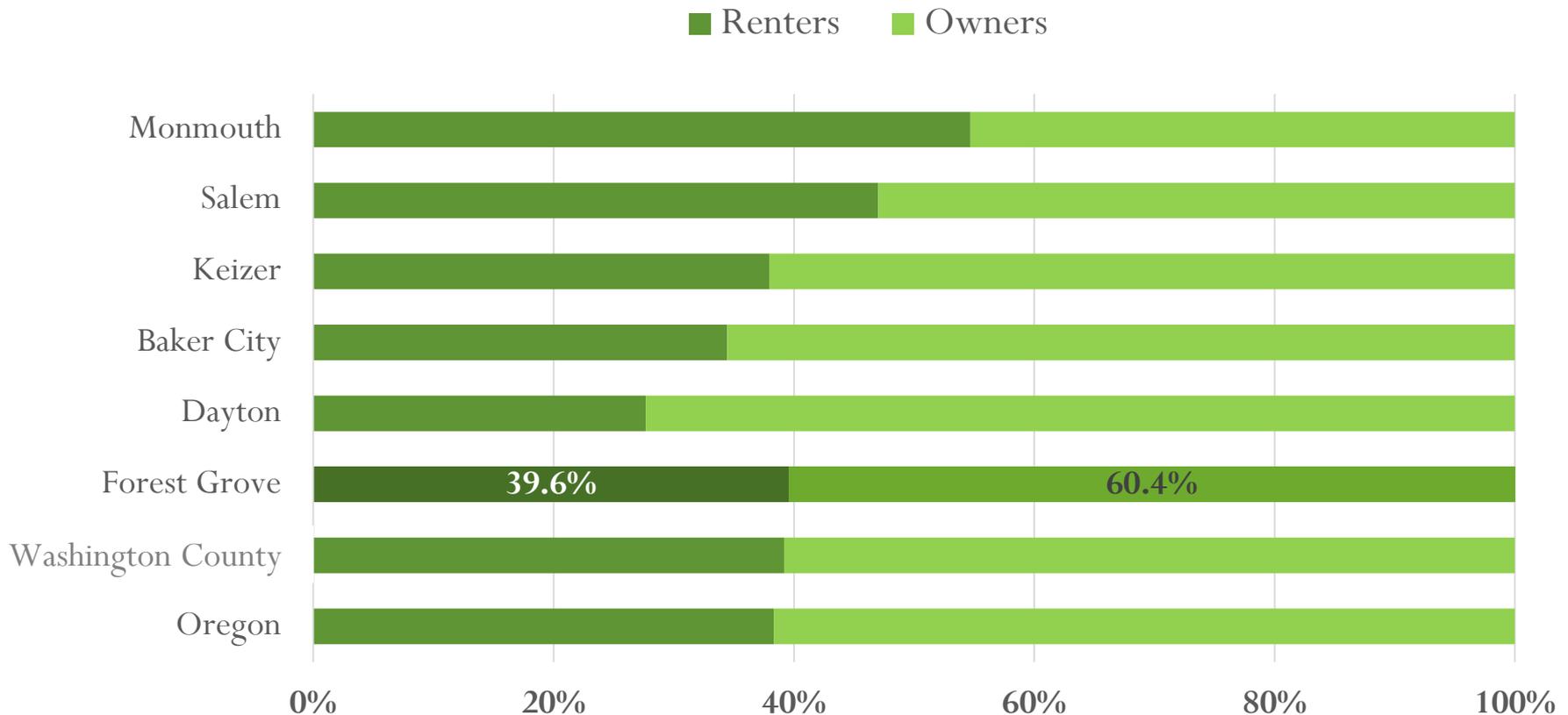
Source: U.S. Census Bureau, 2013-2017 American Community Survey (Table B25024), compiled by FCS Group

# OCCUPIED HOMES



Source: U.S. Census Bureau, 2013-2017 American Community Survey (Table B25032), compiled by FCS Group

# OCCUPIED HOMES



Source: U.S. Census Bureau, 2013-2017 American Community Survey (Table B25032), compiled by FCS Group

# Housing Forecast



# HOUSING FORECAST

- ❑ Forest Grove’s population is expected to increase by about 9,600 persons over the next 20 years.
- ❑ Based on the City’s average household size of 2.8 persons / household, an additional 3,400 housing units will be needed for expected population growth.

	Estimate 2019	Forecast 2039	Proj. Change 20 Years	Proj. AGR (2019-2039)
Forest Grove UGB Population	24,652	34,275	9,622	1.66%
Forest Grove Housing Needs				
Group Quarters Population	1,238	1,721	512	
Population in Households	23,414	32,553	9,680	
Avg. Household Size	2.81	2.81		
Resident Housing Units	8,332	11,585	3,252	1.66%
Seasonal & Vacant Housing Units	445	619	174	1.66%
Total Housing Units (baseline)	8,777	12,203	3,426	1.66%

Source: Metro Population Distributed Forecast; U.S. Census ACS 2013-2017 data, and interpolations by FCS GROUP.

# HOUSING FORECAST

## Projected Housing Need by Type and Tenancy

Approximate Attainable Home Price*	Owner-Occupied Dwellings	Renter-Occupied Dwellings	Total Dwelling Units	Attainable Housing Products
Upper (120% or more of MFI)	809	98	907	Standard Homes
Middle (80% to 120% of MFI)	522	170	691	Small and Standard Homes, Townhomes
Low (50% to 80% of MFI)	383	355	737	Small Homes, Townhomes, Mfgd. Homes, Plexes
Very Low (30% to 50% of MFI)	216	274	490	ADUs, Govt. Assisted
Extremely Low (less than 30% of MFI)	123	478	601	Govt. Assisted
<b>Total</b>	<b>2,052</b>	<b>1,374</b>	<b>3,426</b>	

\*Assumes 30% of income is used for rental payments. Forest Grove HNA draft findings, April 2019. FCS GROUP.

Forecasts do not include group quarters units.

# HOUSING SUPPLY AND DEMAND

- Overall the UGB appears adequate to address housing needs during the 20 year planning period.

## Housing Units

	Housing Capacity (Supply)	Housing Demand	Remaining Capacity
Low Density	2,732	2,724	8
High Density*	2,091	958	1,133
<b>Total</b>	<b>4,823</b>	<b>3,682</b>	<b>1,141</b>

\* includes townhomes, apartments and group quarters.

Source: Appendix 2, 2018 Metro Buildable Land Inventory (BLI) report

# INVENTORY OF APPROVED LOTS

- However, the supply of approved lots is low limiting short term development potential.

Current Subdivisions					
Forest Grove					
Project Name	Location	# of Lots Approved	# of Lots Issued	Lots Left	Status
Green Grove Co-Housing Phase 1	3351 Thatcher Rd	9	3	6	Initiated
Oak Hill Settlement IV (Lots 112-152)	Brooke Street & David Hill Road	41	36	5	Initiated
Pacific Crossing Phase 4	West end of Goff Road	63	62	1	Initiated
Silverstone Phase 1 (Lots 1-45)	David Hill Road	45	45	0	Initiated
Silverstone Phase 2	David Hill Road	38	34	4	Initiated
Silverstone Phase 3	David Hill Road	44	18	26	Initiated
Silverstone 4 "The Meadows" (Lots 1-73)	David Hill Road	73	73	0	Completed
Smith Orchard	Gales Way & B St	8	0	8	In grading
Kidd Court	22nd Place	7	4	3	Initiated
Hawthorne Gardens	Hawthorne & 26th Ave	29	29	0	Completed
Gales Creek Terrace	Pacific Ave	197	0	197	In grading
Sunset Crossing	Sunset Ave	26	0	26	Initiated
		580	304	276	

# SUPPLY CONSIDERATIONS

Expanding the supply of approved subdivision lots is constrained by:

- ❑ Lack of infrastructure needed to serve development.
  - ❑ This applies to the Westside and Oak Street areas.
- ❑ Lack of desire of some property owners in the UGB area to annex into the City.

# SUPPLY CONSIDERATIONS

The supply of approved subdivision lots could be increased by:

- ❑ Implementing the Westside Refinement Plan including adopting an infrastructure funding approach.
- ❑ It's estimated the Westside area could accommodate about 1,900 homes at build-out.
- ❑ Preparing and implementing a refinement plan for the Oak Street Area to promote mixed use development.
- ❑ Preparing and adopting a concept plan for the Urban Reserve meeting Metro requirements.

# Preliminary Policy Discussion

# POLICY DISCUSSION

The advisory committee discussed several policies to promote needed housing at their last meeting:

- ❑ Adopt cottage / cluster housing development standards.
  - ❑ Compact development providing more affordable housing options.
- ❑ Reduced required parking for certain housing types such as regulated affordable housing.
- ❑ Reduce cost of development and encourage efficient use of land.

# POLICY DISCUSSION

- ❑ Review MINIMUM residential densities.
  - ❑ The minimum is currently set at 80% of zone target density.
- ❑ Revise System Development Charge methodology.
  - ❑ Tie SDC amount to unit size (sliding scale).

# POLICY DISCUSSION

- ❑ Revisit establishing a Construction Excise Tax. State law requires that a percentage of collected revenue go to:
  - ❑ Developer incentives for affordable housing;
  - ❑ Home ownership programs run by the State; and
  - ❑ City initiatives related to housing.

# Council Discussion



# TOWN CENTER PARKING STUDY

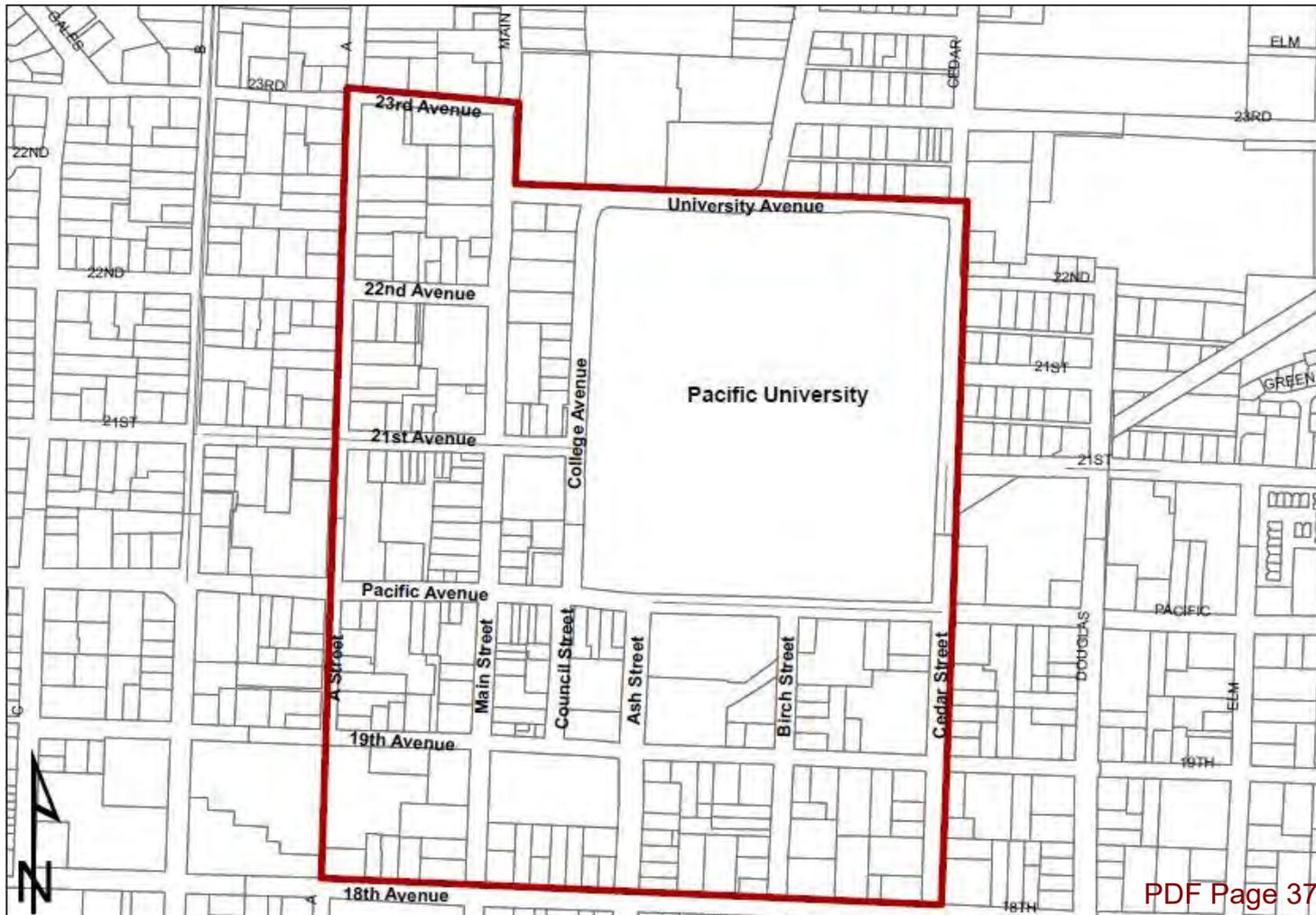
DAN RIORDAN  
Senior Planner  
Community Development Dept.

BRIAN DAVIS  
Senior Analyst  
Lancaster Engineering



# BACKGROUND

## Study Area



# PROJECT CONSULTANT

- ❑ Lancaster Engineering:
  - ❑ Transportation Engineering and Planning firm.
  - ❑ Located in Portland and Bend.
  - ❑ Founded 35 years ago.
  - ❑ Lancaster Streetlab: Data-driven approaches to parking management and multimodal planning.
  
- ❑ Brian Davis, Project Consultant, Streetlab Director and Senior Analyst.



# THE TASK

- ❑ Lancaster Engineering has been asked to:
  - ❑ Inventory existing on-street and off-street public parking spaces.
  - ❑ Assess use of the parking spaces.
  - ❑ Recommend public parking strategies.



# COMMUNITY INVOLVEMENT

- ❑ An advisory committee was convened to:
  - ❑ Assist the consultant and review work products.
  - ❑ Provide a forum for property and business owner involvement.
  - ❑ First meeting held on May 28<sup>th</sup>. Three meetings anticipated.

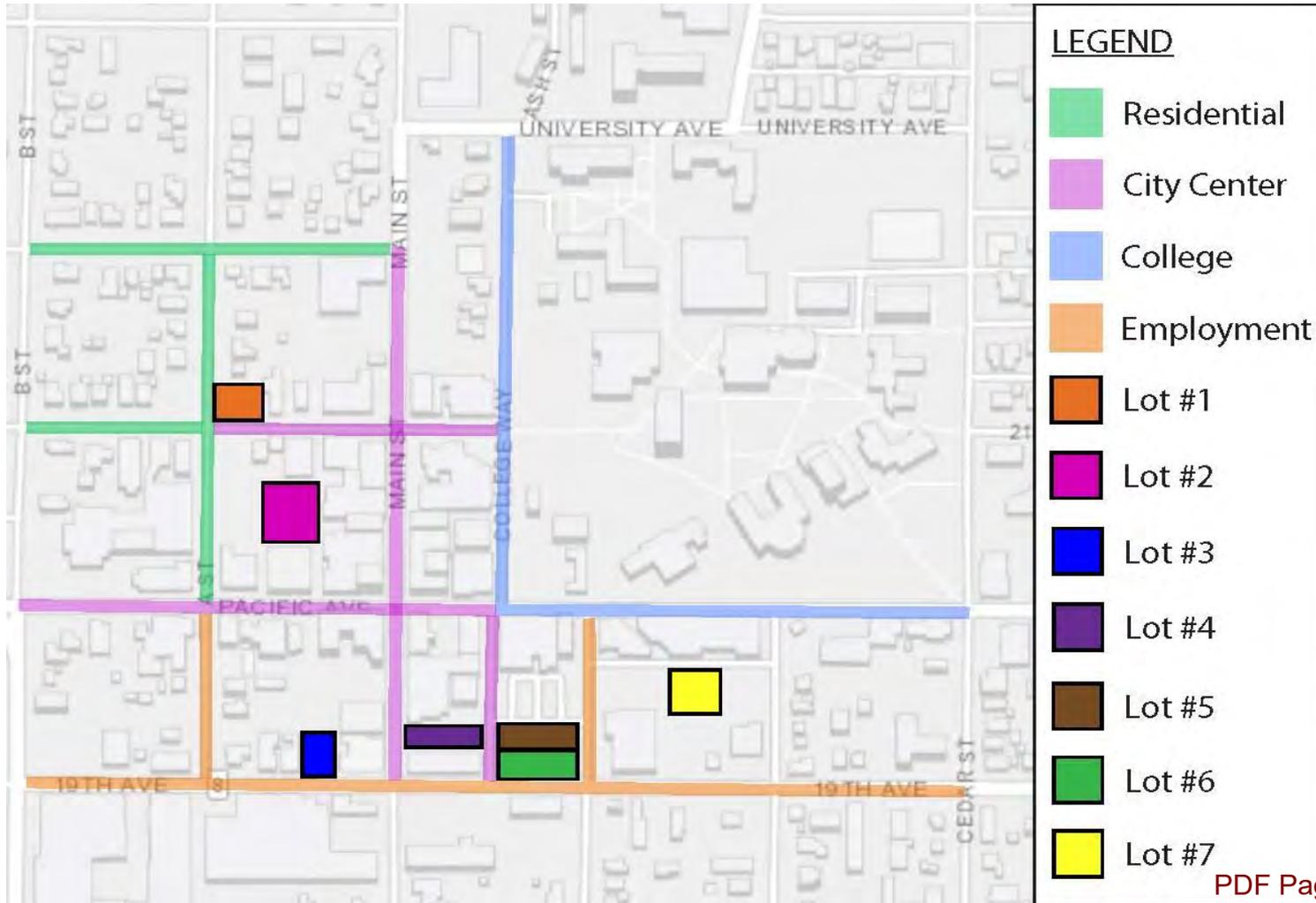
## Participants

- ❖ **Business and Property Owners**
- ❖ **Planning Commission member**
- ❖ **Pacific University representative**
- ❖ **Adelante Mujeres**
- ❖ **United Church of Christ**
- ❖ **Community Development**
- ❖ **Economic Development**
- ❖ **Engineering**
- ❖ **Code Enforcement**

# The Study



# STUDY AREA AND PROPOSED SUBAREAS



# ANALYSIS OVERVIEW: KEY METRICS

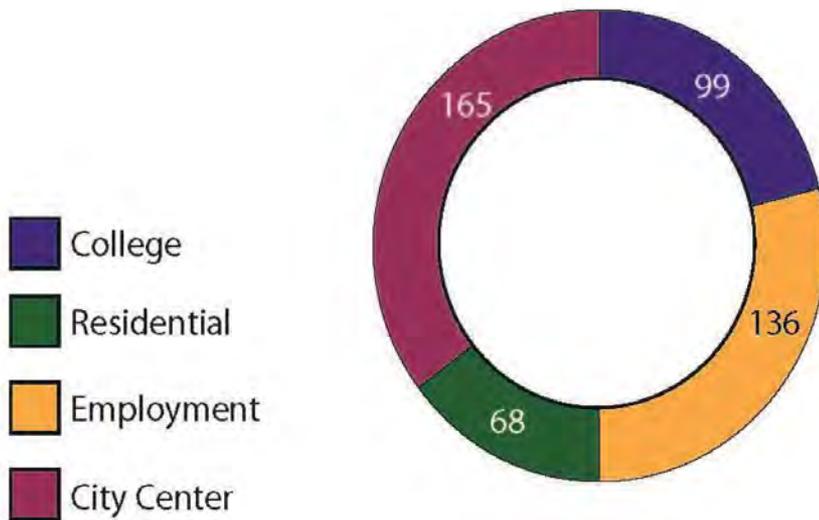
- ❑ Number and type of parking stalls.
- ❑ Peak hour(s) for demand.
- ❑ Occupancy during peak times / off peak times
  - ❑ As a percent of overall supply.
- ❑ Duration of stay.
- ❑ Number of unique vehicles served.
- ❑ Number of vehicles observed to “overstay”.



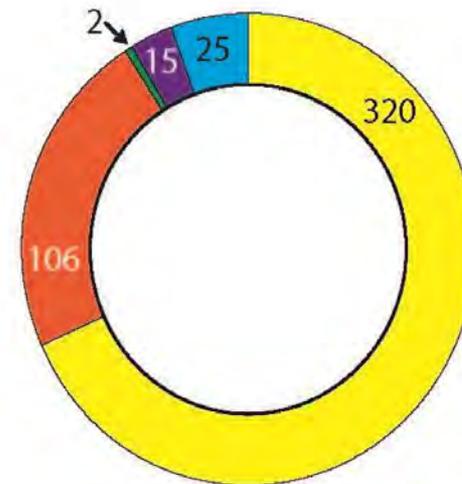
# ON-STREET PARKING SUPPLY

On-Street Parking Supply (468 stalls total)

By District



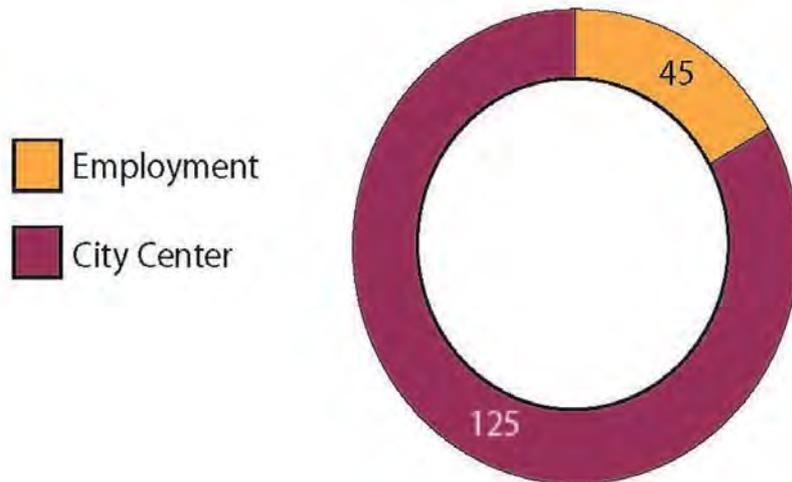
By Type



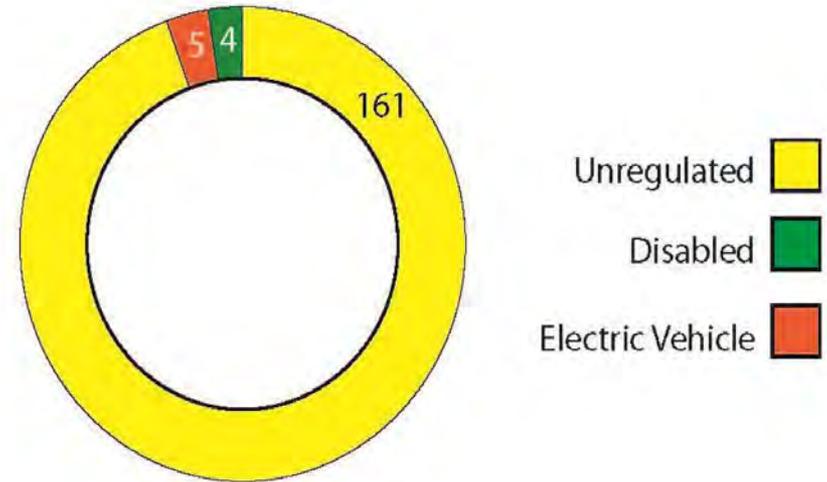
# OFF-STREET PARKING SUPPLY

Off-Street Parking Supply (170 stalls total)

By District



By Type



# DATA COLLECTION

Land Use	Peak Demand Period
Residential	12:00 AM – 5:00 AM
Retail	11:00 AM – 3:00 PM, 6:00 PM – 7:00 PM
Office	9:00 AM – 4:00 PM
School	10:00 AM – 11:00 AM
Restaurant	12:00 PM – 2:00 PM, 7:00 PM – 9:00 PM

- ❑ City Center (Retail) Area:

- ❑ Hourly occupancy / turnover data collection.
- ❑ Typical weekday (~10:00 am to 8:00 pm); and
- ❑ Saturday (~10:00 am to 10:00 pm).



- ❑ Other subareas:

- ❑ 12:00 am to 1:00 am (expected residential peak).
- ❑ 11:00 am to 12:00 pm (peak for many office / retail uses).
- ❑ 2:00 pm to 3:00 pm (peak demand for other office / employment uses).
- ❑ 7:00 pm to 8:00 pm (peak demand for retail / restaurant uses).

# Parking Violations

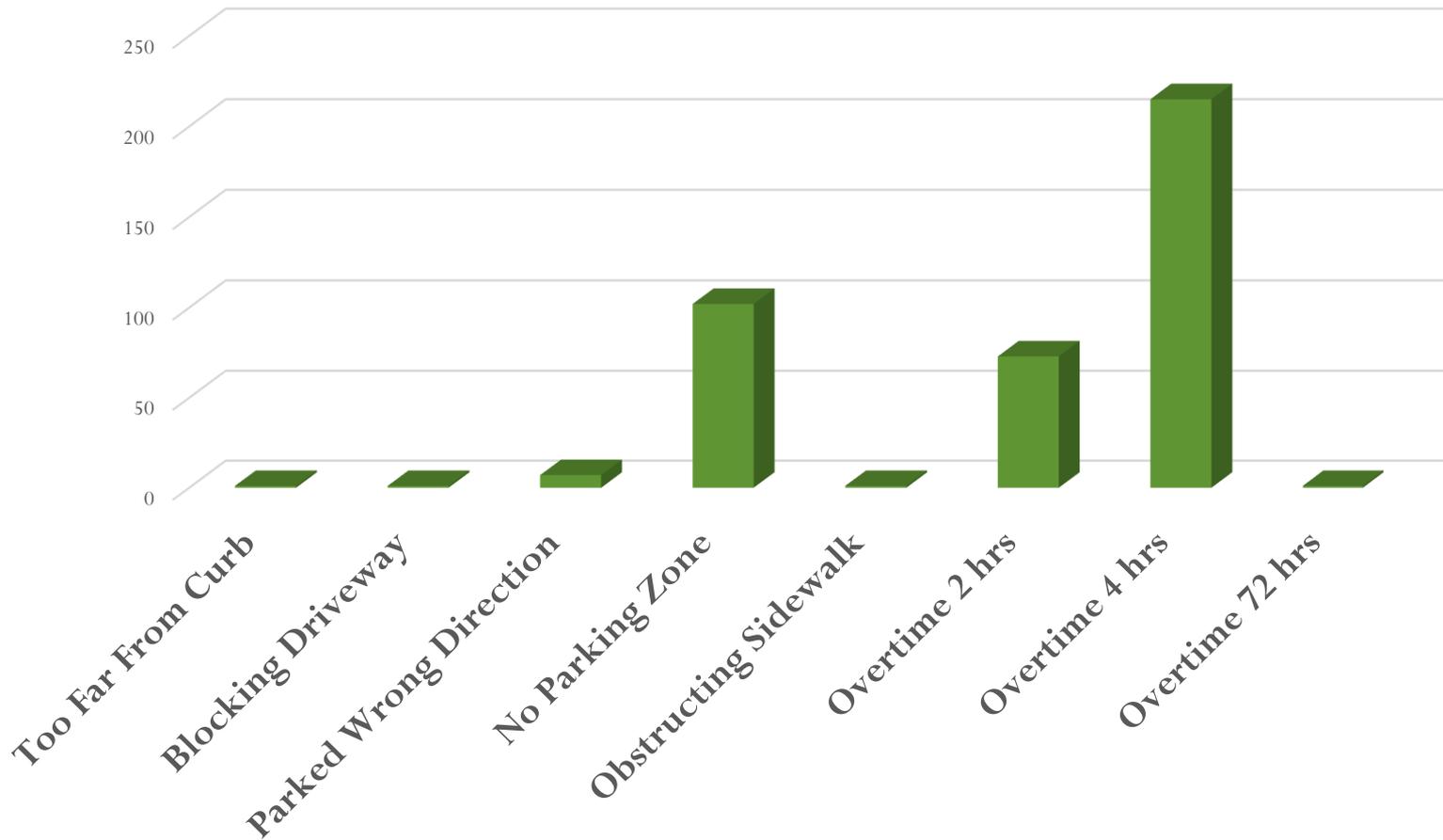


# Parking Violations

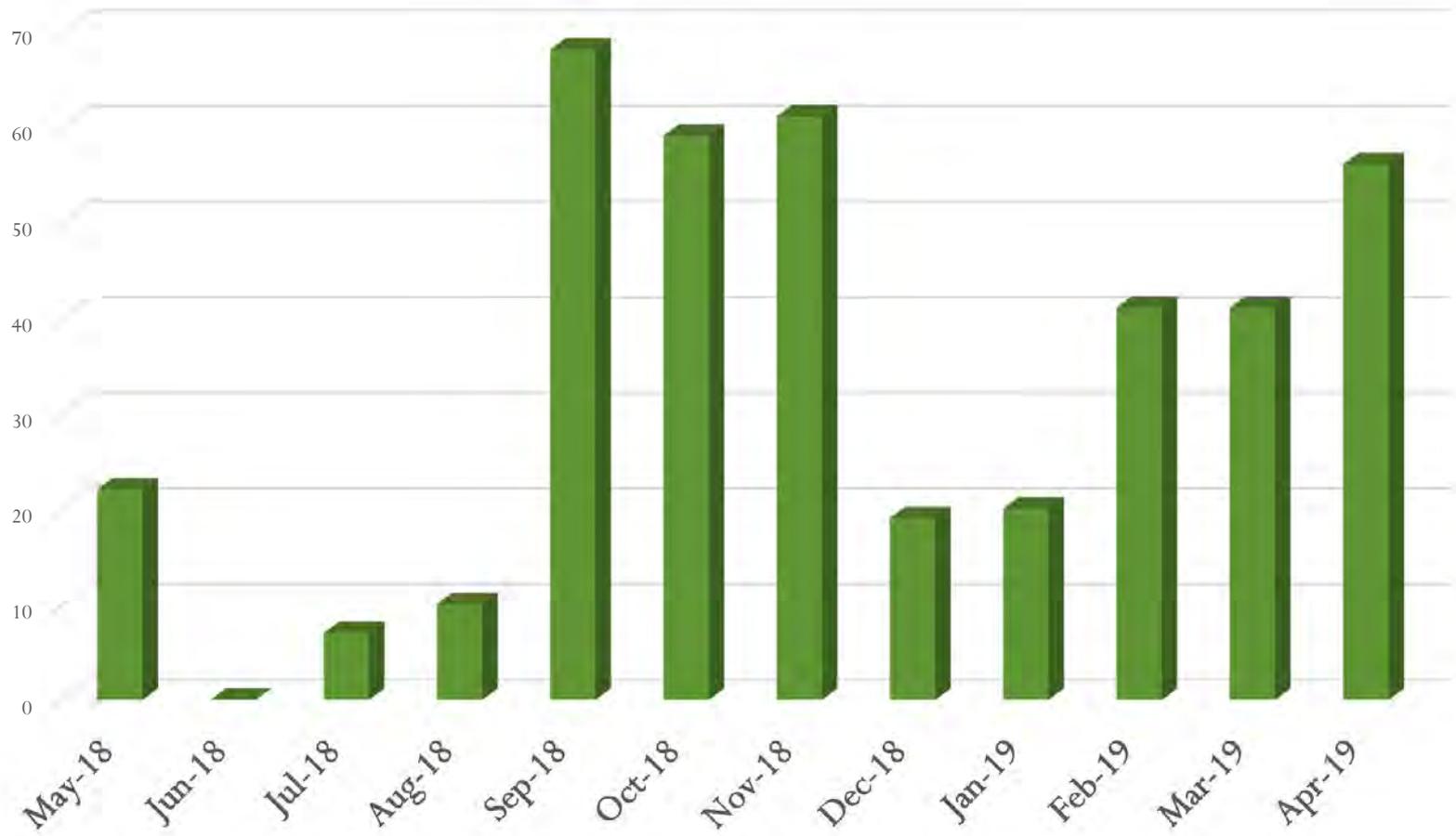
- ❑ In addition to parking demand data, parking violation data is useful for identifying parking problem areas or “hot spots”.
- ❑ Parking violation data is available for the past 12 months and is categorized by:
  - ❑ Type of violation
  - ❑ Month of violation; and
  - ❑ Location of violation.



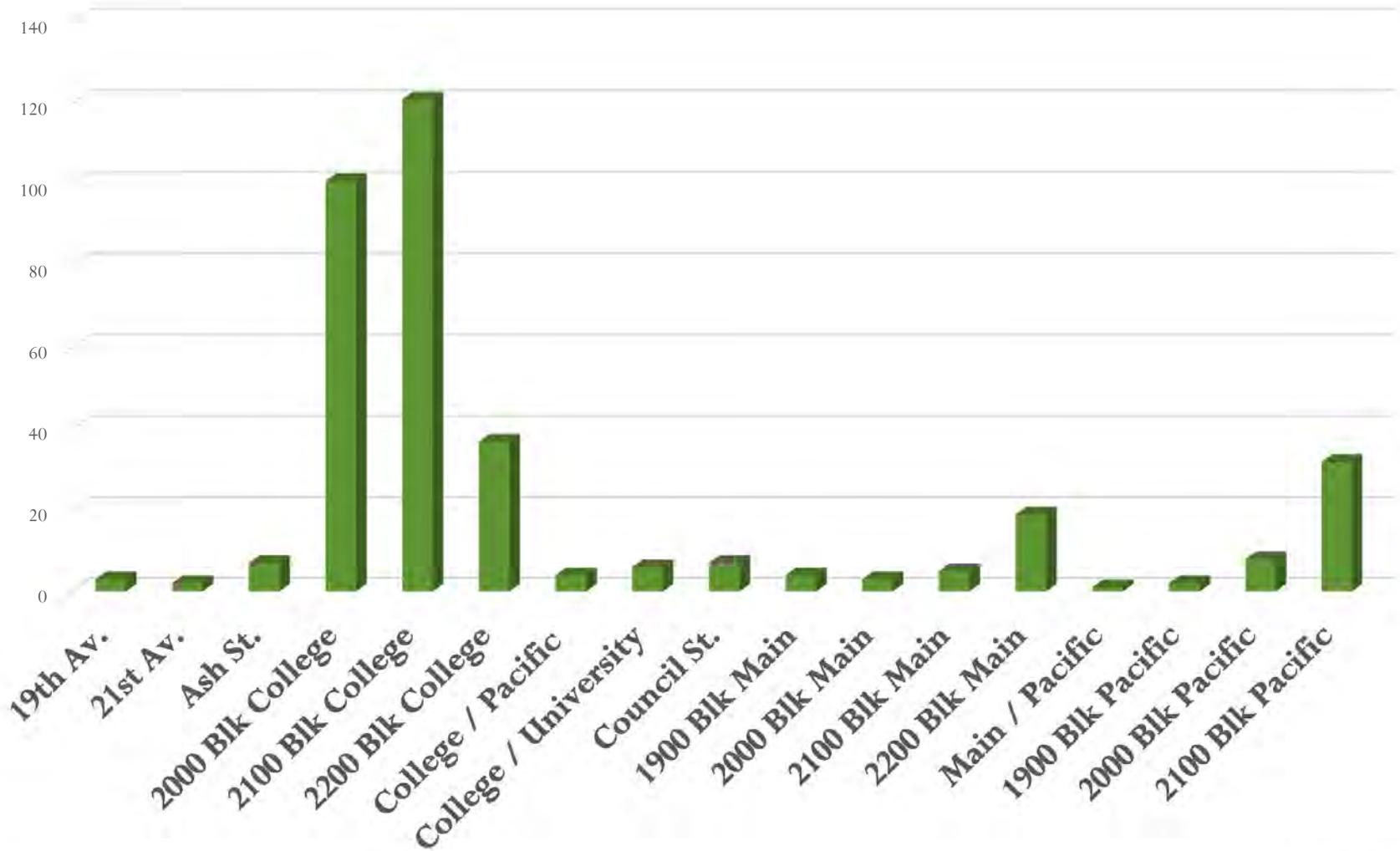
# Type of Violation



# Month of Violation



# Location of Violation



# Council Discussion

# Council Discussion

- ❑ Staff is asking for Council comments and direction on:
  - ❑ Parking subareas / street classifications.
  - ❑ Data collection approach (days / times).
  - ❑ Other observations the Council wishes to provide the project team.

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# FEDERAL GRANT FEASIBILITY ANALYSIS

WORK SESSION  
JESSE VANDERZANDEN  
CITY MANAGER

# Purpose

Consider Council Objective 3.19: “Investigate Federal Grant Opportunities. Conduct feasibility analysis to determine if outside assistance is needed.”

This issue was raised at the Budget Committee and the Committee instructed staff to find out more information.

# Background

- Staff has successfully applied for federal grants, namely:
  - Fire Safer Grant: Firefighters, Diesel Exhaust, Self-Contained Breathing Apparatus (pending)
  - Cops Grant: Police Officers
  - CDBG: Senior Center, Street/Sidewalk improvements

# Background

- Staff met with two consultants: CFM Strategic Communications and Summit Strategies. Both are Oregon-based and well known experts in their field. They have staff in Washington, D.C. and work closely with the Oregon Delegation and their staff.
- Their scope of services include working with City staff to create a list of projects, write and apply for the grant, and meet with the Delegation and/or Agency in support of the grant.

# Questions

- The primary questions the Budget Committee asked were:
  - Is Forest Grove eligible?
  - If yes, what projects qualify?
  - What is the cost for grant services?
  - How long does it take to obtain a grant?

# Answers

- Potential Projects
  - Fire and Police Grants
    - Police Station Seismic (up to \$1 million)
- Police Location Remediation (up to \$.5 million if it qualifies for Brownfield funding )
- Farmers Market (marketing and development)
  - Historic Renovation
- National Endowment for Humanities (Tigard arts trail)
  - Rail conversion

# Answers

- The cost is at least \$60,000/year.
- It is recommended to contract for at least three years as it often takes that long to recognize, apply, and secure a federal grant.
- The contractor identifies 6-8 projects and then applies for grants. These projects are updated each year to keep the list current.

# Answers

- Funding for the contract would come from the General Fund.
- The monies spent on a contract are not reimbursable by the grant.

# Options

- Option 1: Take no action
- Option 2: Authorize staff to issue a Request for Proposal and execute a three year contract. This would require a budget amendment.
- Option 3: Authorize staff to let a Request for Interest and have a future work session to determine whether to issue an Request for Proposal. This would not require a budget amendment at this time.

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Tuesday, May 28, 2019  
5:30 p.m., Community Auditorium  
Conference Room

City Council Executive Session Minutes

Minutes are unofficial until approved by Council.

1. CALLED TO ORDER AND ROLL CALL:

Mayor Peter Truax called the Executive Session to order at 5:32p.m.

ROLL CALL: COUNCIL PRESENT: Thomas Johnston, Council President; Timothy Rippe; Ronald Thompson; Elena Uhing; Adolph "Val" Valfre; and Mayor Peter Truax.  
COUNCIL ABSENT: Malynda Wenzl, excused.

STAFF PRESENT: Jesse VanderZanden, City Manager, and Anna Ruggles, City Recorder (dismissed).

2. EXECUTIVE SESSION:

The City Council met in Executive Session in accordance with:

ORS 192.660(2)(I) to review and evaluate the employment-related performance of the City Manager.

3. ADJOURNMENT:

Mayor Truax adjourned the Executive Session at 6:05 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

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City Council Work Session Minutes  
Light and Power Solar Feasibility Study

Tuesday, May 28, 2019  
6:00 p.m., Community Auditorium

Minutes are unofficial until approved by Council.

1. **ROLL CALL:**

Mayor Peter Truax called the Work Session to order at 6:05 p.m.

**ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Timothy Rippe; Ronald Thompson; Elena Uhing; Adolph "Val" Valfre; and Mayor Peter Truax.

**COUNCIL ABSENT:** Malynda Wenzl, excused.

**STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Keith Hormann, Light and Power Director; Joel Peterson, Engineering Manager; and Anna Ruggles, City Recorder.

2. **WORK SESSION: LIGHT AND POWER SOLAR FEASIBILITY STUDY**

Peterson, Hormann, and VanderZanden facilitated the above-noted work session, noting the purpose of the work session was to address Council's Objective 1.1, Complete Feasibility Study for Solar on light and power-owned land, identified in FY2019-20.

Peterson and Hormann presented a PowerPoint presentation overview pertaining to the current power purchase contracts; load forecasting methodology; Bonneville Power Administration's (BPA) policies; and two solar site options identified on light and power-owned land: 1) Filbert Substation, which could accommodate up to 609KW solar array and 2) Forest Grove Substation, which could accommodate up to 664KW solar array. In addition, Peterson and Hormann reviewed the solar array options, financial assumptions summary, and the following decision-making variables for consideration:

- Consider what may happen post-2028 when BPA's long-term contract expires.
- Solar installations will affect future expansion at the light and power-owned substations.
- Does the Pure Power Renewal Energy Program already accomplish Objective 1.1?
- Would a community solar project fill the desire for customers?
- Under the current net metering program, there are 23 customers who have rooftop solar panels. The City credits their accounts for the production at full retail rate. The City would have to decide if customers who purchase panels under the community solar project would be eligible for the same credits.

**Council Discussion:**

Mayor Truax opened the floor and roundtable discussion ensued as Peterson, Hormann, and VanderZanden responded to various Council inquiries and scenarios pertaining to the community-owned solar array options presented, upfront costs, net costs and payback period (years) as shown in the financial review summary, noting BPA's policy

(SNEER) gives utilities the ability to add a renewable energy resource up to 1MW to their resource portfolio replacing power already committed. Under this policy, it would allow the City to add up to a 1MW array with no negative financial impact to the current contracts. An array less than 200KW can be added at any time with no impacts to BPA due to the negligible effect it would have. In conclusion of the above-noted discussion, VanderZanden advised staff is providing the report findings as informational solar array options at this time as requested by Council, noting a follow-up discussion with Council can be scheduled at a later date if needed.

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

**3. ADJOURNMENT:**

Mayor Truax adjourned the work session at 6:47 p.m.

Respectfully submitted,

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Anna D. Ruggles, CMC, City Recorder

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Tuesday, May 28, 2019

City Council Regular Meeting Minutes

7:00 p.m., Community Auditorium

**Minutes are unofficial until approved by Council.**

**1. CALLED TO ORDER AND ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:02 p.m. and led the Pledge of Allegiance.

**ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Timothy Rippe; Ronald Thompson; Elena Uhing; Adolph "Val" Valfre; and Mayor Peter Truax. **COUNCIL ABSENT:** Malynda Wenzl, excused.

**STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Bryan Pohl, Community Development Director; Gregory Robertson, Public Works Director; Colleen Winters, Library Director; James Reitz, Senior Planner; Dan Riordan, Senior Planner; Jeff King, Economic Development Manager; and Anna Ruggles, City Recorder.

**1. A. PROCLAMATION:**

National Public Works Week

Mayor Truax proclaimed May 19-25, 2019, as "National Public Works Week". The proclamation was presented to Public Works Director Robertson.

**1. B. PROCLAMATION:**

National Historic Preservation Month

Council President Johnston proclaimed May 2019 as "National Historic Preservation Month". The proclamation was presented to George Cushing, on behalf of the Historic Landmarks Board.

**1. C. AWARD PRESENTATION:**

George Cushing, on behalf of the Historic Landmarks Board, presented the 2019 "Eric G. Stewart Award" to Pacific University and Architectural Resources Group in recognition of outstanding service and commitment to historical preservation. Cushing reported they are both being commended for their efforts in completing a comprehensive survey that catalogs Pacific University's 170-year history and captures both the historic view and current state of the historical buildings located on Pacific University's campus in Forest Grove.

**1. D. HISTORIC PHOTO CONTEST:**

Larissa Whalen Garfias, on behalf of the Historic Landmarks Board, and Dana Eytzen

and Amy Callahan Tracewell, on behalf of the Public Arts Commission, announced the 2019 "*Historic Photo Contest*" first place winners as noted below:

- Adult Entry:  
Elaine Mann (submission titled *1895 Stick Style Victorian*)
- Youth Entry:  
Ziona Hall (submission titled *Break a Leg*)

2. **CITIZEN COMMUNICATIONS:** None.

3. **CONSENT AGENDA:**

Items under the Consent Agenda are considered routine and are 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 remaining Consent Agenda item(s).

- A. Approve City Council Regular Meeting Minutes of May 13, 2019.
- B. Accept Community Forestry Commission Meeting Minutes of March 20 and April 17, 2019.
- C. Accept Historic Landmarks Board Meeting Minutes of April 23, 2019.
- D. Accept Library Commission Meeting Minutes of April 9, 2019.
- E. Accept Parks and Recreation Commission Meeting Minutes of April 17, 2019.
- F. Accept Public Arts Commission Retreat Meeting Minutes of April 13, 2019.
- G. Accept Public Safety Advisory Commission Meeting Minutes of January 23, February 27, and March 20, 2019.
- H. Accept Sustainability Commission Meeting Minutes of March 28, 2019.
- I. Endorse Liquor License Application Change of Ownership (Limited On-Premises Sales) for Forest Grove Sushi (PYP Inc.), 1905 Birch Street.

**MOTION:** Councilor Uhing moved, seconded by Councilor Rippe, to approve the Consent Agenda as presented. **ABSENT:** Councilor Wenzl. **MOTION CARRIED 6-0 by voice vote.**

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

5. **PRESENTATIONS:**

5. A. *Public Arts Commission Strategic Plan 2019-2021*

Winters introduced Dana Eytzen, Public Arts Commission (PAC) Chair, and Amy Callahan Tracewell, PAC member, who presented a PowerPoint presentation overview on the PAC's strategic priorities over the next three years. In conclusion of above-noted presentation, the group addressed various Council inquiries pertaining to visual arts and diversity, noting staff will bring back a proposed resolution asking

Council to consider accepting the PAC's Strategic Plan at the June 10, 2019, Council meeting.

**5. B. Metro Business Food Waste Recycling Requirements**

Downey presented a PowerPoint presentation overview pertaining to Metro's Ordinance 18-1418, Businesses Food Waste Requirement, noting local governments must adopt an enforceable code ordinance that requires that certain food service businesses separate food scraps from other waste and recyclables starting in 2020 (approximately 38 businesses in Forest Grove). In conclusion of above-noted presentation, Downey addressed various Council inquiries pertaining to the local requirements for businesses, noting staff will be bring back a proposed code ordinance implementing the program requirements for Council consideration at the June 24, 2019, Council meeting.

**5. C. Economic Development 5-Year Progress**

King presented a PowerPoint presentation overview pertaining to the status of the Economic Development Strategic Plan update, noting the purpose of this presentation is to address Council Objective 3.17, Update Economic Development Strategic Plan. King reported the Economic Development Commission has held several meetings to update the Plan, which has included a facilitator to complete a SWOT analysis, identify priorities and subsequently making a recommendation to Council. King presented an overview on the status of the economic development progress over the last five years, which included statistical indicators documenting economic growth and trends; residential, industrial and commercial development projects and programs; and tourism development projects and programs. In conclusion of above-noted presentation, King addressed various Council inquiries pertaining to the economic development progress, noting staff will bring back the proposed Strategic Plan update for Council consideration at a later date.

**5. D. Town Center Tree Inventory and Assessment; Arborist's Report and Findings**

Riordan and Pohl presented a PowerPoint presentation overview pertaining to the key findings from the recently completed Street Tree Inventory and Assessment Project Area and next steps, noting the Community Forestry Commission (CFC) was awarded a Community Enhancement Program grant (\$4,500) to look at issues related to street trees in the Town Center. Riordan reported the grant funds were used to hire a certified arborist to conduct an inventory and assessment, noting the arborist inventoried over 200 trees in the Town Center, including 25 trees in city-owned parking lots. The findings recommended eight trees for removal and several were identified as causing conflicts with clearances and needing pruning. In conclusion of above-noted presentation, Riordan addressed various Council inquiries pertaining to the tree care and removal of trees and notification, noting the CFC will be discussing a comprehensive street tree management plan based on the data and findings contained in the report for Council consideration at a later date.

**6. A. CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2019-02 AMENDING THE COMPREHENSIVE PLAN MAP TO RE-DESIGNATE TWO PARCELS FROM GENERAL INDUSTRIAL (GI) TO HIGH DENSITY RESIDENTIAL (HDR); WASHINGTON COUNTY TAX LOTS 1N331DA07500 AND 1N332C000800; APPLICANTS: ROBERTA REYNOLDS, LINDA ESHRAGHI, AND SHANNON POLICH; FILE NO. 311-19-000001-PLNG**

The first reading of Ordinance No. 2019-02 by title occurred at the Council meeting of May 13, 2019.

**Staff Report:**

Reitz and Pohl presented the above-proposed ordinance for second reading, noting the following written testimony was distributed to Council.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearings for Agenda Items 6. A. and 6. B. and explained hearing procedures.

**Written Testimony Received:**

Craig Enstrom, Manifold Management Company, Aloha, OR, representing Sellwood Enterprises, LLC, submitted a letter date stamped May 28, 2019, and attached letters from John Clifford Brewer, date stamped March 14, April 12, May 9 and October 20, 2018. (Sellwood Enterprises, LLC, owns the parcel, totaling 3.06 acres, Tax Lot 1N331DA07400, 2352 Kingwood Street).

**Proponents:**

Mark VanderZanden, Portland, OR, applicant's representative, voiced no concern pertaining to the written testimony.

No one else testified and no other written comments were received.

**Opponents:**

John Clifford Brewer, Oak Grove, OR, referenced his written testimony, noting Craig Enstrom asked him to examine the county recorded records regarding ownership of adjoining properties and easements.

Craig Enstrom, Manifold Management Company, Aloha, OR, representing Sellwood Enterprises, LLC, referenced his written testimony, noting the report is for the easements on Kingwood from Kaylee Apartments to Casey Meadows and does not include the crossing of the railroad tracks and the entrance through the parking lot of Kaylee Apartments. Engstrom noted the documents show that he has access to his property (Tax Lot 7400).

No one else testified and no other written comments were received.

**Others:**

No one testified and no other written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

In response to various Council's inquiries pertaining to easements and private access, Reitz explained the process of dedicating easements and/or right-of-ways, noting arrangements are speculated by the developer through the application process.

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of May 13, 2019.

VanderZanden read Ordinance No. 2019-02 by title for second reading.

**ROLL CALL VOTE: AYES: Councilors Johnston, Rippe, Thompson, Uhing, Valfre, and Mayor Truax. NOES: None. ABSENT: Councilor Wenzl. MOTION CARRIED 6-0.**

6. B. **CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2019-03 AMENDING ZONING MAP TO RE-DESIGNATE TWO PARCELS FROM GENERAL INDUSTRIAL (GI) TO RESIDENTIAL MULTI-FAMILY HIGH DENSITY (RMH); WASHINGTON COUNTY TAX LOTS 1N331DA07500 AND 1N332C000800; APPLICANTS: ROBERTA REYNOLDS, LINDA ESHRAGHI, AND SHANNON POLICH; FILE NO. 311-19-000001-PLNG**

The first reading of Ordinance No. 2019-03 by title occurred at the Council meeting of May 13, 2019.

**Staff Report:**

Riordan and Pohl had nothing further to report.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing for Agenda Items 6. A. and 6. B. and explained hearing procedures.

**Written Testimony Received:**

Refer above.

**Proponents:**

Refer above.

**Opponents:**

Refer above.

**Others:**

Refer above.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of May 13, 2019.

VanderZanden read Ordinance No. 2019-03 by title for second reading.

**ROLL CALL VOTE:** AYES: Councilors Johnston, Rippe, Thompson, Uhing, Valfre, and Mayor Truax. NOES: None. ABSENT: Councilor Wenzl. MOTION CARRIED 6-0.

7. **CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2019-04 ENACTING CITY OF FOREST GROVE DEVELOPMENT CODE AS TITLE 17 OF THE CODE OF ORDINANCES, COPYRIGHTED 2019, PUBLISHED BY AMERICAN LEGAL PUBLISHING CORPORATION AND REPEALING ORDINANCE NO. 2009-01, DEVELOPMENT CODE OF 2009**

**Staff Report:**

Pohl had nothing further to report.

**Public Hearing Continued:**

Mayor Truax continued the Public Hearing and explained hearing procedures.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of May 13, 2019.

VanderZanden read Ordinance No. 2019-04 by title for second reading.

**ROLL CALL VOTE: AYES: Councilors Johnston, Rippe, Thompson, Uhing, Valfre, and Mayor Truax. NOES: None. ABSENT: Councilor Wenzl. MOTION CARRIED 6-0.**

**8. CITY COUNCIL COMMUNICATIONS:**

Council President Johnston reported Forest Grove Rural Fire Protection District (FGRFPD) passed its budget. Johnston gave an overview of May 21, 2019, Special Election, noting Brooke Gramer, Position 2, (replaced Kevin VanDyke) and Gary Post, Position 4 (replaced Nicholas Chan) were newly-elected and Dallas Boge, Position 5, was re-elected, and Banks, Cornelius and Gaston successfully passed their fire levies. Johnston commended Historic Landmarks Board and Public Arts Commission for their outstanding work and presentations held earlier. In addition, Johnston reported on other legislative-related matters of interest and upcoming meetings he was planning to attend.

Rippe advised he would like to submit a letter in support, on behalf of the Council, signed by the Mayor, to Metro for regional flexible grant funding for the Council Creek Regional Trail, to which Council collectively concurred. Rippe reported Economic Development Commission (EDC) is currently working on its Strategic Plan's goals and objectives. In addition, Rippe reported on other related matters of interest and upcoming meetings he was planning to attend.

Thompson reported attending community-related Memorial Day events and reported on upcoming meetings he was planning to attend.

Uhing reported Sustainability Commission (SC) canceled its June meeting, noting SC has been discussing various activities and is willing to assist the Committee for Community Involvement with the third Latino Summit and SC has expressed interest in attending the next Watershed Tour. In addition, Uhing reported on other related matters of interest and upcoming meetings she was planning to attend.

Valfre reported Washington County has begun the 30-day comment period for the draft of Washington County's Local Implementation Strategy, which is implementing the Regional Affordable Housing Bond. In addition, Valfre reported attending various regional meetings, attending community-related Memorial Day events and reported on upcoming meetings he was planning to attend.

Wenzl was absent.

**9. City Manager's Report:**

VanderZanden reported on upcoming meetings and events as noted in the Council

calendar. VanderZanden provided an update on Adelante Mujeres' Fiesta of Hope celebration, which will be held June 15, 2019, in Forest Grove, noting the City was able to utilize transient lodging tax revenues as part of its sponsorship. In addition, VanderZanden reported on other regional-related matters of interest.

**10. Mayor's Report:**

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax gave an overview of the school board elections held on May 21, 2019, Special Election, noting Narce Rodriguez was newly-elected and Kate Grandusky was re-elected. Mayor Truax reported attending the first Forest Grove/Cornelius Complete Count Committee meeting, noting the committee plans to meet again in July/August. In addition, Mayor Truax reported on various legislation and local, regional, Metro, and Washington County-related meetings he attended and upcoming community-related events and meetings he was planning to attend.

**11. ADJOURNMENT:**

Mayor Truax adjourned the regular Council meeting at 9:30 p.m.

Respectfully submitted,

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Anna D. Ruggles, CMC, City Recorder



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**Planning Commission  
Community Auditorium  
1915 Main Street, Forest Grove, OR  
Monday, May 6<sup>th</sup>, 2019, 7:00 pm**

**1. CALL TO ORDER:**

Vice Chair Phil Ruder called the meeting to order at 7:00 p.m. Roll Call:

**Planning Commission Present:** Phil Ruder, Vice Chair; Commissioners Lisa Nakajima, Ginny Sanderson, Sebastian Bannister-Lawler, Hugo Rojas, and Dale Smith.

**Planning Commission Excused:** Chair Tom Beck

**Staff Present:** Bryan Pohl, Community Development Director; James Reitz, Senior Planner; Cassi Bergstrom, Planning Commission Coordinator.

**2. PUBLIC MEETING:**

**A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:**

**Joey Tretter, 1836 Cedar St, Forest Grove, OR 97116:**

Mr. Joey Tretter explained to the Commission that he came to the meeting because he was under the impression that his property was on the agenda for a zoning amendment. Mr. Tretter has been trying to get a building permit, and because of the current zoning of his property being neighborhood commercial he cannot. Allowing the property to be zoned as Town Center Transition (TCT) will allow for zero setbacks for the proposed shop.

Mr. Pohl updated the Commission as to the status of the re-zoning application, and the fact there is no paper trail as to why the property was zoned neighborhood commercial as the properties in surrounding area are zoned TCT.

Mr. Tretter explained to the Commission that he came to the City of Forest Grove in September and has not made any progress with building his shop. Mr. Pohl stated the city has allowed Mr. Tretter to pour a foundation at his own risk, pending the allowance of the re-zoning. The city has initiated the re-zoning paperwork without a fee, and there is a procedure that takes time in re-zoning the property. Mr. Pohl went over the timeline with Commissioners, explaining that the Planning Commission will make a recommendation to City Council for final approval. A permit cannot be issued prior to the completion of the re-zoning process.

Mr. Tretter believes the re-zoning of his property initially was done by mistake, and it should have been applied to another property. Mr. Pohl stated that the city has been

in contact with the City Attorney and the application has been initiated but cannot be guaranteed, making it a tough situation.

Vice Chair Ruder recommended that City Staff get this process going as quickly as possible.

**B. PUBLIC HEARING:**

**(1.) File No. 311-19-000002-PLNG –Legislative amendments to the Forest Grove Development Code**

Vice Chair Phil Ruder opened the legislative public hearing at 7:07 p.m., and called for the staff report.

James Reitz, Senior Planner, gave a summary of the amendments being proposed for the Development Code individually with Commissioners discussing each one in between.

**Domesticated Fowl amendment:**

Mr. Reitz explained to the Commissioners the amendments made, including moving the domesticated fowl code into the animal code located within the City of Forest Grove Code Book as well as lowering the domesticated fowl age to three (3) months old due to meat birds maturing earlier than laying hens. Current code allows for four adult fowl over six months of age, and the proposed change would lower the age to three months. Commissioners discussed if an age limit of three months is enforceable or if the age should be taken out entirely and limit all fowl, no matter the age. Commissioners agreed with lowering the age to three months for the amendments to the proposal.

**Housing Types in Commercial and Mixed Use Zones amendment:**

Commissioners re-reviewed the table, brought to them at the February 4<sup>th</sup> meeting as well, and were in agreeance with the amendments.

**Recreational Vehicle (RV) Parks amendment:**

Mr. Reitz explained the amendment, as the city is required to change the code in order to comply with an Oregon State Statute (ORS 197.493 *Placement and Occupancy of Recreation Vehicles*). The amendment no longer stipulates how long an RV can be occupied as a residential dwelling as long as conditions are met.

**Accessory Dwelling Unit (ADU) amendment:**

Two letters of correspondence were received from the Fair Housing Council as well as the Home Builders Association in support of the ADU amendments, as well as recommendations the City Council can make decisions upon.

Mr. Reitz informed the Commission that the amendment is required to comply with Oregon State Statues (ORS 197.303). The amendments eliminate owner

occupancy requirement, allow an entire floor in an existing home to be developed as an ADU even if it exceeds square footage limitations, and eliminates both the off-street parking and appearance requirements. Optional amendments would allow manufactured homes as ADUs (except in historic districts) and would prohibit the use of converted shipping containers.

Vice Chair Ruder commented that some of the shipping container ADUs can be aesthetically pleasing and better than the stick built ADUs. Mr. Reitz reminded the Commission that city staff cannot regulate appearance of building in any zone other than the historic district. An ADU still has to follow building code.

Two letters of correspondence were received from the Fair Housing Council as well as the Home Builders Association in support of the ADU amendments, as well as recommendations the City Council can make decisions upon.

Commissioners discussed the change in floor area. Under current code, 720 square feet is maximum ADU area. The new code allows greater than that if an entire floor is converted within a dwelling.

Commissioners agreed with the amendment to the code.

Bed and Breakfast Inns amendment:

Mr. Reitz gave a summary of the proposed amendment regarding Bed & Breakfast Inns as well as Airbnb's located within City of Forest Grove. Airbnb's are using homes for recreational housing, and the current limit is 3 bedrooms with the current Development Code. The recommendation is to increase the limit to 5 bedrooms and make it a Type I process in the single-family, RML, and NC zoning districts. Currently there is a 27 room limit within the RMH zone, and staff recommends reducing the limit to 10 rooms and making it a Type II application instead of the current Type I application process. Off-street parking requirements are also recommended being reduced from 1 per guest room to 1 per 2 guest rooms.

Mr. Reitz gave an example of a house within Forest Grove that would meet the 10-bedroom limit, but not many properties within Forest Grove can meet that limitation. Commissioners agreed with staff's recommendation.

Commissioner Bannister-Lawler inquired if the 10 bedroom limit would limit the largest home Forest Grove has regarding the Bed & Breakfast amendment. Commissioner Sanderson suggested the extra room could be turned in to common property.

**Scott Kistler, 2325 A Street, Forest Grove, OR 97116:**

Mr. Scott Kistler came forward and expressed concerns about how big the Bed & Breakfast Inns could be. The limitations set are required to not have a neighbor having a "commercial" property next door in a residential area.

Vice Chair Ruder clarified the application would still need to go through a Type II process with the amendment proposed. The Commission is a recommending body to the City Council, and suggested Mr. Kistler raises his concern at the future meeting.

Commissioner Sanderson explained it is a whole new world with the Airbnb's, with property owners expressing their rights to do with their property what they would benefit from.

Mr. Kistler believes this disruption has a negative effect on the neighborhood. Mr. Pohl gave an example of Airbnb's on the coastal community where he was Community Development Director, and the regulations the county needed to impose in order to protect the neighborhood. City staff has done some research and have located eleven Airbnb's within Forest Grove, but if the Airbnb's increase it is a valid concern that needs a code in order to enforce.

Commissioner Sanderson inquired if the city is collecting hotel taxes from the Airbnb's, and Mr. Pohl stated it has not happened yet.

Commissioner Nakajima commented that parking requirements should never be reduced. Commissioner Sanderson stated the Airbnb parking spots are rarely used, and she agrees with the proposed reduction.

Residential Density Incentives amendments:

The new residential density incentives would be added to the Development Code as an alternative to LEED certification, with the applicant needing to justify for the number of points to be awarded as little direction was given to quantify the options listed.

Sign Code amendments:

Mr. Reitz gave a summary of the sign code history and amendments. Off-premise signs need to be extracted completely because it cannot regulated based on First Amendment rights. New temporary signage has emerged: feather signs and air-blown devices. The city has no code regarding these signs whatsoever, and the feather signs have become prolific throughout the city. The signs need to be defined and stipulated as to where and how many one can have on a property (not per business).

Resident Scott Kistler inquired if this kind of signage would be allowed in a neighboring backyard, and Commissioners clarified that these signs are not allowed within residential zones.

Commissioners discussed the signs, and did not have a strong opinion regarding how many one can have on the property for the temporary signage. Commissioners suggested staff reach out to the Chamber of Commerce for a recommendation.

Staff will leave the amendment as is and reach out to the Chamber of Commerce for any input.

**CORRESPONDENCE:**

Two letters of correspondence were received from the Fair Housing Council as well as the Home Builders Association in support of the ADU amendments

**PROPOSERS:**

None.

**OPPOSERS:**

**OTHER:**

None.

Commissioner Sanderson moved a motion to amend the domesticated fowl age limitation from 6 months to 3 months. Commissioner Bannister-Lawler seconded the motion.

**Roll Call Vote on Amendment: AYES: Vice Chair Ruder; Commissioners Nakajima, Sanderson, Bannister-Lawler, Rojas, and Smith. NOES: None. ABSENT: Chair Beck. MOTION CARRIED 6-0.**

Commissioner Bannister-Lawler moved a motion to recommend file number 311-19-000002-PLNG as amended to the Forest Grove City Council. Commissioner Smith seconded the motion.

**Roll Call Vote: AYES: Vice Chair Ruder; Commissioners Nakajima, Rojas, Sanderson, Bannister-Lawler and Smith. NOES: None. ABSENT: Chair Beck. MOTION CARRIED 6-0.**

**C. ACTION ITEMS:**

None.

**D. WORK SESSION ITEMS:**

None.

**3. BUSINESS MEETING:**

**A. APPROVAL OF MINUTES:**

Commissioner Sanderson moved to approve the minutes of the April 15<sup>th</sup>, 2019 meeting. Commissioner Bannister-Lawler seconded the motion. Motion passed 6-0.

**B. REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:**

None.

**C. DIRECTOR'S REPORT:**

Mr. Reitz informed the Commission that the Kingwood Street zone change will go forward to City Council Monday, May 13<sup>th</sup>, 2019.

Mr. Reitz let the Commission know that the Dollar General store has submitted a land use application in for review located at Thatcher Road and Gales Creek Road.

Mr. Pohl gave an update on the URA, stating it will be a big night at the Council meeting this coming Monday night. A proposal is being brought forward for the Public Arts Commission for a funding of about \$20,000 a year for the next 5 years to bring art to the town center.

Rose Grove was approved for its 16 unit expansion, and the findings will go forward to City Council for final approval Monday.

**D. ANNOUNCEMENT OF NEXT MEETING:**

The next meeting is tentatively scheduled for June 3<sup>rd</sup>, 2019.

**E. ADJOURNMENT:**

The meeting was adjourned at 8:21 p.m.

Respectfully submitted by:

Digitally signed by Cassi Bergstrom  
DN: cn=Cassi Bergstrom, o=City of Forest Grove, ou, email=cbergstrom@forestgrove-or.gov, c=US  
Date: 2019.05.04 08:49:13 -0700

---

Cassi Bergstrom  
Planning Commission Coordinator

3E

APPROVED



*A place where families and businesses thrive.*

**CITY OF FOREST GROVE  
SUSTAINABILITY COMMISSION  
COMMUNITY AUDITORIUM  
THURSDAY, APRIL 25, 2019 – 6:00 P.M.**

**MEETING MINUTES Approved by Commission on May 23, 2019.**

---

**CALL TO ORDER: Chair Nieves called the meeting to order at 6:01 PM.**

**Sustainability Commission Present:**

- |                  |                      |
|------------------|----------------------|
| Amber Nieves     | Johanna Peeters Weem |
| Fallon Harris    | Tabitha Merten       |
| Kenneth Cobleigh | Robin Lindsley       |
| Jacob Rose       |                      |

**Absent, Excused:** Lilly Meek

**Council Liaison:** Elena Uhing

**Staff:** Elizabeth Stover, Program Coordinator

**Guests:** Teva Needleman, Pacific University; Brian Schimmel, Old Town Church

**1. COMMUNITY COMMUNICATIONS:** Brian Schimmel updated the Commission regarding the Anti-Poverty Workgroup. The shelter had 140 guests and 170 volunteers, navigated three people into housing, and seven approved for housing. A lack of housing and applicants qualifying for housing continue to be the main barriers. Harris, Merten, and Cobleigh expressed interest in getting involved in the program.

Teva Needleman updated the Commission that Pacific University received a grant to fund the development of a free food resource app. The app would connect community members who have surplus food with those in need of food, and an additional feature would allow the user to use Google maps to navigate to the location. Pacific University is also hosting a Bees and Trees Festival on Saturday, April 27, to become a certified tree and bee campus. Pacific University is moving from Aramark to Bon Appetite. Fallon inquired what will happen to current Aramark employees, Needleman is unsure.

**2. COMMISSIONER COMMUNICATIONS:** Rose discussed getting Pacific University students involved in the outreach program of the commercial food waste composting initiative with an emphasis on educating businesses. Merten updated the Commission on PlanetCon, June 1, 2019, from 11am – 2pm at Century High School in Hillsboro. She encouraged participation from the group, possibly a welcome table at the event.

**3. CONSENT AGENDA:** Nieves moved to approve minutes of March 28, 2019, meeting as presented. Minutes were approved with one change from Harris regarding the Children’s Gardening Books mini-grant: Harris would like to see equitable distribution and access.

**4. ADDITIONS/DELETIONS:** Delete agenda item #8, replace with Low Flow Toilets rebate.

5. **DIVERSITY, EQUITY, AND INCLUSION:** Councilor Uhing states that each Council member has a different idea and definition of equity and seeks input from the Commission. Commission members contributed to the discussion of equity by offering their definition or thoughts about equity to the group. Councilor Uhing informed the group that equity is important to Metro and is becoming a state-wide initiative. Needleman offered her thesis research to the Commission regarding equity and engagement. Harris to share her equity statement with the group via email.
6. **EARTH DAY LITTER EVENT:** Update from Peeters Weem – Successful event with roughly 46 families and nine volunteers in attendance, and they accomplished their goal of getting trash off the streets. The recycling effort wasn't feasible due to low volume of eligible recycling items. Harris and Peeters Weem would like to see the next event be more of a gathering and discussion, possibly with games, activities, and community booths. There might be a chance to partner with other groups or cities, and Councilor Uhing suggested a banner might draw more attention to the event. Commission members were interested in hosting the event twice yearly – April and September.
7. **SCHOOL GARDENS:** Update from Harris – Groundbreaking ceremony at Cornelius Elementary school was successful with six Pacific University students, Lions Club members, Congresswoman Bonamici, students' families, and over 150 children. Children planted seeds, volunteers moved soil and built beds.
8. **LOW FLOW TOILET REBATE:** Councilor Uhing requested the Commission to discuss whether or not they would like to support the rebate initiative and, if so, to submit a letter of recommendation. Nieves moved to support the program, Harris second, unanimous approval.
9. **FARM TO SCHOOL BILL (HB 2579):** Nieves looking for Commission endorsement of the Farm to School Bill. Councilor Uhing would like staff to explore the legalities prior to endorsement.
10. **COUNCIL LIAISON REPORT:** Update from Councilor Uhing – Consensus from Council on new rules for Boards and Commissions; a final vote will happen in a couple of weeks. The chair term limits changed from two years to four years. Who will take meeting minutes will be up to the Commission to decide. Reminder from Councilor Uhing for the Commission to follow the guidelines for CEP mini-grants. City received two awards from Clean Water Services and Washington County Visitors Association to put in two bike repair hubs. LED lights have Notable dates/events:
  - Vision Action Network 4/29
  - CEP allocation due 5/3, Discussion 5/6
  - Healthcare Forum 5/7, 5/15 & 5/29
  - Housing and rent burden conversation 5/14
  - Project Action for Equitable Development
  - CCI is considering a focus on partnership with League of Women Voters for the next Annual Town Meeting
  - Library's 110<sup>th</sup> Anniversary in October

**11. STAFF REPORT:** Staff to begin discussion regarding Metro's food waste ordinance in May, the solar panel study results are not in yet but getting close.

**12. FUTURE AGENDA TOPICS:**

- City-wide litter pick up twice yearly
- Harris – what is needed for school gardens in the coming year

**13. ADJOURNMENT:** Nieves adjourned the meeting at 7:44pm.

Respectfully Submitted,  
Elizabeth Stover, Program Coordinator  
City of Forest Grove

Approved by the Forest Grove Sustainability Commission:   Date: 5/23/19

**Monthly Building Activity Report**  
**May-19**  
**2018-2019**

Category	Period: May-18		Period: May-19	
	# of Permits	Value	# of Permits	Value
Man. Home Setup				
Sing-Family New	33	\$9,444,177	9	\$2,556,497
SFR Addition & Alt/Repair	9	\$232,431	4	\$81,222
MultiFamily New				
MultiFamily Alteration/Repair	6	\$55,023		
Group Care Facility	1	\$19,177		
Commercial New	4	\$451,950	2	\$603,426
Commerical Addition				
Commercial Alt/Repair	6	\$1,638,424	3	\$207,500
Industrial New				
Industrial Addition				
Industrial Alt/Repair	2	\$198,656		
Gov/Pub/Inst (new/add)				
Signs	1	\$20,500		
Grading	2		2	
Demolitions	2			
<b>Total</b>	<b>66</b>	<b>\$12,060,338</b>	<b>20</b>	<b>\$3,448,645</b>

**Fiscal Year-to-Date**

2017-2018		2018-2019	
Permits	Value	Permits	Value
364	\$69,756,658	304	\$65,417,159



# Public Works Update:

What We've Been Up To

June 10, 2019

# ASCE Status



Oregon 2019  
Infrastructure  
Report Card  
Grade: C-

# Projects



# Highway 47 Trail: Elm to Maple



Completed April, 2019



# Hawthorne Drainage Project



Completion October, 2019



# Forest Glenn Park: Bank Stabilization



Completion November, 2019



# 21<sup>st</sup> Ave & Main Street Decorative Intersection & Safety Improvement Project

Completion November, 2019



# 21<sup>st</sup> Avenue/Main Street Concept Plan

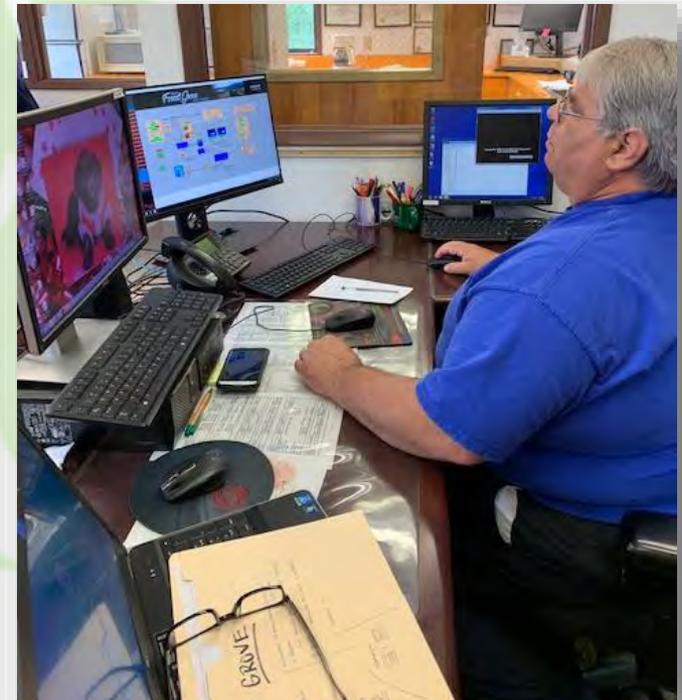


A place where businesses and families thrive.

# Water Treatment Plant SCADA Upgrade



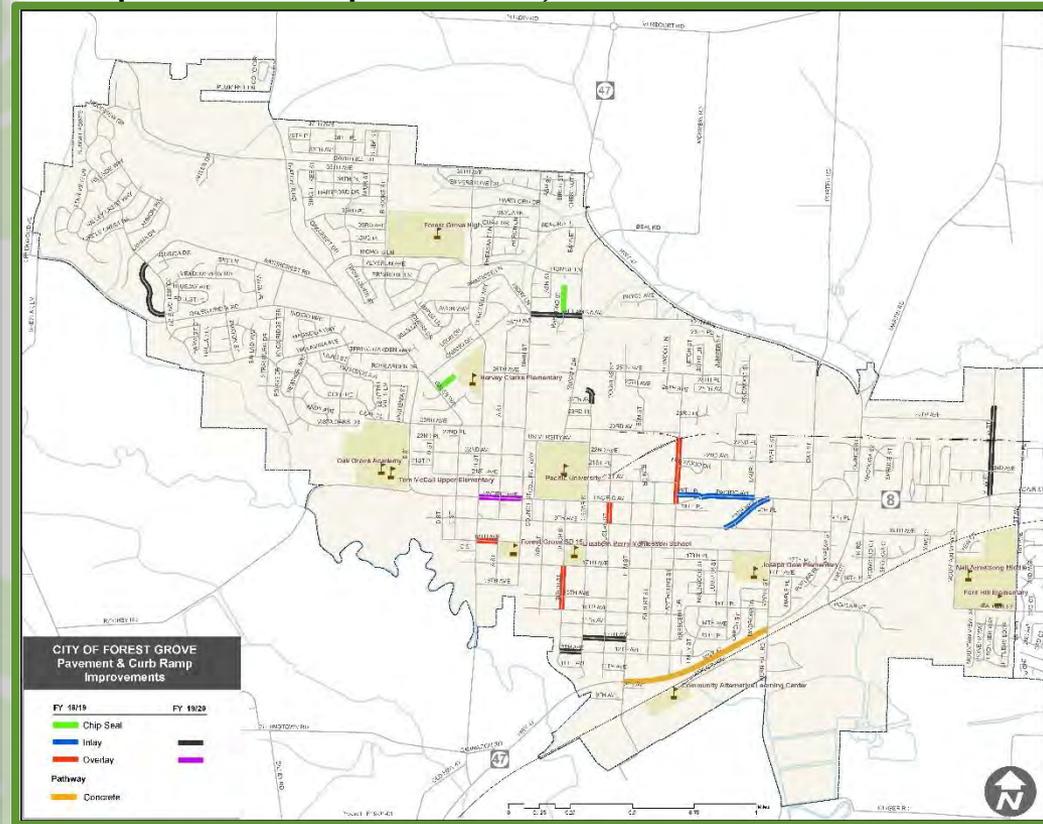
Completion May, 2019



# Seasonal Overlay Project



Completion September, 2019



# Planning

“Make no little plans; they have no magic to stir men’s blood and probably will themselves not be realized. Make big plans; aim high in hope and work, remembering that a noble, logical, **diagram, once recorded, will not die.**”

~ Daniel Burnham

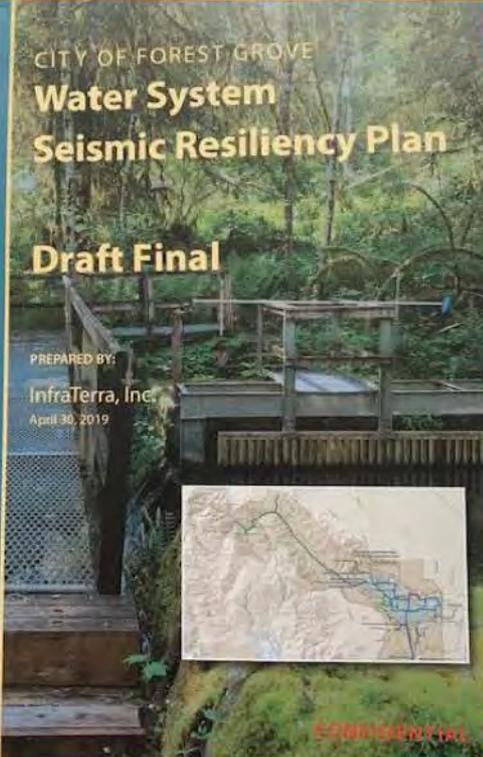
  
*A place where families and business thrive.*

**DRAFT**  
**CITY OF FOREST GROVE**  
 Americans with Disabilities Act  
 Public Right-of-Way Transition Plan  
 2019

Official Responsible for Transition Plan Implementation:  
**Greg Robertson**  
 City of Forest Grove  
 Public Works Director  
 1528 Council Street  
 PO Box 326  
 Forest Grove, Oregon 97116  
 (503)992-3228

CITY OF FOREST GROVE  
**Water System**  
**Seismic Resiliency Plan**  
**Draft Final**

PREPARED BY:  
**InfraTerra, Inc.**  
 April 30, 2019




CONFIDENTIAL



**City of Forest Grove, OR**  
**Pavement Management Analysis Report**  
 October 2018

City of Forest Grove  
 44th - Rick Vancuren, Operations Superintendent  
 2511 A, 21<sup>st</sup> Avenue  
 Forest Grove, OR 97116




**IMS Infrastructure Management Services**  
 1820 West Drake Drive, Suite 104, Tempe, AZ 85283  
 Phone: (480) 836-4347, Fax: (480) 839-4348  
[www.ims-mst.com](http://www.ims-mst.com)

# Planning Status

- Seismic Resiliency Plan  
completed April, 2019
- ADA Transition Plan  
completion June, 2019
- Water Master Plan  
completion expected December, 2019
- Sewer Master Plan  
commence July, 2020
- Storm Water Master Plan  
commence July, 2020

# QUESTIONS?





# SECOND ANNUAL SEVERE RENT BURDEN MEETING

DAN RIORDAN  
Senior Planner  
Community Development Dept.

# SEVERE RENT BURDEN MEETING

- ❑ State law approved in 2017 requires that a city with a severe rent burden hold an annual public meeting to discuss the issue.
- ❑ A City with a severe rent burden has more than 25% of households paying more than 50% of income on housing costs.
- ❑ The first severe rent burden meeting was held on December 5<sup>th</sup>.
- ❑ There was agreement to meet again when data from the HNA update was available.

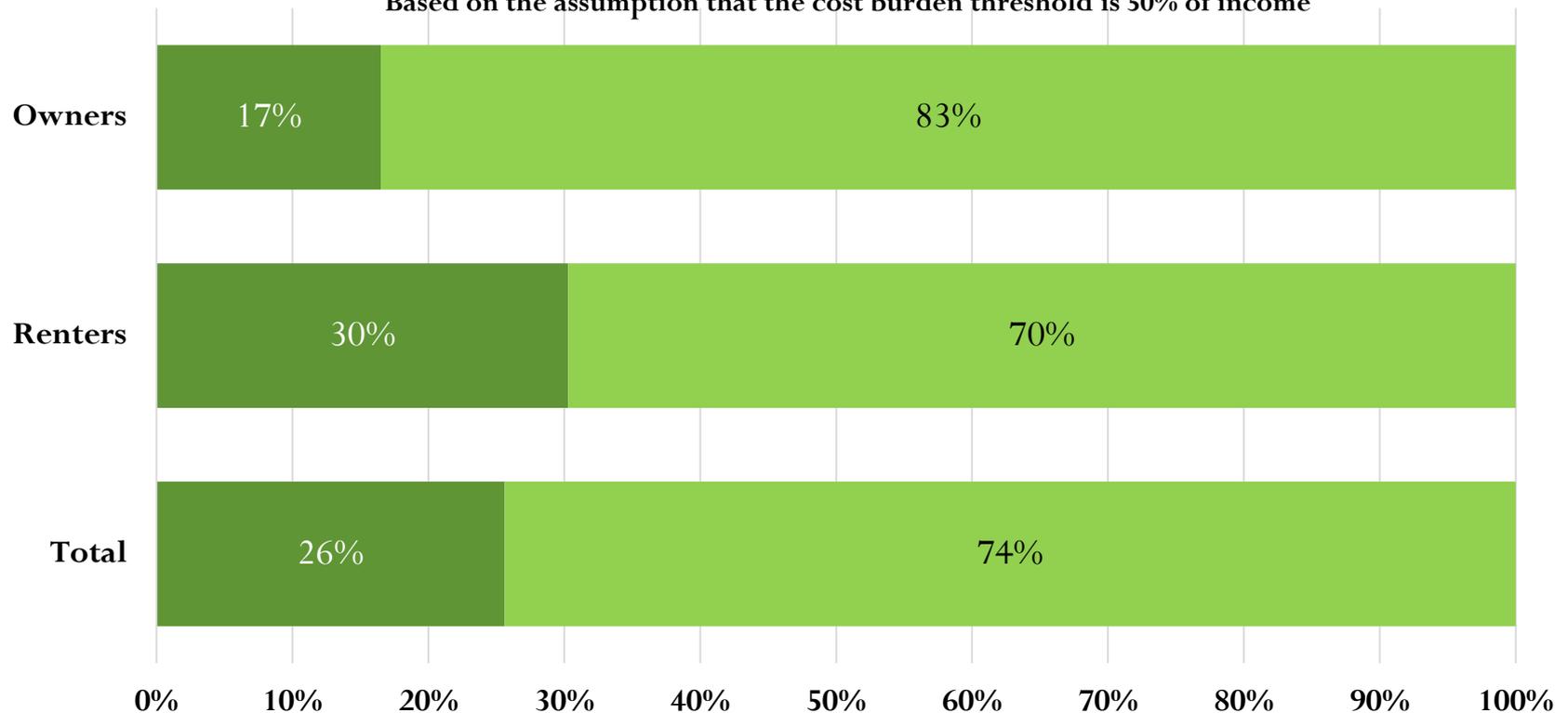
# SEVERE RENT BURDEN MEETING

- ❑ The second meeting was held on May 14<sup>th</sup> at the Library Rogers Room.
- ❑ About 15 people in attendance including several people from the previous meeting in December.
- ❑ During the meeting the HNA data was presented.

# SEVERE RENT BURDEN HOUSEHOLDS

■ Cost Burdened ■ Not Cost Burdened

Based on the assumption that the cost burden threshold is 50% of income



Source: U.S. Census Bureau, 2013–2017 American Community Survey (Table B25091 and B25070), compiled by FCS Group

# SEVERE RENT BURDEN HOUSEHOLDS

## Current market gap: renter-occupied households

Analysis of potential pent-up rental housing demand, Forest Grove UGB.

Median Household Income Range	Owner-Occupied Housing Units	Renter-Occupied Housing Units	Affordable Monthly Rent Costs *	Level of subsidy required	Estimated Available Rental Units	Gap or Surplus
\$75,000 or more:	2,388	293	\$1,875	Zero	404	111
\$50,000 to \$74,999:	1,195	509	\$1,250-\$1,875	Zero	233	(276)
\$35,000 to \$49,999:	510	691	\$875-\$1,250	Low	1,037	346
\$20,000 to \$34,999:	506	684	\$500-\$875	Medium	1,213	529
Less than \$20,000:	199	861	Less than \$500	High	173	(688)
Zero or negative income	8	111	N/A	High	89	(22)
<b>Total</b>	<b>4,806</b>	<b>3,149</b>			<b>3,149</b>	<b>-</b>

Source: US Census Bureau 2013-2017 ACS.

\* Calculated as 30% of income range based on HUD guidelines

# SEVERE RENT BURDEN HOUSEHOLDS

## Current market gap: owner-occupied households

Analysis of potential pent-up owner-occupied housing demand, Forest Grove UGB.

Median Household Income Range	Owner-Occupied Households	Approximate Attainable Home Price*	Estimated Available Owner-Occupied Units	Demand Gap
\$75,000 or more:	2,388	\$392,000 & Above	788	(1,600)
\$50,000 to \$74,999:	1,195	\$262,000-\$392,000	1,415	
\$35,000 to \$49,999:	510	\$183,000-\$262,000	1,487	
\$20,000 to \$34,999:	506	\$105,000-\$183,000	483	(23)
Less than \$20,000:	207	Less than \$105,000	633	
<b>Total</b>	<b>4,806</b>		<b>4,806</b>	

Source: US Census Bureau 2013-2017 American Community Survey, FCS GROUP.

\* Calculated as 30% of income range based on HUD guidelines

# SEVERE RENT BURDEN MEETING

- ❑ In conclusion, there was a good discussion about:
  - ❑ Causes and consequences of severe rent burden;
  - ❑ Barriers to reducing rent burden; and
  - ❑ Possible solutions including preserving existing affordable housing, inspecting rental housing for condition, and scaling regulations for small landlords.

# The End

AGENDA ITEM #:	6.
MEETING DATE:	06/10/2019
FINAL ACTION:	First Reading: ORD 2019-05



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## CITY COUNCIL STAFF REPORT

## FIRST READING:

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *James Reitz, AICP, Senior Planner  
Bryan Pohl, Community Development Director*

**SUBJECT TITLE:** *Public Hearing and First Ordinance Reading to Amend the Development Code*

**ACTION REQUESTED:**  Ordinance  Order  Resolution  Motion  Informational

*X all that apply*

**ISSUE STATEMENT:** The proposed Development Code amendments include changes to reflect current local, regional and state policies, codes and definitions. They would amend sections pertaining to accessory dwelling units, housing types allowed in the town center and commercial zones, recreational vehicle occupancy, bed and breakfast inns, design standards, residential density incentives, the sign code, and miscellaneous minor amendments.

**BACKGROUND:** The Planning Commission reviewed many of the proposed amendments in a work session on February 4, 2019. Following the work session, notice of this proposal was provided to the Department of Land Conservation and Development. DLCD staff has voiced verbal support of the amendments, particularly those pertaining to accessory dwelling units and residential density bonuses.

The specifics of each proposed amendment are described in the Planning Commission staff report. In summary, the significant amendments would –

1. Add Housing Types to the commercial and town center zoning districts.
2. Revise the bed and breakfast regulations. Currently, B&Bs with up to 27 guest rooms are allowed in the RMH zoning district, and all B&Bs are processed using a Type I procedure. The amendments would reduce the number of allowable guest rooms to 10, and require a Type II process for all B&Bs with more than 5 guest rooms.
3. Remove the domesticated fowl code. This text is proposed to be relocated to FGC Chapter 93 *Animals*.
4. Eliminate the time limit on recreational vehicle stays (required by state statute).
5. Amend the accessory dwelling unit code to comply with state statute. In addition, the amendments would allow manufactured home ADUs (except in historic districts) and prohibit use of converted shipping containers as ADUs.
6. Provide additional incentives for residential density.
7. Update the sign code to remove the prohibition on off-premise signs (because the prohibition conflicts with the First Amendment), and adopt new regulations for feather signs and air-blown devices.
8. Allow monument signs in the Town Center Transition zoning district.

The minor amendments would –

- A. Correct a series of typographical errors.
- B. Combine all of the Building Design and Development Standards into a single section.
- C. Make other minor changes to improve internal code consistency.

Notice of the Planning Commission public hearing was published in the *News Times* on May 1, 2019. At the May 6, 2019 public hearing, one person testified about the potential neighborhood impacts of bed and breakfast inns. In addition, two letters were entered into the record from the Fair Housing Council and the Home Builders Association, both in regards to the proposed revisions to the accessory dwelling unit code.

The Commission reviewed and discussed each of the amendments, and supported all of the minor amendments without revision. The Commission's primary discussion was about bed and breakfast inns, accessory dwelling units, and feather signs. The Commission agreed that larger B&Bs should undergo a Type II process (versus the current Type I); and that the cap on allowable rooms in the RMH zoning district should be dropped from the current 27 to 10. The Commission also agreed that the parking-to-room ratio should be reduced from 1:1 to 1:2 (1 space per 2 rooms).

The Commission's discussion concerning ADUs was about the potential use of converted shipping containers. While it was suggested that such units could be attractive, the City cannot regulate appearances. Because of the uncertainty as to how such units might be finished, the Commission opted to retain the prohibition.

The Commission's final topic of discussion was the new code proposed for feather signs. This sign type did not exist in 2009 when the current sign code was adopted. As with the proliferation of A-board signs in 2009, feather signs have become increasingly popular. As with A-board signs, staff suggested a limit of one feather sign per property. The Commission could not come to a consensus as to whether that was too restrictive, and if so, what would be an appropriate alternative. In the end, they opted to leave the proposal as written.

**FISCAL IMPACT:** Adoption of the ordinance will have no fiscal impact on the City.

**STAFF RECOMMENDATION:** Staff recommends adoption of the ordinance to amend the Development Code as recommended by the Planning Commission.

**ATTACHMENTS:**

- Ordinance to Amend Forest Grove Development Code
- Planning Commission Decision No. 2019-06
- Planning Commission Staff Report dated May 6, 2019
- Planning Commission Meeting Minutes (draft) of May 6, 2019



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## NOTICE OF PUBLIC HEARING FOREST GROVE CITY COUNCIL

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold a Public Hearing **Monday, June 10, 2019, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to review the following:

---

**PROPOSAL:** Amend Forest Grove Development Code Article 3 *Zoning Districts*, Article 5 *Special Provisions*, Article 7 *Miscellaneous Provisions*, Article 8 *Development Standards* and Article 12 *Definitions* to update the code pertaining to accessory dwelling units, housing types allowed in the town center and commercial zones, recreational vehicles, bed and breakfast inns, design standards in the Neighborhood Mixed Use zone, residential incentives, and the sign code.

The proposals will be reviewed based on the following Development Code Review criteria:

1. The text amendments are consistent with the relevant goals and policies of the Comprehensive Plan; and
2. The text amendments are consistent with the relevant statewide and regional planning goals, programs and rules.

---

At this time and place, all persons will be given reasonable opportunity to give testimony about the proposal. If an issue is not raised in the hearing (by person or by letter) or if the issue is not explained in sufficient detail to allow the City Council to respond to the issue, then that issue cannot be used for an appeal to the Land Use Board of Appeals. Information pertaining to this request may be obtained from Senior Planner James Reitz at (503) 992-3233 or e-mail [jreitz@forestgrove-or.gov](mailto:jreitz@forestgrove-or.gov). A copy of the staff report is available seven days prior to the hearing at the City Recorder's Office or by visiting the City's website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing or sent prior to the hearing to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov).

###

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

**FG NewsTimes**  
**06/05/2019**

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# Development Code Update

James Reitz, AICP  
Senior Planner

# Background

The Development Code was adopted in 2009. Its Purpose is to:

- Implement the Comprehensive Plan
- Satisfy federal, state, and regional laws, goals and rules
- Guide planning policies and actions
- Facilitate review of development proposals

# Major Amendments

Add Housing Types to the commercial and town center zoning districts. For example -

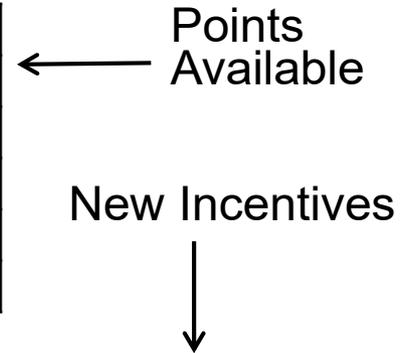
USE CATEGORY	NC	CC	NMU
<b>RESIDENTIAL</b>			
Household Living	L <sup>[1]</sup>	L <sup>[2]</sup>	P/L <sup>[15]</sup> [14]
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L <sup>[3]</sup>	L <sup>[3]</sup>	L <sup>[3]</sup>
Bed and Breakfast	L <sup>[4]</sup>	P	L <sup>[4]</sup>
<b>HOUSING TYPES</b>			
<u>Single Units, Detached</u>	N	N	L <sup>[18]</sup>
<u>Single Units, Attached</u>	N	P	P
<u>Accessory Units</u>	N	N	N
<u>Duplexes</u>	N	P	P
<u>Manufactured Dwellings</u>	N	N	N
<u>Manufactured Dwelling Park</u>	N	N	N
<u>Multi-Family Units</u>	P	P	P

*P = Permitted N = Not Permitted L = Limited C = Conditional Use*

# Major Amendments

Provide additional incentives for residential density in the Town Center zoning district.

Minimum Points Required	Density Increase
11 points	10 units/acre
14 points	20 units/acre
19 points	30 units/acre
25 points	40 units/acre
30 points	60 units/acre



<u>Enterprise Green Communities</u>	<u>8 points</u>	<u>Projects must be designed to achieve compliance with the mandatory EGC Criteria measures applicable to that construction type and must achieve 35 optional EGC points. Project features required to qualify for EGC certification cannot be used to qualify for points in other amenity categories.</u>
<u>Earth Advantage Homes</u>	Silver: <u>8 points</u> Gold: <u>10 points</u> Platinum: <u>12 points</u>	<u>Projects must be designed to achieve Earth Advantage Silver, Gold, or Platinum certification. Project features required to qualify for EA certification cannot be used to qualify for points in other amenity categories.</u>
<u>Other</u>	TBD	<u>Other amenity approved by Planning Commission. Amenities may include (but are not limited to) compliance with the Oregon Housing and Community Services Department Sustainable Design Program, the National Council on Independent Living visitability basic requirements, etc.</u>

# Major Amendments

- **Revise the bed and breakfast inn regulations -**
  - Currently, B&Bs with up to 27 guest rooms are allowed in the RMH zoning district; and
  - Currently, all B&Bs are processed using a Type I process.
  - The amendments would reduce the number of allowable guest rooms in the RMH zoning district from 27 to 10; and
  - Require a Type II process for all B&Bs with more than 5 guest rooms.
- **Remove the domesticated fowl code –**
  - This text would be relocated to FGC Chapter 93 *Animals*.

# Major Amendments

## Sign Code Amendments

Update the sign code to remove the prohibition on off-premise signs, and adopt new regulations for feather banner signs and air-blown devices.



- Allow monument signs in the Town Center Transition zoning district.



# Major Amendments

- Amend the accessory dwelling unit code to comply with state statute -
  - Manufactured home ADUs would also be allowed, except in historic districts.
  - Converted shipping container ADUs would be prohibited.
- Eliminate the time limit on recreational vehicle stays in RV parks, as required by state statute.

# Minor Amendments

- Correct various typographical errors.
- Combine the Building Design and Development Standards into a single section.
- Improve internal code language and consistency.

# Planning Commission Recommendation

- The Planning Commission reviewed the proposed amendments on May 1, 2019.
- Only one person testified, about B&B inns.
- Two letters were received from the Home Builders Association and the Fair Housing Council in support of the proposed ADU code amendments.
- The Planning Commission voted unanimously to recommend approval of the proposed amendments.

# Recommendation

Adopt the amendments as recommended by the Planning Commission and staff.

**ORDINANCE NO. 2019-05**

**ORDINANCE AMENDING FOREST GROVE DEVELOPMENT CODE  
ARTICLES 1 INTRODUCTION AND PROCEDURES, 2 LAND USE REVIEWS,  
3 ZONING DISTRICTS, 5 SPECIAL PROVISIONS, 7 MISCELLANEOUS  
PROVISIONS, 8 GENERAL DEVELOPMENT STANDARDS, AND 12 USE  
CATEGORIES AND DEFINITIONS; AND REPEALING ORDINANCE NO. 2009-08;  
FILE NUMBER 311-19-000002-PLNG**

**WHEREAS**, the Development Code was adopted in 2009 and needs periodic updating to reflect changes in local, regional and state policies, codes and definitions; and

**WHEREAS**, the City also desires to make amendments to the Development Code to update procedures and review standards; and

**WHEREAS**, notice of the proposed amendments was provided to the Department of Land Conservation and Development on March 29, 2019; and

**WHEREAS**, the Planning Commission held a Public Hearing on the proposed amendments on May 6, 2019; and

**WHEREAS**, the Planning Commission adopted Planning Commission Findings and Decision Number 2019-06 recommending approval of the proposed amendments; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed ordinance on June 10, 2019, and continued the hearing on June 24, 2019.

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

**Section 1:** The City Council of the City of Forest Grove hereby repeals Ordinance No. 2009-08, re "Domesticated Fowl".

**Section 2:** The City Council of the City of Forest Grove hereby adopts the text amendments to Development Code Article 1 *Introduction and Procedures*, 2 *Land Use Reviews*, Article 3 *Zoning Districts*, Article 5 *Special Provisions*, Article 7 *Miscellaneous Provisions*, Article 8 *General Development Standards*, and Article 12 *Use Categories and Definitions* as shown on Exhibits A and B.

**Section 3:** The City Council hereby finds that the proposed amendments are consistent with and meet the provisions of Development Code §17.2.630 *Review Criteria Pertaining to Zoning Text Amendments* as shown on Exhibit C.

**Section 4:** This ordinance is effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading this 10<sup>th</sup> day of June, 2019.

**PASSED** the second reading this 24<sup>th</sup> day of June, 2019.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 24<sup>th</sup> day of June, 2019.

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Peter B. Truax, Mayor

EXHIBIT A  
ORDINANCE NO. 2019-05

CITY OF FOREST GROVE DEVELOPMENT CODE

INTRODUCTION AND PROCEDURES

17.1.810 PENALTY

- A. ~~A violation of this Code shall constitute a Class 1 civil infraction, which shall be processed according to the procedures, established in the Forest Grove Municipal Code.~~

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99 of this code of ordinances.

- B. Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation is committed or permitted to continue shall constitute a separate infraction.
- C. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. If a firm or corporation violates a provision of this Code, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

ZONE CHANGE

17.2.770 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~~ Classification 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.

RESIDENTIAL ZONES

17.3.100 PURPOSE

The City of Forest Grove has established ~~five~~ six residential zones to implement the Residential designations of the Comprehensive Plan....

17.3.120 USE REGULATIONS

TABLE 3-2 Residential Zones: Use Table

USE CATEGORY	SR	R-10	R-7	R-5	RML	RMH
<b>RESIDENTIAL</b>						
Household Living	P	P	P	P	P	P
Group Living	L <sup>[1]</sup>					
Transitional Housing	N	N	N	N	C	C
Home Occupation	L <sup>[2]</sup>					
Bed and Breakfast	L <sup>[3]</sup>					
<b>HOUSING TYPES</b>						
Single Units, Detached	P	P	P	P	P	L <sup>[4]</sup>
Single Units, Attached	L <sup>[5]</sup>	L <sup>[5]</sup>	L <sup>[5]</sup>	L <sup>[5]</sup>	P	P
Accessory Units	L <sup>[6]</sup>					
Duplexes	L <sup>[5]</sup>	L <sup>[5]</sup>	L <sup>[5]</sup>	L <sup>[5]</sup>	P	P
Manufactured Homes	L <sup>[7]</sup>					
Manufactured Home Park	N	C	C	C	C	C
Multi-Family Units	N	N	N	N	P	P
<b>OTHER</b>						
Agriculture / Horticulture	L <sup>[11]††2†</sup>	N				
Cemeteries	P	P	P	P	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Wireless Communication Facilities	L <sup>††3†-12†</sup>					
Self-Service Storage	N	N	N	N	N	N
Information Centers	N	N	N	N	N	N
Office	N	N	N	N	N	N

P P = Permitted L = Limited C = Conditional Use N = Not Permitted

Footnotes:

- [1] Group living ....
- [2] Home occupation...
- [3] Bed & Breakfast Inn limited to ~~three (3)~~ five (5) guest rooms in the SR, R-10, R-7, R-5 and RML zones and ~~twenty seven (27)~~ ten (10) guest rooms in the RMH zone, subject to compliance with the Bed & Breakfast Inn standards in Article 7.
- [4] To preserve RMH land...
- [5] For subdivision of twenty (20) or more lots...
- [6] Accessory dwelling units – including manufactured homes - are allowed in conjunction with a single-family dwelling in any residential zone, subject to compliance with the accessory dwelling unit standards in Article 7. Manufactured home ADUs are prohibited in historic districts.
- [7] Manufactured homes on individual lots...

- [8] Commercial recreation uses...
- [9] A day care facility...
- [10] A neighborhood store...
- [11] Agriculture uses such as truck farming ... and buildings and the keeping of livestock and poultry (other than ordinary household pets, ~~and domesticated fowl as identified in footnote (12))~~ are not permitted.
- [12] ~~Domesticated fowl are allowed in single family residences primarily for personal use. Domesticated fowl are allowed subject to these conditions.~~
  - (a) ~~Up to 4 adult fowl over 6 months of age may be kept on any lot with a minimum area of 5,000 square feet. One additional adult fowl shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.~~
  - (b) ~~No roosters shall be permitted.~~
  - (c) ~~Animal waste matter shall not be allowed to accumulate.~~
  - (d) ~~All animal food shall be stored in metal or other rodent proof containers.~~
  - (e) ~~Fencing shall be designed and constructed to confine all animals to the owner's property.~~
  - (f) ~~All structures that house fowl shall be located at least 20 feet from all residences (except the animal owner's).~~
  - (g) ~~All structures that house fowl shall be located at least 5 feet from any side or rear property line.~~
- [13] [12] Wireless communication facilities...

17.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

H. Setback Standards

TABLE 3-7: Setback Requirements

Front Yard, Dwelling <sup>[1, 2]</sup>	20 feet (possible reduction to 14 feet)
Front Yard, Garage	20 feet
Interior Side Yard <sup>[3, 4]</sup>	Either 5 feet or 1 foot for each 3 feet of building height, whichever is greater
Corner Side Yard	Same as front yard
Rear Yard <sup>[5, 6]</sup>	15 feet or 2 feet for every 3 feet in building height at the eave line, whichever is greater.

Footnotes:

- [1] The front yard setback...
- [2] On an infill lot...
- [3] The side yard setback ...
- [4] Accessory buildings (including accessory dwellings and detached garages) that do not exceed one (1) story in height ~~may~~ shall not be located closer than ~~on or within~~ five (5) feet to any of an interior side yard property line or a rear property line.
- [5] Attached garages...
- [6] A larger rear yard setback ...

COMMERCIAL AND MIXED USE ZONES

17.3.320 USE REGULATIONS

TABLE 3-10: Commercial and Mixed Use Zones Use Table

USE CATEGORY	NC	CC	NMU
RESIDENTIAL Household Living	L <sup>[1]</sup>	L <sup>[2]</sup>	P/L <sup>[13]</sup> [14]

Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	<u>L<sup>[3]</sup></u>	<u>L<sup>[3]</sup></u>	<u>L<sup>[3]</sup></u>
Bed and Breakfast	<u>L<sup>[4]</sup></u>	P	<u>L<sup>[4]</sup></u>
<b>HOUSING TYPES</b>			
<u>Single Units, Detached</u>	<u>N</u>	<u>N</u>	<u>L<sup>[18]</sup></u>
<u>Single Units, Attached</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Accessory Units</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Duplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Manufactured Dwellings</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Manufactured Dwelling Park</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Multi-Family Units</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b>CIVIC / INSTITUTIONAL</b>			
Basic Utilities	P	P	P
Major Utility Transmission Facilities	C	C	C
Colleges	N	C	N
Community Recreation	N	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
Cultural Institutions	P	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
Day Care	P	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
Emergency Services	C	C	<u>L<sup>[16]</sup></u> <u>[15]</u>
Postal Services	C	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
Religious Institutions	C	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
Schools	C	C	<u>L<sup>[16]</sup></u> <u>[15]</u>
Social/ Fraternal Clubs / Lodges	C	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
<b>COMMERCIAL</b>			
Commercial Lodging	N	<u>L<sup>[5]</sup></u>	<u>L<sup>[16]</sup></u> <u>[15]</u>
Eating and Drinking Establishments	<u>L<sup>[6]</sup></u>	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
Entertainment – Oriented:			
- Major Event Entertainment	N	N	N
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
General Retail:			
- Sales – Oriented	<u>L<sup>[7]</sup></u>	<u>L<sup>[7]</sup></u>	<u>L<sup>[16]</sup></u> <u>[15]</u>
- Personal Services	P	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
- Repair – Oriented	P	P	<u>L<sup>[16]</sup></u> <u>[15]</u>
- Bulk Sales	N	P	N
- Outdoor Sales	<u>L<sup>[8]</sup></u>	<u>L<sup>[8]</sup></u>	<u>L<sup>[16]</sup></u> <u>[15]</u>
- Animal – Related	N	P	N
Medical Centers	N	<u>L<sup>[12]</sup></u>	N
Motor Vehicle Related:			
- Motor Vehicles Sale / Rental	N	<u>L<sup>[9]</sup></u>	N
- Motor Vehicle Servicing / Repair	N	P	<u>L<sup>[17]</sup></u> <u>[16]</u>
- Motor Vehicle Fuel Sales	<u>P<sup>[10]</sup></u>	P	N
Non-Accessory Parking	N	P	N
Office	<u>L<sup>[18]</sup></u> <u>[17]</u>	<u>L<sup>[18]</sup></u> <u>[17]</u>	<u>L<sup>[16]</sup></u> <u>[18]</u> <u>[17]</u>
Self-Service Storage	N	C	N

INDUSTRIAL			
Industrial Services	N	N	N
Manufacturing and Production:			
- Light Industrial	N	C <sup>[11]</sup>	N
- General Industrial	N	N	N
- Medical and Recreational			
Marijuana Processors and Production	N	N	N
Railroad Yards	N	N	N
Research and Development	N	N	N
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N
Wholesale Sales	N	N	N
OTHER			
Agriculture / Horticulture	L <sup>[44]</sup>	L <sup>[44]</sup>	L <sup>[44]</sup>
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L <sup>[13]</sup>	L <sup>[13]</sup>	L <sup>[13]</sup>

P = Permitted      L = Limited      C = Conditional Use      N = Not Permitted

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 30.00 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses. Residential density for affordable housing may be increased to 50.00 units/net acre pursuant to §17.7.410 Table 7-2 Tier 2.
- [3] Home occupations ...
- [4] Bed & breakfast inn limited to ~~three (3)~~ five (5) guest rooms in the NC zone, subject to compliance with the bed & breakfast inn standards in Article 7.
- [5] Recreational Vehicle Parks...
- [6] Restaurants are permitted ...
- [7] Marijuana retailers are prohibited ...
- [8] Outdoor sales in the NC zone are limited ...
- [9] Cleaning, sales and repair of motor vehicles and light equipment is permitted ...
- [10] Automobile service station in the NC zone is limited ...
- [11] As a conditional use pursuant to §17.2.200 et. seq.,...
- [12] Medical marijuana dispensaries ...
- [13] Wireless communication facilities ...
- [14] ~~Domesticated fowl are allowed in conjunction with existing single-family uses and primarily for personal use. Domesticated fowl are allowed subject to these conditions:~~
- a. ~~Up to 4 adult fowl over 6 months of age may be kept on any lot with a minimum area of 5,000 square feet. One additional adult fowl shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.~~
  - b. ~~No roosters shall be permitted.~~
  - c. ~~Animal waste matter shall not be allowed to accumulate.~~
  - d. ~~All animal food shall be stored in metal or other rodent proof containers.~~
  - e. ~~Fencing shall be designed and constructed to confine all animals to the owner's property.~~
  - f. ~~All structures that house fowl shall be located at least 20 feet from all residences (except the animal owner's).~~

- ~~g. All structures that house fowl shall be located at least 5 feet from any side or rear property line.~~
- ~~[15][14] Residential and day care uses – Existing uses are permitted outright. New uses are permitted within a Mixed Use Planned Development approved in accordance with §10.4.300. Residential density shall be established in the Mixed Use Planned Development.~~
- ~~[16][15] Use is only permitted within a Village Center of a Mixed Use Planned Development approved in accordance with §17.4.300.~~
- ~~[17][16] Restricted to uses existing as of 03/28/2016.~~
- ~~[18][17] Marijuana testing laboratories ...~~
- ~~[18] Lot area per unit shall not exceed 4,000 square feet.~~

## TOWN CENTER ZONES

### 17.3.420 USE REGULATIONS

TABLE 3-12: Town Center Zones Use Table

USE CATEGORY	TC - Core	TC - Transition
<b>RESIDENTIAL</b>		
Household Living	L <sup>[1]</sup>	L <sup>[1]</sup>
Group Living	P <sup>[1]</sup>	P
Transitional Housing	N	C
Home Occupation	L <sup>[2]</sup>	L <sup>[2]</sup>
Bed and Breakfast	C <sup>[2]</sup>	P
<b>HOUSING TYPES</b>		
<u>Single Units, Detached</u>	<u>N</u>	<u>N</u>
<u>Single Units, Attached</u>	<u>N</u>	<u>P</u>
<u>Accessory Units</u>	<u>N</u>	<u>N</u>
<u>Duplexes</u>	<u>N</u>	<u>P</u>
<u>Manufactured Dwellings</u>	<u>N</u>	<u>N</u>
<u>Manufactured Dwelling Park</u>	<u>N</u>	<u>N</u>
<u>Multi-Family Units</u>	<u>P</u>	<u>P</u>

## INDUSTRIAL ZONES

### 17.3.520 USE REGULATIONS

TABLE 3-14: Industrial Zones Use Table

USE CATEGORY	LI	GI	BIP
<b>COMMERCIAL</b>			
Entertainment – Oriented:			
- Major Event Entertainment	N	N	N
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	N	C
General Retail:			
- Sales – <del>Orientated</del> <u>Oriented</u>	N	L <sup>[4]</sup>	L <sup>[4]</sup>

## TREE PROTECTION

#### 17.5.140 PROTECTION OF REGISTER TREES

- B. When development is proposed within a significant grove or when Register trees are located within a site proposed for development, a tree protection plan pursuant to §17.5.110 §17.5.115 shall be submitted for approval....

### HISTORIC LANDMARKS

#### 17.5.205 HISTORIC LANDMARKS BOARD

~~§9.105 et. seq.~~ §35.066 of the Forest Grove Municipal Code establishes a Historic Landmarks Board (HLB).

#### 17.5.210 HISTORIC OR CULTURAL LANDMARK DESIGNATION

The procedure and criteria to designate or remove landmarks from the *Forest Grove Register of Historic and Cultural Landmarks* is established by ~~Section 9.150 et. seq.~~ §35.072 of the Municipal Code.

### RECREATIONAL VEHICLE PARKS

#### 17.5.515 DEVELOPMENT STANDARDS

- A. Parks shall serve recreational vehicles:
1. As defined by OAR 918-650-0005 (18) excluding:
    - a. “Park trailer” as defined by that section; and
    - b. “Recreational structures” as defined by ORS 446.003.
  2. Intended to be used for recreational purposes; ~~and~~
  3. ~~Length of stays shall be limited to 30 days or less for any one year period beginning from the date of the first overnight stay at that facility.~~
  4. ~~Length of stays can be waived by the Director if the Mayor or Governor declares an emergency affecting Forest Grove and temporary housing is needed to meet that emergency. Once the need has been met, the park shall only allow recreational vehicles consistent with this Code and any unit installed for purposes of the emergency shall be removed within 30 days after notification is made by the Director that the emergency has ended.~~

### ACCESSORY DWELLING UNITS

#### 17.7.015 STANDARDS

One (1) accessory dwelling unit may be allowed in conjunction with a single-family dwelling by conversion of an existing space, by means of an addition, or as an accessory structure – including

a manufactured home - on the same lot with an existing dwelling, subject to the following standards and limitations:

- A. ~~The owner(s) of the primary dwelling shall occupy at least one (1) of the units;~~ Manufactured home ADUs are not allowed in historic districts.
- B. Any addition shall not increase the gross floor area of the original dwelling by more than 10%;
- C. The gross floor area of the accessory dwelling unit shall not exceed ~~30% of the primary dwelling's gross floor area, or 720 square feet, whichever is less;~~ However, accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would exceed 720 square feet.
- D. ~~One (1) additional off-street parking space shall be provided in addition to the required parking for the primary dwelling;~~ ADUs may not be constructed from portable metal structures that require no assembly, such as shipping containers.
- E. ~~The accessory dwelling unit shall have exterior siding and roofing similar in color, material and appearance to that used on the primary dwelling; and~~
- G. The accessory dwelling unit shall comply with applicable fire and life safety codes.

## BED AND BREAKFAST INN

### 17.7.030 PROCEDURE

A bed and breakfast inn limited to ~~three (3)~~ five (5) guest rooms is permitted with Type I review in the single-family zones and the RML, RMH and Neighborhood Commercial zones. A bed and breakfast inn with ~~up to twenty-seven (27)~~ six (6) to ten (10) guest rooms is permitted with ~~Type I~~ Type II review in the RMH zone. A bed and breakfast inn is permitted outright in all other zones that allow motel/hotel uses.

### 17.7.035 STANDARDS

- A. The bed and breakfast inn shall be owner/operator occupied and limited to the number of guest rooms specified above;
- B. The bed and breakfast inn shall provide breakfast to overnight guests of the establishment only; and
- C. The bed and breakfast inn shall provide one (1) off-street parking space for each two (2) guest rooms in addition to ~~two (2)~~ the one (1) off-street parking spaces required for the permanent residents.
- D. A reduction in the off-street parking requirements may be permitted with Type III conditional use review if the applicant shows that:
  - 1. There is adequate and safe off-street parking available to the guests within 300 feet of the bed and breakfast inn; or
  - 2. In the case of a property listed on the Forest Grove Inventory of Historic and Cultural Resources, there is adequate on-street parking available to the guest which will not adversely affect neighboring property owners; and

3. Provision of the required off-street parking would not be detrimental to the historic or cultural value of the site.

## NONCONFORMING DEVELOPMENT

### 17.7.100 PURPOSE

Within the zoning districts established by this Code, development that was lawful at the time it was established, but would be prohibited under the terms of this Code or future amendments may exist. As used in this section, nonconforming development includes nonconforming structures and nonconforming uses.

### 17.7.110 LOSS OF NONCONFORMING STATUS

- B. **Accidental Destruction.** When a structure containing a nonconforming use is damaged by fire or other causes beyond the control of the owner, the reestablishment of the nonconforming use is prohibited if the repair cost of the structure is more than 60% of its assessed value.

### 17.7.125 EXCEPTIONS

The following exceptions to the nonconforming development regulations are allowed by this Code:

- E. ~~Any property use that was classified a non-conforming use under the Forest Grove Zoning Ordinance on December 2, 1982, shall be considered a permitted use.~~

## RESIDENTIAL DENSITY INCENTIVE ABOVE BASE REQUIREMENT

### 17.7.410 STANDARDS

TABLE 7-3: AMENITY CATEGORIES AND VALUES

Amenity Category	Value	Description
Bicycle Amenities	1 point	Provide residents with enhanced bicycle amenities (parking and repair area). The area dedicated to long-term bicycle parking shall be sized to accommodate 0.5 bicycles per unit and must be covered and secure. The area dedicated to bicycle repair shall be a minimum of 50 square feet in area and designed and equipped to facilitate bicycle maintenance.
Energy Efficiency	2 points	Energy efficiency improvements compliant with Energy Trust of Oregon. Projects must enroll in the Energy Trust’s Design Assistance program during schematic design or earlier and commit to exceeding Oregon code requirements by a minimum of 5%.
	2 points	Achieve an Energy Star score of 7 or better, as calculated by the EPA online tool.
	3 points	Project designed to Net Zero Energy Certification.
“Green” Materials	2 points	Use environmentally sensitive (“Green”) materials on at least 50% of the building’s interior surfaces including:

		<ul style="list-style-type: none"> <li>• Wall and Ceiling Latex Paint: Low VOC</li> <li>• Paint with recycled content: minimum 50% post-consumer</li> <li>• Countertop with recycled content: 25% Post-consumer content</li> <li>• Carpet with post-consumer recycled content (+50%)</li> <li>• Renewable flooring materials: Linoleum, cork, bamboo, or wool</li> <li>• Forest Stewardship Council-certified Reclaimed Wood</li> </ul>
	3 points	Use of “Green Material” on at least 75% of the building’s interior.
Low Impact Design	1 point	Manage all storm water from the site using low impact design techniques from <i>Clean Water Services Low Impact Development Handbook for the Tualatin Basin</i> .
Ground Floor Retail	3 points	Provide at least 5,000 square feet of retail or space which is designed to be convertible to ground level retail. A density bonus for this amenity is available in the TCT zone only.
Residential Gardening	2 points	Provide a community garden for use by residents. The garden must include raised beds (minimum size 3’ by 5’) with improved soil and a water source for irrigation. The garden may be at grade or rooftop, but must be located in an area with adequate sunlight (minimum 6 hours/day). The area dedicated to the community garden shall be sized to accommodate 0.3 raised beds per unit plus walkways.
Rooftop Garden or Eco-Roof	2 points	Provide a rooftop garden or an eco-roof. The rooftop garden or eco-roof must cover at least 50% of the roof area of the building. Rooftop gardens must be accessible to residents and at least 30% of the garden area must contain plants. The remaining area must include seating areas and other amenities. Eco-roofs must be designed to reduce storm water and be entirely covered with vegetation.
<ul style="list-style-type: none"> <li>• Public Plaza</li> <li>• Outdoor Patio</li> <li>• Seating Area</li> </ul>	2 points	Where ground floor retail is planned, provide a patio area for outdoor seating between the retail and the primary public street frontage which is designed to activate the street frontage. The patio and seating area must extend along at least 20 feet of the frontage and be at least 10 feet deep.
	3 points	Provide a public plaza with a minimum area of 2,000 square feet. Seating areas and landscape plantings are required amenities. Water features are encouraged. To promote a sense of openness and safety, public plazas shall be completely visible from an adjacent street frontage.
Structured Parking	10 points	At least 80% of the required parking is provided in a parking structure. Structures may be at- or below-grade.
LEED Certification	Silver: 8 points Gold: 10 points Platinum: 12 points	Project designed to achieve LEED Silver, Gold, or Platinum certification. Project features required to qualify for LEED certification cannot be used to qualify for points in other amenity categories.
<u>Enterprise Green Communities</u>	<u>8 points</u>	<u>Projects must be designed to achieve compliance with the mandatory EGC Criteria measures applicable to that construction type and must achieve 35 optional EGC points. Project features required to qualify for EGC certification cannot be used to qualify for points in other amenity categories.</u>
<u>Earth Advantage Homes</u>	<u>Silver: 8 points Gold: 10 points Platinum: 12 points</u>	<u>Projects must be designed to achieve Earth Advantage Silver, Gold, or Platinum certification. Project features required to qualify for EA certification cannot be used to qualify for points in other amenity categories.</u>

Other	TBD	Other amenity approved by Planning Commission. <u>Amenities may include (but are not limited to) compliance with the Oregon Housing and Community Services Department Sustainable Design Program, the National Council on Independent Living visitability basic requirements, etc.</u>
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## BUILDING DESIGN AND DEVELOPMENT STANDARDS

### 17.8.710 STANDARDS

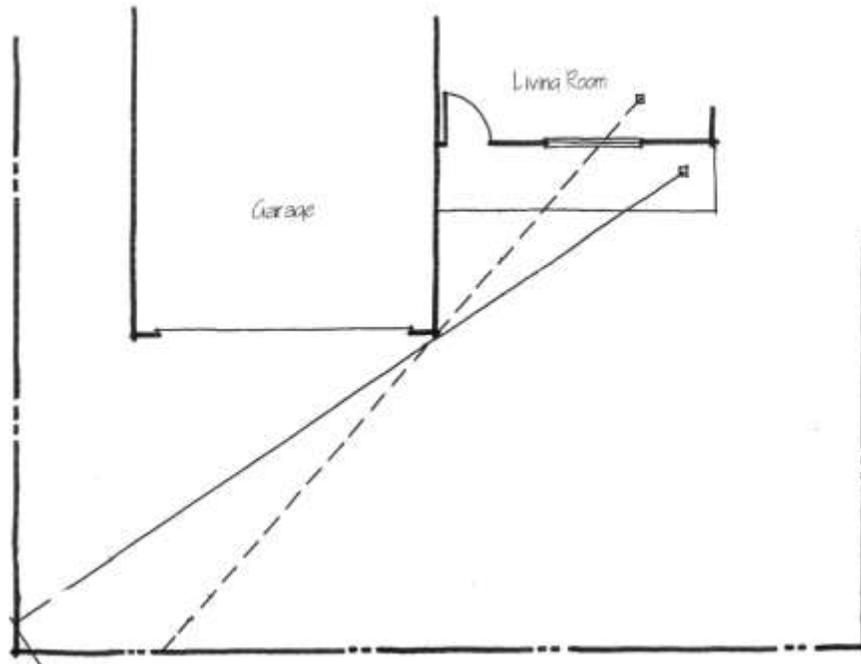
- A. Building Design Standards for Multi-Unit Development except within Town Center zones.
- B. Building Design Standards for Commercial Development in Commercial ~~except within Town Center or~~ and Mixed Use zones.
  - 1. Building Orientation
  - 2. Massing and Form
  - 3. Design Elements
  - 4. Compatibility
  - 5. Safety
  - 6. Single-Family and Duplexes in the NMU zone shall comply with 17.8.710(F).
- C. Building Design Standards within Town Center Districts
- D. Building Design Standards for Institutional Development not within the Institutional Zone.
- E. Building Design Standards for Historic Landmarks and within Historic Districts.
- F. Single-Family and Duplexes (section moved from 17.8.880)

1. Purpose. The purpose of the design standards is to ensure that new residential development has a positive influence on the livability and safety of surrounding neighborhoods. The standards are narrowly focused on improving the way that new residential buildings relate to the public right-of-way (streets, sidewalks and parkways).

#### 2. Applicability

- a. The standard relating to street connection is applicable to construction of single-family dwellings, manufactured homes and duplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review.

Figure 8-16: Visual Surveillance Standard



### 3. Standards

- a. Street Connection and Visual Surveillance Standard. The front facade shall be designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front-facing window such that a person, if there were no vegetation, would be able to see 100% of their front property line. The intent is to create a physical connection between the dwelling unit and the public sidewalk and/or street, and to allow the dwelling units occupants to see the public sidewalk and/or street for visual surveillance and crime prevention.
- b. Lot Diversity Requirement. For subdivisions of six (6) lots or more, there shall be a variety of lot sizes, with at least a 50% increase between the smallest and largest lots.
- c. Dwelling Diversity Standard. Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.

### 4. Building Façade and Elevation Standards

- a. No more than six (6) single-family attached units shall be allowed in a series.

- b. Duplex units with single family districts shall be designed and constructed to give the impression from the street of one single-family unit or, one corner lots, or two different units facing different directions.
  - c. No more than thirty-five percent (35%) of the front façade area of an attached single family or duplex unit shall be used for garage doors.
  - d. Front elevations shall provide design variation to avoid repetition and create architectural interest.
  - e. No building elevation shall have a horizontal or vertical blank wall section greater than fifteen feet (15’).
5. The Director may approve an increase of the allowable percentage of duplex or single family attached units within SR, R-10, R-7 or R-5 district is the following criteria are adequately addressed:
- a. The location and placement of the duplex and townhouse units maintain the appearance and single-family character of the subdivision, especially in regards to adjacent single-family development.
  - b. Proposed duplex designs convey the appearance of single-family units. For larger subdivisions, a number of different duplex designs would be required to justify the increase percentage.
  - c. The units visibility to the street, for example by having front porches or provide vehicular or parking access from a back alley.

G. Institutional Zone Design Standards (section moved from 17.8.885)

1. Purpose. The purpose of the institutional design standards is to ensure that new development has a positive influence on the livability and safety of the Forest Grove community. The standards are focused on improving the way that new institutional buildings relate to the surrounding neighborhood, help create a pleasant pedestrian environment and support available public transit service.
2. Applicability
  - a. Development in the INST zone is subject to Design Review under a Type II process.
  - b. Design Review for projects within the INST zone may be conducted as part of a Type III, Conditional Use permit process.
3. Design Standards for Multi-Unit Residential Buildings in the INST Zone. Multi-unit residential buildings in the Institutional District shall meet the standards of Multi-Unit development found in this Article.
4. Design Standards for Non-Residential Buildings in the INST Zone.
  - a. Building Location. The building location should imitate the pattern set by surrounding residential development. For example, if adjacent dwellings are set back twenty (20) feet from the street, the INST building(s) should maintain the same setback.

- b. Building Orientation and Entrance. At least one (1) main entrance to the INST building(s) shall be oriented to the street and sidewalk rather than toward the parking area. A direct sidewalk connection shall extend from the public sidewalk to the main entrance.
- c. Parking Location. Off-street parking for the INST building(s) should be located to the side or behind the building and shall not be located between the building and the street(s). To minimize the extent of paved areas, on street parking available along the frontage of the INST lot may be counted toward off-street parking requirements.
- d. Trash Storage Area. The INST building(s) shall provide an adequate sized trash storage area to accommodate waste generated on-site. The trash storage area shall be screened from public view from the sidewalk.
- e. Pedestrian connections and travel shall be given clear priority in INST district. The on-site pedestrian circulation system shall connect to public sidewalks adjacent to the site.
- f. Primary entrances shall be architecturally emphasized and visible from the street. Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes, or awnings that protect pedestrians from the rain and sun.

~~OTHER DEVELOPMENT REVIEW STANDARDS~~ (Section moved to 17.8.710 BUILDING DESIGN AND DEVELOPMENT STANDARDS - STANDARDS)

LAND DIVISION STANDARDS

17.8.905 STANDARDS

G. Public Use Areas

- 1. Dedication Requirements.
  - a. Where a proposed park, playground or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the ~~Commission~~ City may require the dedication or reservation of such area within the subdivision.
  - b. Where considered desirable by the ~~Commission~~ City in accordance with adopted comprehensive plan policies, and where a development plan of the City does not indicate proposed public use areas, the ~~Commission~~ City may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks and other public use.

## DEFINITIONS

### 17.12.210 MEANING OF SPECIFIC WORDS AND TERMS

D9. ~~Domesticated Fowl. Chickens, quail, pheasants, and ducks.~~

D13. Dwelling-Related Definitions:

b. ~~Accessory Dwelling Unit – One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling.~~ An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

S3. Sign-Related Definitions.

c. Air-Blown Device (a.k.a. air-blown dancer): Any device not otherwise specifically defined in this Code that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically-forced air. This definition specifically includes but is not limited to those devices referred to commercially as “air puppets” and “air dancers.” For purposes of this Code, air-blown devices are advertising devices.

p. Feather Banner: A vertical portable sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this Code, a feather banner is an advertising device and sign.

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EXHIBIT B  
ORDINANCE NO. 2019-05

CITY OF FOREST GROVE DEVELOPMENT CODE

Development Code §17.8.000 through §17.8.875  
is replaced in its entirety with the following:

SIGNS

17.8.800      PURPOSE

- A. The purposes of §17.8.800 through §17.8.875 (the “Sign Code”) are:
1. To promote the neat, clean, orderly and attractive appearance of the community;
  2. To accommodate the need of sign users while avoiding nuisances to nearby properties;
  3. To ensure safe construction, location, erection and maintenance of signs; and
  4. To minimize distractions for motorists on public highways and streets.
- B. The Sign Code is not intended to allow the construction, erection or maintenance of any sign in a place or manner that is unlawful under any state or federal law or City ordinance.

17.8.805      GENERAL PROVISIONS

- A. Compliance with Sign Code. All signs erected, constructed or maintained in the City must comply with this Sign Code (§17.8.800 through §17.8.875). A sign that is erected, constructed or maintained in violation of the Sign Code is declared to be a nuisance and may be abated as such.
- B. Oregon Motorist Information Act. The Oregon Motorist Information Act, ORS Chapter 377 (2017) is adopted by reference and incorporated into §17.8.800 to §17.8.875 as if fully set forth herein.

17.8.810      EXEMPTED SIGNS

The following signs do not require planning approval, although some may require a building permit to ensure compliance with structural requirements. Use of these signs does not affect the amount or type of signage otherwise allowed by this Sign Code. All signs listed in this section are subject to all other applicable provision(s) of the Sign Code.

- A. Official signs placed or authorized by the city, county, state, or federal government in the publicly owned right-of-way as well as signs required by city, state, or federal government located on private property.
- B. Flags adopted by a governmental agency.
- C. Tablets, cornerstones, or commemorative plaques.
- D. Signs intended to be viewed from within a building.

- E. Seasonal decorations on private property.
- F. Signs erected by a recognized neighborhood watch group.
- G. Handheld signs.
- H. Accessory signs.
- I. Landmark signs.
- J. Signs for hospital or emergency services and railroads.
- K. Incidental Signs, provided the signs do not exceed one and a half (1.5) square feet in area for each sign, with no more than three (3) signs allowed for each permitted structure.
- L. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature.
- M. Any sign that is not visible to motorists or pedestrians from a public highway, sidewalk, street, alley, or other area open to public travel.
- N. One indirectly illuminated or non-illuminated wall sign not exceeding one-and-one-half (1.5) square feet in area placed on any residential building. This type of sign is typically used as a name or address plate.
- O. Signs placed in or attached to a motor vehicle, bus, railroad car, or light rail car that is regularly used for purposes other than the display of signs.
- P. Signs, up to four (4) square feet and no taller than two (2) feet, constructed or placed within a parking lot. These signs are typically used to direct traffic and parking.
- Q. A sign that does not exceed four (4) square feet in area and four (4) feet in height, and is erected where there is a danger to the public or to which public access is prohibited.
- R. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended and oriented for viewing by persons within the facility.
- S. Covered flier boxes under one (1) square foot in area when attached to a temporary or permanent sign.
- T. Banner signs placed or authorized by the City in the publicly owned right-of-way.

#### 17.8.815 PROHIBITED SIGNS

Notwithstanding §17.8.810 above, the following signs are prohibited:

- A. Signs or sign structures that may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in §17.8.155 *Clear Vision Areas*.
- B. Signs that are not in compliance with applicable setback requirements.
- C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility as permitted under the provision(s) of §90.01 et. seq. *Permitted Uses of the Public Way*.
- D. Portable signs in the following categories:
  1. Signs on a parked vehicle unless the vehicle is being used for transport in the normal day-to-day operations of a business.
  2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.
- E. Billboards.
- F. Moving signs.
- G. Festoons.

- H. Balloon signs.
- I. Hazardous signs.
- J. Flashing signs.
- K. Roof signs.
- L. Signs that appear similar to traffic control devices.
- M. Signs not in compliance with this Chapter.

#### 17.8.820 TEMPORARY SIGNS

##### General provisions.

- A. Temporary signs may be erected and maintained only in compliance with the following provisions. A temporary sign shall:
  - 1. Contain no moving parts and shall not be lighted.
  - 2. Be affixed to a permanent structure.
  - 3. Be placed no higher than the building's eave, top of wall, or parapet.
- B. Permitted temporary signs. Temporary signs are allowed on each lot in the following zones:
  - 1. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones (a permit is not required for such signs):
    - i. One temporary sign per frontage, not exceeding four (4) square feet in area, per side, which is erected for a maximum of eight (8) days in any calendar year and is removed by sunset on any day it is erected. Such signs are typically used for garage sales and other domestic purposes.
    - ii. Two temporary signs not exceeding 32 (thirty-two) square feet in a subdivision during the build-out of the residences in the subdivision. These types of signs are typically used for subdivision and model home identification. A sign may not be erected for an inhabited residence.
    - iii. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.
  - 2. Commercial (CC, CN, TC) and Industrial (LI, GI) Zones:
    - i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
    - ii. Temporary signs shall be erected for no more than 30 consecutive days and for no more than sixty (60) days per calendar year.
    - iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.
  - 3. Institutional Zone:
    - i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
    - ii. Temporary signs shall be erected for no more than 120 days per calendar year.
    - iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

C. All Zones:

1. Signs not exceeding six (6) square feet each in area during the period from six (6) weeks prior to a public election or the time the election is called, whichever is earlier, to 14 (fourteen) days after the public election. A permit is not required for such signs.
2. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of construction, landscaping, or remodeling of the property, provided that the sign is removed within 30 (thirty) days of the completion of any construction, landscaping, or remodeling.

17.8.825 PORTABLE SIGNS

General provisions. Portable signs may be erected and maintained only in compliance with the following provisions:

- A. Portable signs are allowed only in the Commercial (CN, CC, TC), Industrial (LI, GI), and Institutional zones.
- B. Portable signs shall not be lighted.
- C. Each property is permitted one rigid portable sign, not exceeding six (6) square feet in area.
- D. Each property is permitted one feather banner, not exceeding 20 square feet in area.
- E. Each property is permitted one air-blown device.
- F. Portable signs shall be located on private property directly adjacent to the business or institution that is responsible for the sign, unless permitted to be in the public right-of-way under the provision(s) of §90.01 et. seq. *Permitted Uses of the Public Way*.
- G. Portable signs shall be removed at the close of the business day.

17.8.830 PERMANENT SIGN REGULATIONS

General provisions. Permanent signs may be erected and maintained only in compliance with the following provisions:

- A. General permanent sign provisions.
  1. Signs are not permitted within a public right-of-way unless authorized by a public agency.
  2. Signs shall be erected in an upright position and placed perpendicular to a horizontal surface conforming to the line from horizon to horizon.
  3. Maximum square footage restrictions include changeable copy and exclude accessory and incidental signs.
  4. Minimum clearance for projecting, canopy, blade and hanging signs when over a walkway or access area is eight (8) feet. A sign shall not project beyond the canopy.
  5. Projecting and hanging signs may extend no more than six (6) feet from a building's façade. No projecting or hanging sign may be over 24 (twenty-four) square feet in area on each side.
  6. Sign setbacks are measured from the nearest property line to the nearest portion of the sign. In addition to the specific setbacks noted above, all signs must meet the clear-vision provision(s) of §17.8.155 *Clear Vision Areas*.

B. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones.

1. A subdivision, manufactured home park, or multi-family complex is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. The sign shall be non-illuminated or indirectly illuminated.
2. A church or public school is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. Each sign may include changeable copy (manual or electronic). Any electronic changeable copy sign must have all illumination turned off between the hours of 9 p.m. and 7 a.m. Each sign must meet the setbacks applicable to the residential zone in which it is located.
3. Home occupation signs, not exceeding six (6) square feet in area, non-illuminated.

C. Institutional Zone.

1. An institution is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. The sign may include changeable copy (manual or electronic). Any electronic changeable copy sign must have all illumination turned off between the hours of 9 p.m. and 7 a.m. The sign must meet the setback provision(s) of §17.3.220(C) *Setbacks*.
2. In lieu of a monument sign, an institution is permitted a wall sign of up to 40 (forty) square feet in area.

D. Commercial (CC, CN), Neighborhood Mixed Use (NMU) and Industrial (LI, GI) Zones. Signs in these zones may be directly or indirectly lit and shall meet all setback provision(s) of its zone.

1. Monument Signs: Each site or multi-tenant complex is allowed one (1) permanent monument sign not to exceed 40 (forty) square feet in area and eight (8) feet in height per 400 feet of frontage, not to exceed three (3) per site or multi-tenant complex.
2. Wall signs (including window signs) shall not have a gross area greater than 15% of the face of the building to which the sign is attached or painted.
3. A canopy or hanging sign shall not exceed 15% of each wall face of the building to which the sign is attached.
4. No more than two (2) lighted signs are permitted in the windows of a business.

E. Commercial (CC) Zone:

1. In lieu of a monument sign, no more than one (1) pylon sign is allowed per street frontage. Multiple-tenant developments may be allowed additional pylon signs as provided in section (D)(1) above.
2. All pylon signs shall have a minimum clearance of ten (10) feet below the sign and shall have a maximum, overall height of twenty (20) feet above grade. A pylon sign may not have a total area of more than forty (40) square feet per face, except as provided in section (3) below.
3. Pylon signs for properties with three or more businesses may have up to seventy (70) square feet per face.

F. Commercial (TC) Zones:

1. Monument Signs: Each site or multi-tenant complex in the TCT Zone is allowed one (1) permanent monument sign not to exceed 40 (forty) square feet in area and eight (8) feet in height per 400 feet of frontage, not to exceed three (3) per site or multi-tenant complex.
2. A canopy or hanging sign shall not exceed 15% of each wall face of the building to which the sign is attached.
3. A wall sign (including window signs) may have a gross area not greater than 15% of the face of the building to which the sign is attached or painted.
4. A wall sign may not project more than 18 inches from the wall to which it is attached.
5. A business with a ground-floor entrance where the front building line is within five (5) feet of the public right-of-way is permitted one (1) projecting sign on the front building face, side, or corner in lieu of a wall sign. A projecting sign shall project no more than six (6) feet, have a maximum vertical dimension of six (6) feet, and is limited to a maximum of 24 (twenty-four) square feet of area per face.
6. Lighting for signs in the TC zones is limited to internal lighting, where the light source is inside the sign, or to indirect lighting screened from view, where the light source is located below the sign, and is part of an ornamental feature of the sign structure. Braces and struts that support indirect lighting from the top or sides of the sign are prohibited. This section does not apply to signs and lighting approved through Town Center Track 2 *Design Guidelines*.
7. No more than two (2) lighted signs are permitted in the windows of each business.
8. A lighted sign visible to and located within 100 feet of a residential zone must be turned off from 10:00 p.m. to sunrise.

Figure 8-17: Signs in the Town Center



G. Video display and changeable copy signs (manual and electronic) are subject to the following standards:

1. Video display signs are allowed only as part of a permanent monument or wall sign.
2. Manual changeable copy signs are allowed as part of a permanent monument, wall, or pylon sign.
3. The video display and changeable copy portion of a sign may not exceed 24 (twenty-four) square feet in area.
4. Electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not change at intervals of less than seven (7) seconds.
5. Video display and electronic changeable copy signs shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk and dawn as measured from the sign's face at maximum brightness.
6. Video display and electronic changeable copy signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour (1-1/2 hour) before sunset and one half-hour (1-1/2 hour) after sunrise.

#### 17.8.835 SIGN PERMITS

A sign that is not specifically listed as exempt from the provisions of this Sign Code may not be erected, constructed, attached, relocated, or structurally altered without obtaining City approval. Approval is not required for signs listed as exempt or for routine sign maintenance.

- A. A permit to modify an existing sign, or to legalize a sign for which a permit was not obtained when it was constructed, will be processed by a Type 1 procedure.
- B. A permit for new signs will be processed by means of a Type 1 procedure, using the applicable standards of this Sign Code as approval criteria.

#### 17.8.840 PERMIT REQUIREMENTS

An applicant for a sign permit shall supply the following information on forms provided by City:

- A. Size, height, location, description, and material of the sign;
- B. Name of the manufacturer, contractor, owner, and business advertised;
- C. Scaled drawing(s) and description of copy, structure, and lighting;
- D. Photo(s) or drawing(s) of the proposed sign location(s); and
- E. Signature of property owner or designee.
- F. Other information as the City determines necessary to demonstrate compliance with this Sign Code.

#### 17.8.845 LANDMARK AND ABANDONED SIGNS

Landmark signs and abandoned signs are subject to the following provisions:

- A. Landmark Signs may be exempted from the provisions of this Sign Code upon the recommendation of the Historic Landmarks Board.

- B. Abandoned signs shall be removed or made conforming within 45 (forty-five) days of the date they become classified as abandoned.

#### 17.8.850 CONSTRUCTION AND MAINTENANCE STANDARDS

The following standards apply to the construction and maintenance of signs in the City:

- A. All permanent signs shall be constructed and erected in accordance with the design and construction requirements of the most recent edition of the State of Oregon Structural Specialty Code.
- B. All illuminated signs are subject to the provisions of the State Electrical Specialty Code. It is the applicant's responsibility to demonstrate compliance with that code by supplying the City with a copy of an approved State Electrical Permit.
- C. All signs shall be maintained at all times in a state of good repair. A person shall not maintain or permit to be maintained on their premises any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.

#### 17.8.855 NONCONFORMING SIGNS

- A. Non-conforming signs shall be brought into compliance with this Sign Code when:
  - 1. The sign is physically modified to the extent that a building permit is required; or
  - 2. The use of the building or tenant space to which the sign pertains changes (e.g., office to retail); or
  - 3. The site is subject to conditional use permit review, or design review as defined in §17.2.310.
- B. All temporary or portable signs not in compliance with the provisions of this Sign Code shall be removed or made compliant immediately following adoption of this code.

#### 17.8.860 VARIANCES

A sign that does not comply with the provision(s) of this Sign Code may be approved pursuant to §17.2.720 *Variance Review Criteria*.

#### 17.8.865 ENFORCEMENT

The Community Development Director or designee shall have the authority to order or effect the removal of any sign which does not conform to the provision(s) of this Sign Code.

#### 17.8.870 PENALTY IMPOSED

A person who violates any provision(s) of this Sign Code may be subject to a civil penalty in an amount of not less than \$100 for the first violation, \$500 for the second violation, and \$1,000 for any subsequent violation occurring in a two-year period starting from the issuance of the first notice of violation. In the event of a violation, the Community Development Director or person designated by the Director may cite the violator into Municipal Court.

#### 17.8.875 PERMIT FEE

The fee for a sign permit described above shall be set by City Council by resolution.

**Planning Commission Findings and Decision Number 2019-06  
To Recommend Approval of an Ordinance to Amend Forest Grove  
Development Code Article 3 Zoning Districts, Article 5 Special Provisions,  
Article 7 Miscellaneous Provisions, Article 8 Development Standards and Article 12  
Definitions to Update the Code Pertaining to Accessory Dwelling Units, Housing Types  
Allowed in the Town Center and Commercial Zones, Recreational Vehicles, Bed and  
Breakfast Inns, Design Standards in the Neighborhood Mixed Use Zone, Residential  
Incentives, and the Sign Code.**

File Number 311-19-000002-PLNG

**WHEREAS**, the Development Code was adopted in 2009; and

**WHEREAS**, the purpose of the proposed amendments are to update the code to incorporate changes in State statutes, clarify processes and procedures, correct several omissions and inconsistencies, and update definitions; and

**WHEREAS**, the Planning Commission held a work session to discuss the proposed amendments on February 4, 2019; and

**WHEREAS**, notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on March 27, 2019; and

**WHEREAS**, notice of the Planning Commission hearing on this ordinance was published in the *Forest Grove News Times* on May 1, 2019; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments on May 6, 2019; and

The City of Forest Grove Planning Commission does hereby recommend to the City Council approval of the Development Code amendments as provided in Exhibit A and Exhibit B, making the following specific findings in support of this decision:

Development Code §17.2.630 *Review Criteria* lists two standards to be satisfied to adopt a text amendment:

**A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and**

Finding: Several of the proposed amendments would clarify development requirements, or would update definitions and standards to comply with State codes. These include amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations*, §17.3.420 *Town Center – Use Regulations*, §17.5.515 *Recreational Vehicle Parks*, and §17.7.015 *Accessory Dwelling Units*. Since the Development Code serves as the principal tool for implementing the City's Comprehensive Plan, actions initiated under the Development Code are deemed consistent with the adopted Comprehensive Plan and applicable federal, state and regional laws.

Finding: Relevant goals and policies related to the proposed changes are addressed as follows:

### **Forest Grove Comprehensive Plan - Residential Goals and Policies**

Residential Goal #1. RESIDENTIAL AREAS SHALL BE DEVELOPED IN A SAFE, AESTHETICALLY PLEASING, AND EFFICIENT MANNER.

Finding: The amendment to §17.7.015 *Accessory Dwelling Unit – Standards* would restrict the use of shipping containers as accessory dwelling units. With this amendment, residential neighborhoods can continue to be developed in an aesthetically pleasing manner by not allowing industrial-type structures in residential areas.

### **Forest Grove Comprehensive Plan - Housing Goals and Policies**

Housing Goal #3: Promote mixed use development opportunities throughout the community.

Policy 3.1 Identify locations on the Comprehensive Plan and Zoning maps for mixed-use development opportunities. Establish standards for residential and commercial densities, desired building mix, and building design in mixed use areas.

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish a list of Housing Types permitted in the Commercial and Mixed Use zoning districts, thus further fulfilling Policy 3.1.

### **Forest Grove Comprehensive Plan - Land Use Policies**

Land Use Policy #8. Land designated for single-family attached and multi-family developments shall be distributed throughout the city taking into consideration availability of public services, topography and environmental constraints. Preferred locations for medium and higher density residential development include areas within walking distance of schools, parks, commercial areas, or existing/planned transit service.

Finding: The Pacific Avenue/19<sup>th</sup> Avenue Corridor Study (2005) noted that the “*corridor contains a significant amount of vacant land and vacant or underutilized buildings.*” While the corridor study recommended an increase in the number of housing units along the corridor, it did not suggest or recommend specific housing types. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* would identify housing types that would be suitable in the corridor.

Finding: An objective of the Comprehensive Plan is to “*Implement development standards to promote transit-oriented land use within walking distance of planned high capacity transit corridors.*” A frequent service transit corridor already exists along Pacific and 19<sup>th</sup> avenues. The amendments §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* would specifically identify the high-density housing types permitted along the corridor, thus promoting transit-oriented land uses within walking distance of a transit corridor.

Land Use Policy #9. Development regulations shall promote a variety of housing types suitable for owner- and renter-occupants. The Economic Opportunity Analysis indicates a need for 3,859 owner-occupied units and 878 renter-occupied units over the next 20 years.

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish standards as to what kind of Housing Types are permitted in the Commercial and Mixed Use zoning districts, thus ensuring that a variety of housing types are available.

Land Use Policy # 12. Amend the land use regulations to expand the definition of accessory dwelling units to include units not attached or within an existing residential structure.

Finding: While the City has had code regulating accessory dwelling units since 1992, that code is not in compliance with current State codes. The amendments to §17.7.015 *Accessory Dwelling Unit – Standards* would bring this section of the Development Code into compliance.

**Forest Grove Comprehensive Plan – Historic Preservation Goals and Policies**

Historic Preservation Goal #1. PRESERVE AND ENHANCE AREAS, SITES AND STRUCTURES OF HISTORIC OR CULTURAL SIGNIFICANCE TO THE FOREST GROVE AREA.

Finding: An amendment to §17.5.015 *Accessory Dwelling Units – Standards* would prohibit manufactured home accessory dwelling units within historic districts. This limitation would help preserve the character of the three historic districts in the community by not allowing structures that are clearly not part of the era that the three historic districts reflect. Thus, the amendment promotes the preservation of historically significant areas.

**B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.**

Finding: The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Oregon Department of Land Conservation and Development as being in compliance with Statewide Goals. Many of the proposed amendments would simply update and clarify processes and procedures, correct typographical errors, or bring the Development Code into compliance with State statutes. As such, they are consistent with relevant statewide and regional planning goals, policies and rules.

Finding: Relevant statewide and regional goals and policies related to the amendments are addressed as follows:

**Statewide Planning Goal 10 Housing – To provide for the housing needs of citizens of the state.**

**Metro Urban Growth Management Functional Plan - Title 1: Housing Capacity**

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish standards as to what kind of Housing Types are permitted in the Commercial and Mixed Use zoning districts, thus ensuring that housing capacity targets can be met.

**Metro Regional Framework Plan Policy 1.3 Housing Choices and Opportunities**

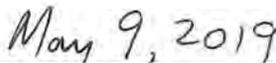
Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish standards as to what kind of Housing Types are permitted in the Commercial and Mixed Use zoning districts, thus ensuring that a variety of housing types are available.

Finding: While the City has had code regulating accessory dwelling units since 1992, that code is not in compliance with current State codes. The amendments to §17.7.015 *Accessory Dwelling Unit – Standards* would bring this section of the Development Code into compliance.

Finding: While the City has had code regulating accessory dwelling units since 1992, this code has not permitted the use of manufactured homes as ADUs. Amendments to §17.7.015 *Accessory Dwelling Unit – Standards* would allow manufactured homes as ADUs so long as they comply with other ADU standards, thus increasing housing choices and opportunities.

Finding: The City already offers a variety of incentives to increase residential densities above base requirements. The proposed amenities would provide additional opportunities for increased densities, thus offering greater housing choices and opportunities, and, due to the increased densities, potentially lower per-unit expenses.

  
\_\_\_\_\_  
PHIL RUDER, Vice-Chair

  
\_\_\_\_\_  
Date



# Forest Grove Code Text Amendments Staff Report and Recommendation

Community Development Department, Planning Division

**REPORT DATE:** April 26, 2019

**HEARING DATE:** May 6, 2019

**REQUEST:** Legislative amendments to the Forest Grove Development Code pertaining to housing types in commercial zones, bed and breakfast inns, accessory dwelling units, residential density incentives, signs, and miscellaneous minor amendments

**FILE NUMBER:** 311-19-000002-PLNG

**PROPERTY LOCATION:** Not applicable

**LEGAL DESCRIPTION:** Not applicable

**APPLICANT:** City of Forest Grove

**APPLICABLE STANDARDS AND CRITERIA:** City of Forest Grove Development Code:  
§10.1.700 et. seq. *Legislative Land Use Decision*  
§10.2.600 et. seq. *Development Code Text Amendment*

**REVIEWING STAFF:** James Reitz, AICP, Senior Planner  
Dan Riordan, Senior Planner  
Bryan Pohl, Community Development Director

**RECOMMENDATION:** Staff recommends approval of the proposed amendments listed in attached Exhibits A and B, as well as any revisions found appropriate by the Planning Commission.

## I. BACKGROUND

The Development Code was adopted in 2009. It began to be amended later that same year, and amendments have continued up to the present. Amendments to date have included major revisions as well as smaller, more targeted amendments.

The proposed amendments include changes to reflect current local, regional and state policies, codes and definitions (e.g., to the Accessory Dwelling Unit code); the addition of Housing Types to commercial zoning districts, additional options for residential density incentives, an updated sign code with additional signage options, reformatting several sections, and various typographical corrections.

The Planning Commission reviewed many of the proposed amendments in a work session on February 4, 2019.

Public notice of this proposal was provided to the Department of Land Conservation and Development (DLCD), and published in the *News Times* on May 1, 2019. As of the date of this report, DLCD staff has voiced verbal support of the amendments. No comments have been received from the public.

## II. PROPOSED AMENDMENTS

The pages listed below refer to attached Exhibit A – *Proposed Amendments* and Exhibit B - *Signs*. Proposed new text in the exhibits is **bolded**, while text proposed to be deleted in the exhibits is ~~struck-through~~.

The proposed amendments include the following –

**Exhibit A Page 1:** The amendment to **§17.3.100 Purpose** would correct a typographical error. The city has six residential zoning districts.

**Pages 1 & 2:** The amendments to **§17.3.120 Table 3-2** would:

- i. Increase the number of rooms allowed in a bed-and-breakfast inn that could be reviewed using a Type I process from 3 to 5; and
- ii. Decrease the number of rooms allowed in a bed-and-breakfast inn that could be reviewed using a Type II process from 27 to 10 (more on this below – see p. 3);
- iii. Allow manufactured homes to be used as accessory dwelling units, except in historic districts; and
- iv. Delete the domesticated fowl regulations from the Development Code. This text would be relocated to Forest Grove Code Chapter 93 ANIMALS. Chapter 93 includes the Animal Services Code and the Limitation on Dog Ownership and thus, seems the more logical location for these regulations.

Additional proposals to amend the Bed and Breakfast Inn code and the Accessory Dwelling Unit code are described below.

**Page 2:** The amendment to **§17.3.130(H) Table 3-7 Footnote #4** would adopt the same setback language as in §17.7.020(C) Accessory Structures.

**Page 3:** **§17.3.320 Table 3-10** would be amended to add Housing Types in the Commercial and Mixed Use Zones.

**Page 4: Footnote #4** would revise the bed-and-breakfast inn code as described above.

**Page 5:** The existing **Footnote 14** would eliminate the domesticated fowl code as described above. The existing **Footnote 15** would be amended to eliminate redundant language.

**Page 5: Footnote 18** would be added to limit single-family detached lot size in the NMU zoning district to 4,000 square feet so as to encourage more compact development.

**Page 5: §17.3.420 Table 3-12** would be amended to add Housing Types in the Town Center Core and Town Center Transition zoning districts.

**Page 6: §17.3.520 Table 3-14** would be amended to correct a typographical error.

**Page 6: §17.5.140** would be amended to correct a typographical error.

Page 6: **§17.5.515** would be amended to eliminate the limitation on recreational vehicle stays. This amendment is required in order to comply with ORS 197.493 *Placement and occupancy of recreational vehicle*. This statute was adopted in 2017 and states that:

(1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
- (b) Occupied as a residential dwelling; and
- (c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

Page 7: **§17.7.015** regulating Accessory Dwelling Units would be revised to comply with ORS 197.303. These amendments would eliminate the owner occupancy requirement, allow an entire floor in an existing home to be developed as an ADU even if it exceeds other square footage limits, and eliminates both the off-street parking and the appearance requirements. (The ADU definition would also be changed; see Exhibit A p. 13). The optional amendments would allow manufactured shipping homes as ADUs (except in historic districts) and would prohibit the use of converted shipping containers.

Page 7: The existing Bed & Breakfast Inn code was adopted in 1989 and has not been reviewed or amended since. **§17.7.030** regulating B&Bs would be amended to allow up to 5 guest rooms (an increase from 3) as a Type I process in single-family, RML, RMH and the NC zoning districts. This would potentially allow for more whole-house short-term rentals. The amendments would also reduce the overall number of rooms permitted in RMH-zoned B&Bs from 27 to 10, and require requests for 6 to 10 guest rooms to be reviewed under a Type II process instead of the current Type I. It is unknown why or how 27 guest rooms were thought acceptable in the RMH-zoned areas, nor is it known why the review process is only a Type I. Lastly, the off-street parking required would be reduced from 1 per guest room to 1 per 2 guest rooms, under the notion that additional demand for street parking would be preferable to creating new surface parking areas in residential neighborhoods.

Page 8: **§17.7.125** pertains to Nonconforming Use – Exceptions. The text proposed to be struck was incorporated into the City Charter in 1982. When the current Charter was adopted in 2009, this text was relocated into the Development Code. While infrequently applied, implementation is problematic: records from that era are incomplete at best, so staff can rarely confirm with 100% certainty whether a now non-conforming use existed in 1982. Retention of this language could also result in the perpetuation of a non-conforming use, perhaps indefinitely, which negates the purpose of regulating non-conforming uses to begin with.

Pages 8-10: New Residential Density Incentives would be added to **§17.7.410 Table 7-3**. Two of these (Enterprise Green Communities and Earth Advantage Homes) would provide an alternative to LEED certification. The “Other” category would be expanded to include specific options. The two examples listed are not programs that are easily quantified; an applicant proposing to use them would need to present justification for the number of points to be awarded.

Pages 10-13: The proposed revisions are formatting amendments, to locate all Building Design and Development Standards into one section. No amendments to the text are proposed.

Page 13: The park Dedication requirement of **§17.8.905** would be generalized to substitute "City" for "Commission". This change is being proposed because standard subdivision review is a Type II process, and as such, the Planning Commission has no review authority.

Page 14: The definition of Accessory Dwelling Unit would be changed to adopt the State definition per ORS 197.303 noted above.

Page 14: Two new definitions would be added to the Sign Code, pertaining to Air-Blown Devices and Feather Banners. Neither is currently defined. Proposed regulations of those sign types follows in Exhibit B.

**Exhibit B**: The existing Sign Code was adopted in 2009 and has not been reviewed or amended since. The current code was reviewed by the City Attorney who recommended many revisions intended to improve clarity and readability without affecting content. Rather than consider those individually, they have been incorporated in total into this draft. The substantive amendments are as follows:

Page 3: **§17.8.815 Prohibited Signs** has been amended to delete Off-Premise Signs. Because the City cannot regulate a sign based on content (which would violate the First Amendment), and because one cannot determine what is an off-premise sign until it is read, the City therefore can't regulate off-premise signs.

Page 3: **§17.8.820(B) Temporary Signs** has been amended to delete "One temporary sign per lot, not exceed six (6) square feet in area and 30 (thirty) inches in height" in residential zoning districts. Because this section already allows garage sale signs and real estate signs, the purpose of these additional temporary signs is unclear. The other issue is that there is currently no time limitation, which suggests that these "temporary" signs could be in place indefinitely.

Page 4: **§17.8.825 Portable Signs** has been amended to include two new sign types, the feather banner and the air-blown device. Each property would continue to be allowed an A-Board type sign (here described as a "rigid portable sign") as well as one feather banner and one air-blown device. As per current regulations, all Portable Signs would need to be removed at the end of the business day.

Page 6: **§17.8.830(F) Permanent Sign Regulations – Commercial (TC) Zones** would be amended to allow Monument Signs in the TCT zoning district.

### III. APPROVAL CRITERIA AND FINDINGS

Development Code §17.2.630 *Review Criteria* lists two standards to be satisfied to adopt a text amendment:

**A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and**

Finding: Several of the proposed amendments would clarify development requirements, or would update definitions and standards to comply with State codes. These include amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations*, §17.3.420 *Town Center – Use Regulations*, §17.5.515 *Recreational Vehicle Parks*, and §17.7.015

*Accessory Dwelling Units.* Since the Development Code serves as the principal tool for implementing the City's Comprehensive Plan, actions initiated under the Development Code are deemed consistent with the adopted Comprehensive Plan and applicable federal, state and regional laws.

Finding: Relevant goals and policies related to the proposed changes are addressed as follows:

### **Forest Grove Comprehensive Plan - Residential Goals and Policies**

Residential Goal #1. RESIDENTIAL AREAS SHALL BE DEVELOPED IN A SAFE, AESTHETICALLY PLEASING, AND EFFICIENT MANNER.

Finding: The amendment to §17.7.015 *Accessory Dwelling Unit – Standards* would restrict the use of shipping containers as accessory dwelling units. With this amendment, residential neighborhoods can continue to be developed in an aesthetically pleasing manner by not allowing industrial-type structures in residential areas.

### **Forest Grove Comprehensive Plan - Housing Goals and Policies**

Housing Goal #3: Promote mixed use development opportunities throughout the community.

Policy 3.1 Identify locations on the Comprehensive Plan and Zoning maps for mixed-use development opportunities. Establish standards for residential and commercial densities, desired building mix, and building design in mixed use areas.

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish a list of Housing Types permitted in the Commercial and Mixed Use zoning districts, thus further fulfilling Policy 3.1.

### **Forest Grove Comprehensive Plan - Land Use Policies**

Land Use Policy #8. Land designated for single-family attached and multi-family developments shall be distributed throughout the city taking into consideration availability of public services, topography and environmental constraints. Preferred locations for medium and higher density residential development include areas within walking distance of schools, parks, commercial areas, or existing/planned transit service.

Finding: The Pacific Avenue/19<sup>th</sup> Avenue Corridor Study (2005) noted that the “*corridor contains a significant amount of vacant land and vacant or underutilized buildings.*” While the corridor study recommended an increase in the number of housing units along the corridor, it did not suggest or recommend specific housing types. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* would identify housing types that would be suitable in the corridor.

Finding: An objective of the Comprehensive Plan is to “*Implement development standards to promote transit-oriented land use within walking distance of planned high capacity transit corridors.*” A frequent service transit corridor already exists along Pacific and 19<sup>th</sup> avenues. The amendments §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* would

specifically identify the high-density housing types permitted along the corridor, thus promoting transit-oriented land uses within walking distance of a transit corridor.

Land Use Policy #9. Development regulations shall promote a variety of housing types suitable for owner- and renter-occupants. The Economic Opportunity Analysis indicates a need for 3,859 owner-occupied units and 878 renter-occupied units over the next 20 years.

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish standards as to what kind of Housing Types are permitted in the Commercial and Mixed Use zoning districts, thus ensuring that a variety of housing types are available.

Land Use Policy # 12. Amend the land use regulations to expand the definition of accessory dwelling units to include units not attached or within an existing residential structure.

Finding: While the City has had code regulating accessory dwelling units since 1992, that code is not in compliance with current State codes. The amendments to §17.7.015 *Accessory Dwelling Unit – Standards* would bring this section of the Development Code into compliance.

### **Forest Grove Comprehensive Plan – Historic Preservation Goals and Policies**

Historic Preservation Goal #1. PRESERVE AND ENHANCE AREAS, SITES AND STRUCTURES OF HISTORIC OR CULTURAL SIGNIFICANCE TO THE FOREST GROVE AREA.

Finding: An amendment to §17.5.015 *Accessory Dwelling Units – Standards* would prohibit manufactured home accessory dwelling units within historic districts. This limitation would help preserve the character of the three historic districts in the community by not allowing structures that are clearly not part of the era that the three historic districts reflect. Thus, the amendment promotes the preservation of historically significant areas.

#### **B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.**

Finding: The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Oregon Department of Land Conservation and Development as being in compliance with Statewide Goals. Many of the proposed amendments would simply update and clarify processes and procedures, correct typographical errors, or bring the Development Code into compliance with State statutes. As such, they are consistent with relevant statewide and regional planning goals, policies and rules.

Finding: Relevant statewide and regional goals and policies related to the proposed changes are addressed as follows:

**Statewide Planning Goal 10 Housing – To provide for the housing needs of citizens of the state.**

**Metro Urban Growth Management Functional Plan - Title 1: Housing Capacity**

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish standards as to what kind of Housing Types are permitted in the Commercial and Mixed Use zoning districts, thus ensuring that housing capacity targets can be met.

**Metro Regional Framework Plan Policy 1.3 Housing Choices and Opportunities**

Finding: Permitted Housing Types in the commercial and town center zoning districts are not currently listed in the Development Code. The amendments to §17.3.320 *Commercial and Mixed Use Zones – Use Regulations* and §17.3.420 *Town Center – Use Regulations* would establish standards as to what kind of Housing Types are permitted in the Commercial and Mixed Use zoning districts, thus ensuring that a variety of housing types are available.

Finding: While the City has had code regulating accessory dwelling units since 1992, that code is not in compliance with current State codes. The amendments to §17.7.015 *Accessory Dwelling Unit – Standards* would bring this section of the Development Code into compliance.

Finding: While the City has had code regulating accessory dwelling units since 1992, this code has not permitted the use of manufactured homes as ADUs. Amendments to §17.7.015 *Accessory Dwelling Unit – Standards* would allow manufactured homes as ADUs so long as they comply with other ADU standards, thus increasing housing choices and opportunities.

Finding: The City already offers a variety of incentives to increase residential densities above base requirements. The proposed amenities would provide additional opportunities for increased densities, thus offering greater housing choices and opportunities, and, due to the increased densities, potentially lower per-unit expenses.

#### IV. ALTERNATIVES

The Planning Commission may recommend that the City Council approve the proposal as submitted, approve it with modifications, deny it, or the Commission may continue deliberations to a date certain.

#### V. RECOMMENDATION

Based on the findings above, staff recommends approval of the proposed amendments listed in attached Exhibits “A” and “B”, as well as any revisions found appropriate by the Planning Commission.

#### VI. LIST OF EXHIBITS

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

- Exhibit A**            Proposed Development Code Amendments
- Exhibit B**            Proposed Sign Code (§17.8.800 – §17.8.875)

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*A place where families and businesses thrive.*

**Planning Commission  
Community Auditorium  
1915 Main Street, Forest Grove, OR  
Monday, May 6<sup>th</sup>, 2019, 7:00 pm**

**1. CALL TO ORDER:**

Vice Chair Phil Ruder called the meeting to order at 7:00 p.m. Roll Call:

**Planning Commission Present:** Phil Ruder, Vice Chair; Commissioners Lisa Nakajima, Ginny Sanderson, Sebastian Bannister-Lawler, Hugo Rojas, and Dale Smith.

**Planning Commission Excused:** Chair Tom Beck

**Staff Present:** Bryan Pohl, Community Development Director; James Reitz, Senior Planner; Cassi Bergstrom, Planning Commission Coordinator.

**2. PUBLIC MEETING:**

**A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:**

**Joey Tretter, 1836 Cedar St, Forest Grove, OR 97116:**

Mr. Joey Tretter explained to the Commission that he came to the meeting because he was under the impression that his property was on the agenda for a zoning amendment. Mr. Tretter has been trying to get a building permit, and because of the current zoning of his property being neighborhood commercial he cannot. Allowing the property to be zoned as Town Center Transition (TCT) will allow for zero setbacks for the proposed shop.

Mr. Pohl updated the Commission as to the status of the re-zoning application, and the fact there is no paper trail as to why the property was zoned neighborhood commercial as the properties in surrounding area are zoned TCT.

Mr. Tretter explained to the Commission that he came to the City of Forest Grove in September and has not made any progress with building his shop. Mr. Pohl stated the city has allowed Mr. Tretter to pour a foundation at his own risk, pending the allowance of the re-zoning. The city has initiated the re-zoning paperwork without a fee, and there is a procedure that takes time in re-zoning the property. Mr. Pohl went over the timeline with Commissioners, explaining that the Planning Commission will make a recommendation to City Council for final approval. A permit cannot be issued prior to the completion of the re-zoning process.

Mr. Tretter believes the re-zoning of his property initially was done by mistake, and it should have been applied to another property. Mr. Pohl stated that the city has been

in contact with the City Attorney and the application has been initiated but cannot be guaranteed, making it a tough situation.

Vice Chair Ruder recommended that City Staff get this process going as quickly as possible.

**B. PUBLIC HEARING:**

**(1.) File No. 311-19-000002-PLNG –Legislative amendments to the Forest Grove Development Code**

Vice Chair Phil Ruder opened the legislative public hearing at 7:07 p.m., and called for the staff report.

James Reitz, Senior Planner, gave a summary of the amendments being proposed for the Development Code individually with Commissioners discussing each one in between.

**Domesticated Fowl amendment:**

Mr. Reitz explained to the Commissioners the amendments made, including moving the domesticated fowl code into the animal code located within the City of Forest Grove Code Book as well as lowering the domesticated fowl age to three (3) months old due to meat birds maturing earlier than laying hens. Current code allows for four adult fowl over six months of age, and the proposed change would lower the age to three months. Commissioners discussed if an age limit of three months is enforceable or if the age should be taken out entirely and limit all fowl, no matter the age. Commissioners agreed with lowering the age to three months for the amendments to the proposal.

**Housing Types in Commercial and Mixed Use Zones amendment:**

Commissioners re-reviewed the table, brought to them at the February 4<sup>th</sup> meeting as well, and were in agreeance with the amendments.

**Recreational Vehicle (RV) Parks amendment:**

Mr. Reitz explained the amendment, as the city is required to change the code in order to comply with an Oregon State Statute (ORS 197.493 *Placement and Occupancy of Recreation Vehicles*). The amendment no longer stipulates how long an RV can be occupied as a residential dwelling as long as conditions are met.

**Accessory Dwelling Unit (ADU) amendment:**

Two letters of correspondence were received from the Fair Housing Council as well as the Home Builders Association in support of the ADU amendments, as well as recommendations the City Council can make decisions upon.

Mr. Reitz informed the Commission that the amendment is required to comply with Oregon State Statues (ORS 197.303). The amendments eliminate owner

occupancy requirement, allow an entire floor in an existing home to be developed as an ADU even if it exceeds square footage limitations, and eliminates both the off-street parking and appearance requirements. Optional amendments would allow manufactured homes as ADUs (except in historic districts) and would prohibit the use of converted shipping containers.

Vice Chair Ruder commented that some of the shipping container ADUs can be aesthetically pleasing and better than the stick built ADUs. Mr. Reitz reminded the Commission that city staff cannot regulate appearance of building in any zone other than the historic district. An ADU still has to follow building code.

Two letters of correspondence were received from the Fair Housing Council as well as the Home Builders Association in support of the ADU amendments, as well as recommendations the City Council can make decisions upon.

Commissioners discussed the change in floor area. Under current code, 720 square feet is maximum ADU area. The new code allows greater than that if an entire floor is converted within a dwelling.

Commissioners agreed with the amendment to the code.

Bed and Breakfast Inns amendment:

Mr. Reitz gave a summary of the proposed amendment regarding Bed & Breakfast Inns as well as Airbnb's located within City of Forest Grove. Airbnb's are using homes for recreational housing, and the current limit is 3 bedrooms with the current Development Code. The recommendation is to increase the limit to 5 bedrooms and make it a Type I process in the single-family, RML, and NC zoning districts. Currently there is a 27 room limit within the RMH zone, and staff recommends reducing the limit to 10 rooms and making it a Type II application instead of the current Type I application process. Off-street parking requirements are also recommended being reduced from 1 per guest room to 1 per 2 guest rooms.

Mr. Reitz gave an example of a house within Forest Grove that would meet the 10-bedroom limit, but not many properties within Forest Grove can meet that limitation. Commissioners agreed with staff's recommendation.

Commissioner Bannister-Lawler inquired if the 10 bedroom limit would limit the largest home Forest Grove has regarding the Bed & Breakfast amendment. Commissioner Sanderson suggested the extra room could be turned in to common property.

**Scott Kistler, 2325 A Street, Forest Grove, OR 97116:**

Mr. Scott Kistler came forward and expressed concerns about how big the Bed & Breakfast Inns could be. The limitations set are required to not have a neighbor having a "commercial" property next door in a residential area.

Vice Chair Ruder clarified the application would still need to go through a Type II process with the amendment proposed. The Commission is a recommending body to the City Council, and suggested Mr. Kistler raises his concern at the future meeting.

Commissioner Sanderson explained it is a whole new world with the Airbnb's, with property owners expressing their rights to do with their property what they would benefit from.

Mr. Kistler believes this disruption has a negative effect on the neighborhood. Mr. Pohl gave an example of Airbnb's on the coastal community where he was Community Development Director, and the regulations the county needed to impose in order to protect the neighborhood. City staff has done some research and have located eleven Airbnb's within Forest Grove, but if the Airbnb's increase it is a valid concern that needs a code in order to enforce.

Commissioner Sanderson inquired if the city is collecting hotel taxes from the Airbnb's, and Mr. Pohl stated it has not happened yet.

Commissioner Nakajima commented that parking requirements should never be reduced. Commissioner Sanderson stated the Airbnb parking spots are rarely used, and she agrees with the proposed reduction.

Residential Density Incentives amendments:

The new residential density incentives would be added to the Development Code as an alternative to LEED certification, with the applicant needing to justify for the number of points to be awarded as little direction was given to quantify the options listed.

Sign Code amendments:

Mr. Reitz gave a summary of the sign code history and amendments. Off-premise signs need to be extracted completely because it cannot regulated based on First Amendment rights. New temporary signage has emerged: feather signs and air-blown devices. The city has no code regarding these signs whatsoever, and the feather signs have become prolific throughout the city. The signs need to be defined and stipulated as to where and how many one can have on a property (not per business).

Resident Scott Kistler inquired if this kind of signage would be allowed in a neighboring backyard, and Commissioners clarified that these signs are not allowed within residential zones.

Commissioners discussed the signs, and did not have a strong opinion regarding how many one can have on the property for the temporary signage. Commissioners suggested staff reach out to the Chamber of Commerce for a recommendation.

Staff will leave the amendment as is and reach out to the Chamber of Commerce for any input.

**CORRESPONDENCE:**

Two letters of correspondence were received from the Fair Housing Council as well as the Home Builders Association in support of the ADU amendments

**PROPOSERS:**

None.

**OPPOSERS:**

**OTHER:**

None.

Commissioner Sanderson moved a motion to amend the domesticated fowl age limitation from 6 months to 3 months. Commissioner Bannister-Lawler seconded the motion.

**Roll Call Vote on Amendment: AYES: Vice Chair Ruder; Commissioners Nakajima, Sanderson, Bannister-Lawler, Rojas, and Smith. NOES: None. ABSENT: Chair Beck. MOTION CARRIED 6-0.**

Commissioner Bannister-Lawler moved a motion to recommend file number 311-19-000002-PLNG as amended to the Forest Grove City Council. Commissioner Smith seconded the motion.

**Roll Call Vote: AYES: Vice Chair Ruder; Commissioners Nakajima, Rojas, Sanderson, Bannister-Lawler and Smith. NOES: None. ABSENT: Chair Beck. MOTION CARRIED 6-0.**

**C. ACTION ITEMS:**

None.

**D. WORK SESSION ITEMS:**

None.

**3. BUSINESS MEETING:**

**A. APPROVAL OF MINUTES:**

Commissioner Sanderson moved to approve the minutes of the April 15<sup>th</sup>, 2019 meeting. Commissioner Bannister-Lawler seconded the motion. Motion passed 6-0.

**B. REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:**

None.

**C. DIRECTOR'S REPORT:**

Mr. Reitz informed the Commission that the Kingwood Street zone change will go forward to City Council Monday, May 13<sup>th</sup>, 2019.

Mr. Reitz let the Commission know that the Dollar General store has submitted a land use application in for review located at Thatcher Road and Gales Creek Road.

Mr. Pohl gave an update on the URA, stating it will be a big night at the Council meeting this coming Monday night. A proposal is being brought forward for the Public Arts Commission for a funding of about \$20,000 a year for the next 5 years to bring art to the town center.

Rose Grove was approved for its 16 unit expansion, and the findings will go forward to City Council for final approval Monday.

**D. ANNOUNCEMENT OF NEXT MEETING:**

The next meeting is tentatively scheduled for June 3<sup>rd</sup>, 2019.

**E. ADJOURNMENT:**

The meeting was adjourned at 8:21 p.m.

Respectfully submitted by:

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Cassi Bergstrom  
Planning Commission Coordinator



<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>7.</u>
MEETING DATE:	<u>06/10/2019</u>
FINAL ACTION:	<u>First Reading: ORD 2019-06</u>

**CITY COUNCIL STAFF REPORT**

**FIRST READING:**

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *James Reitz, AICP, Senior Planner  
Bryan Pohl, Community Development Director*

**SUBJECT TITLE:** *Public Hearing and First Ordinance Reading to Amend the City Code*

**ACTION REQUESTED:**  Ordinance  Order  Resolution  Motion  Informational  
*X all that apply*

**ISSUE STATEMENT:** During the current Development Code update process, staff noted two related issues: that the domesticated fowl regulations are less about the use of land and more about nuisances; and that the City’s regulations pertaining to Measure 37 implementation are no longer necessary since that measure was repealed. The proposed ordinance would re-locate the domesticated fowl regulations to Forest Grove Code (FGC) Chapter 93 *Animals*, and repeal the Measure 37 code (located in FGC Chapter 33).

**BACKGROUND:** Measure 37 was adopted in 2004 and replaced in 2007 with Measure 49. Therefore, the City’s code implementing Measure 37 is no longer necessary and should be repealed. The proposed ordinance would repeal Chapter 33 in its entirety. Because Chapter 33 is not part of the Development Code, the Planning Commission did not review the proposal to delete this chapter from the Forest Grove Code.

The Development Code was adopted in 2009 and was amended that same year to include the domesticated fowl regulations. However, the City has other code (Chapter 93) pertaining to *Animals*. Chapter 93 presently includes Washington County Code Chapter 6.04 *Animal Services Code*, and limits on dog ownership. Moving the domesticated fowl regulations from the Development Code to Chapter 93 would place the City’s animal-related codes all together into a single chapter. The Planning Commission concurred, and also recommended one small revision: at present, the code regulates the number of fowl allowed that are 6 months of age and older. Chair Beck noted that chickens raised for meat mature at about 3 months; as such, the code at present would allow an unlimited number of fowl raised for meat since they would be harvested prior to the 6-month threshold. To address this potential issue, the Planning Commission recommended reducing the age threshold to 3 months.

Housekeeping:

- §93.01 through §93.04, abatement procedures set forth in § [91.050](#) through § [91.054](#) and Penalty, § [91.999](#) language was added so it is consistent with other nuisances in the Code.
- Amending Code §90.25, so language is consistent with Development Code §17.5.120(A)(5)(a).

**FISCAL IMPACT:** Adoption of the ordinance will have no fiscal impact on the City.

**STAFF RECOMMENDATION:** Staff recommends adoption of the ordinance to amend the Forest Grove Code as described above.

**ATTACHMENT(S):** Ordinance to Amend Forest Grove Code Chapters 33 and 93.



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## **NOTICE OF PUBLIC HEARING FOREST GROVE CITY COUNCIL**

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold a Public Hearing **Monday, June 10, 2019**, at **7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to review the following:

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**PROPOSAL:** Repeal Forest Grove Code Chapter 33 *Regulatory Measure 37 Claims Procedure*, and amend Code Chapter 93 *Animals* to incorporate text regulating domestic fowl that was previously enacted as part of the Development Code.

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The hearing is open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed ordinance is available before the hearing at the City Recorder's Office or by visiting the City's website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing, emailed to [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov), or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116. For further information, please contact the City Recorder's Office, 503.992.3235.

###

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

***FG NewsTimes***  
***06/05/2019***

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**ORDINANCE NO. 2019-06**

**ORDINANCE REPEALING ORDINANCE NO. 2004-08, CHAPTER 33 (REGULATORY MEASURE 37 CLAIMS PROCEDURE) IN ITS ENTIRETY AND ADOPTING FOREST GROVE CODE OF ORDINANCES, TITLE IX (GENERAL REGULATIONS), CHAPTER 93 (§93.01 THROUGH §93.04), DOMESTICATED FOWL; AND AMENDING FOREST GROVE CODE §90.25 (B); FILE NO. 311-19-000002-PLNG**

**WHEREAS**, Oregon Ballot Measure 37 was passed in 2004; and

**WHEREAS**, Ordinance No. 2004-08 was adopted to implement Measure 37 and was incorporated into Forest Grove Code (FGC) Chapter 33; and

**WHEREAS**, Measure 49 was passed in 2007 which overturned and modified many of the provisions of Measure 37, thus rendering FGC Chapter 33 moot; and

**WHEREAS**, the Development Code was amended in 2009 to adopt regulations allowing domesticated fowl; and

**WHEREAS**, the purpose of the Development Code is to govern the development and use of land; and

**WHEREAS**, the domesticated fowl regulations would be more appropriately located in Forest Grove Code Chapter 93 *Animals*; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed ordinance on June 10, 2019, and continued the hearing on June 24, 2019.

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

**Section 1:** The City Council of the City of Forest Grove hereby repeals Ordinance No. 2004-08, Chapter 33 (Regulatory Measure 37 Claims Procedure) in its entirety.

**Section 2:** The City Council of the City of Forest Grove hereby amends Forest Grove Code of Ordinances adopting Title IX (General Regulations), Chapter 93 (§93.01 through §93.04), titled Domesticated Fowl, as set forth below (new text is underlined):

**CHAPTER 93: ANIMALS**

**SECTION 93.03 DOMESTICATED FOWL**

- (A) As used in this section, "allowed" **DOMESTICATED FOWL** means chickens, ducks, pheasants and quails three (3) months of age or older.
- (B) Fowl shall be permitted in single-family residential zoning districts only and in compliance with the following regulations and limitations and all other applicable provisions of this Code.
- (C) Any keeping of fowl shall be for personal use, and any related commercial production is prohibited.

- (D) Roosters are prohibited.
- (E) Up to four (4) adult fowl shall be allowed on any lot with a minimum area of 5,000 square feet. One (1) additional adult fowl is allowed for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.
- (F) The owner or person in charge of real property shall not allow animal waste to accumulate.
- (G) All animal food shall be stored in metal or other rodent-proof containers.
- (H) Fencing shall be designed and constructed to confine all allowed fowl to the owner's property at all times.
- (I) Structures that house fowl shall be located at least 20 feet from all abutting residences.
- (J) Structures that house fowl shall be located at least five (5) feet from any side or rear property line.
- (K) Any violation of this section shall be declared public nuisances and may be abated by the procedures set forth in § [91.050](#) through § [91.054](#).
- (L) Violation of this section constitutes a violation. Penalty, see § [91.999](#) (Prior Code, § 17.3.320[14] and § 17.12.210[D9])

**Section 3:** The City Council hereby amends Forest Grove Code of Ordinances Title IX (General Regulations), Chapter 90, Code §[90.25](#), as set forth below (strikethrough is deleted and new text is underlined):

90.25 (B) It shall be the duty of every property owner to cut off and remove all branches and limbs of trees which extend over or upon any street or sidewalk adjacent to the owner's property for a distance of at least eight (8) feet above ~~the street or sidewalks~~, 13 feet above local streets, and 15 feet above collector and arterial street roadway surfaces.

**Section 4:** This ordinance is immediately effective upon enactment by the City Council.

**PRESENTED AND PASSED** the first reading this 10<sup>th</sup> day of June, 2019.

**PASSED** the second reading this 24<sup>th</sup> day of June, 2019.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 24<sup>th</sup> day of June, 2019.

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Peter B. Truax, Mayor



A place where families and businesses thrive.

<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	<u>8.</u>
MEETING DATE:	<u>06/10/2019</u>
FINAL ACTION:	<u>RESO 2019-24</u>

**CITY COUNCIL STAFF REPORT**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *Paul Downey, Director of Administrative Services*

**SUBJECT TITLE:** *Setting Fees & Charges Effective July 1, 2019*

**ACTION REQUESTED:**

<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	Motion	<input type="checkbox"/>	Informational
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*X all that apply*

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**ISSUE STATEMENT:** City Code Section 34.01 states the licenses, permits, and fees will be adjusted by Council Resolution in July each year. It further states that subsequent adjustments prior to completion of the next required cost-of-service study shall be made in accordance with Section 34.03. That section states that adjustments to fees and charges shall be based on the CPI or the percentage of the wage adjustment for City employees. Staff has prepared a resolution setting fees for Council consideration.

**BACKGROUND:** Staff has prepared the proposed fee schedules using a general cost increase of 3.0% based on the projected total wage and benefit increase. No new fees are being proposed.

Some fees have been rounded in some instances to eliminate creating change issues for some departments. Some fees have not been changed as they are set by the State (e.g. liquor licenses) or other agencies such as WCCLS. Water meter connections over ¾” are charged at actual cost so a specific fee is not set. Connections can take different lengths of time to install depending on the site conditions so the actual cost based on time is charged.

Aquatic fees are not included in this resolution as the Council established those fees at its April 22, 2019, meeting. Building permits fees are not proposed to be changed as part of this resolution.

The following changes are being proposed: 1) the Permit to Construct Public Improvements fee is being retitled to Public Improvements Review and Inspection Fee to more accurately reflect the purpose of the fee; 2) the Water Stand-by Services Fees are being move to the Water Rate Schedule; and 3) the WCCLS Processing Fee has been deleted as WCCLS no longer charges the fee.

During the summer, staff will be putting together a fee book that has all of the fees, rates, and charges in one document which will be made available on the City’s website.

**FISCAL IMPACT:** The proposed fee increases should increase fee revenue to the City but the projected revenue increase is dependent on the volume of transactions that occur.

**STAFF RECOMMENDATION:** Staff recommends that the City Council approve the attached resolution.



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## **NOTICE OF PUBLIC HEARINGS PROPOSED FEES AND UTILITY RATE INCREASES FOR THE CITY OF FOREST GROVE**

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold Public Hearings **Monday, June 10, 2019, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider the following proposed fees and utility rate increases for the City of Forest Grove. If enacted by City Council, the proposed increases would be effective July 1, 2019:

- **ADMINISTRATIVE FEES AND CHARGES:** Three percent (3%) percent, excluding building fees.
- **ELECTRICITY:** 4.6 percent (4.6%) per month residential customer. Approximately \$3.75 per month increase average residential customer.
- **SANITARY SEWER:** Two percent (2%) City and three percent (3%) Clean Water Services per month per equivalent dwelling unit. Approximately \$1.36 per month combined increase average residential customer.
- **SURFACE WATER MANAGEMENT:** 5.5 percent (5.5%) City and 5.5 percent (5.5%) Clean Water Services per month per equivalent dwelling unit. Approximately \$0.50 per month combined increase average residential customer.
- **WATER:** Two percent (2%) per month residential customer. Approximately \$0.75 per month increase average residential customer.

The hearings are open to the public and interested parties are encouraged to attend. A copy of the reports and resolutions listing the proposed fee schedules 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](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing, e-mailed to [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov), or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please contact the City Recorder's Office, 503.992.3235.

###

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

**FG NewsTimes**  
**06/05/2019**

RESOLUTION NO. 2019-24



**RESOLUTION SETTING FEES & CHARGES, EFFECTIVE JULY 1, 2019,  
AND REPEALING RESOLUTION NO. 2018-53**

**WHEREAS**, the City Code Section 34.01 requires fees and charges be adjusted annually in July of each year in accordance with City Code Section 34.03; and

**WHEREAS**, certain fees and charges have been previously set by Resolutions 2018-53; and

**WHEREAS**, staff is proposing a three percent increase in fees in accordance with City Code Section 34.03; and

**WHEREAS**, staff has prepared the resolution with the proposed fees and charges attached as Exhibits 1 and 2; and

**WHEREAS**, a duly-noticed Public Hearing was held on June 10, 2019.

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

**Section 1.** The planning fees listed on Exhibit 1 of this resolution are hereby adopted as of July 1, 2019.

**Section 2.** Other fees listed on Exhibit 2 of this resolution are hereby adopted as of July 1, 2019.

**Section 3.** Resolution No. 2018-53 is hereby repealed upon the effective implementation date of the foregoing fees.

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

**PRESENTED AND PASSED** this 10<sup>th</sup> day of June, 2019.

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

**APPROVED** by the Mayor this 10<sup>th</sup> day of June, 2019.

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

## Exhibit 1 - Planning Fees

	ADOPTED FEES AS OF JULY 1, 2018	ADOPTED FEES AS OF JULY 1, 2019
Amendment to Map	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Amendment to Text	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Annexation	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Appeal of Administrative Decision	\$250.00 (limit per ORS 227.175(10))	\$250.00 (limit per ORS 227.175(10))
Appeal of Planning Commission Decision	\$430.00	\$443.00
Multi-Family & Commercial Design Review	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Conditional Use	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Preliminary Expedited Land Division	\$1,384.00	\$1,426.00
Final Expedited Land Division	\$424.00	\$437.00
Historic Designation	\$43.50	\$45.00
Lot Line Adjustment	\$84.50	\$87.00
Preliminary Partition	\$1,384.00	\$1,426.00
Final Partition	\$424.00	\$437.00
Plat and Street Vacation	\$2,100.00	\$2,163.00
Preliminary Planned Development	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Final Planned Development	\$2,265.00	\$2,335.00
Development Agreements	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Master Plan (Adoption or Amendment)	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Renovation Grant	\$0.00	\$0.00
Other Type II Actions	\$84.50	\$87.00
Other Type III Actions	\$169.00	\$174.00
Sign Permit	\$84.50+ \$3.84/sq. ft. (maximum fee of \$2,084)	\$87.00+ \$3.96/sq. ft. (maximum fee of \$2,147)
Site Plan Review		
Non-Residential		
Non-Residential	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Non-Residential Additions	\$1,237.00	\$1,274.00
Residential		
New Residential - Five or less units	\$376.00 + \$132.10/unit over 1	\$387.00 + \$136.06/unit over 1
New Residential - Six or more units	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Residential Additions & Accessory Structures	\$82.00	\$84.50
Preliminary Subdivision	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*
Final Subdivision	\$993.00	\$1,023.00
Street Tree Fee	\$401.00	\$413.00
Tree Permit Fee	\$0.00	\$0.00
Erosion Control Review	fee schedule set by CWS	fee schedule set by CWS
Variance from Regulations	\$84.50/hour with a \$3,000 deposit*	\$87.00/hour with a \$3,000 deposit*

\*Plus all incidental costs associated with processing a permit including but not limited to legal notice publication, copying and postage.

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## Forest Grove Fee Schedule Exhibit 2

Adopted Fees - 7/1/18

Adopted Fees - 7/1/19

### PARKS AND RECREATION

#### Facility Reservation (not including Light Charge)

Lincoln Park Stadium & Turf Field (in-City)	\$56.20 per hour; \$449.50 max	\$57.90 per hour; \$463.00 max
Lincoln Park Stadium & Turf Field (Out of City)	\$112.40 per hour; \$899.00 max	\$115.80 per hour; \$926.00 max
Bond Field (every 2 hour rental)	\$42.00 (in-city); \$84.00 (out)	\$43.25 (in-city); \$86.5 (out)
Sherman Field (every 2 hour rental)	\$34.80 (in-city); \$69.60 (out)	\$35.85 (in-city); \$71.70 (out)
Thatcher Park Soccer Field (every 2 hour rental)	\$28.10 (in-city); \$56.20 (out)	\$29.00 (in-city); \$58.00 (out)
Lincoln Park Practice Soccer Field (every 2 hour rental)	\$28.10 (in-city); \$56.20 (out)	\$29.00 (in-city); \$58.00 (out)
Thatcher Park Softball Field (every 2 hour rental)	\$14.30 (in-city); \$28.60 (out)	\$14.75 (in-city); \$29.5 (out)
Shelter (4 Hour Period)	\$52.50 (in-city); \$105.00 (out)	\$54.00 (in-city); \$108.00 (out)

#### Light Charge

Soccer Field - Lincoln Park or Thatcher	\$50.00 per hour	\$51.50 per hour
Bond Field	\$50.00 per hour	\$51.50 per hour
Sherman Field & Thatcher Park Softball (per field)	\$25.00 per hour	\$25.75 per hour
Lincoln Park Practice Field	\$25.00 per hour	\$25.75 per hour

### ENGINEERING

Public Improvements Review & Inspection Fee	\$143.00 per hour	\$143.00 per hour
Excavation Permit	\$36.00	\$37.00
Permit to Deposit on Streets (per permit)	\$53.50	\$55.00
Tourist-Oriented Signs	\$121.50	\$125.00
Recording Fees	County Fee plus \$15.00	County Fee plus \$15.50
Engineering Plans & Specifications (Copies)		
Standard	\$70.00	\$72.00
Mail	\$70.00	\$72.00
Disk	\$38.00	\$39.00
Copies per Sheet (Copy Machine)		
8.5x11	\$0.20	\$0.20
Larger than 8.5x11	\$0.25	\$0.25
Auditron Copies	\$7.50	\$7.50

## Forest Grove Fee Schedule Exhibit 2

	Adopted Fees - 7/1/18	Adopted Fees - 7/1/19	
<b>WATER</b>			
Water Shut-Off/On During Public Works Business Hours (Customer Request)	0.00	0.00	
Water Shut-Off/On After Public Works Business Hours (Customer Request)	\$190.00	\$196.00	If determined by Public Works Director to be circumstances beyond control of property owner, fee may be waived.
Water Stand-By Service (Annual)	\$63.50	moved to Water Rate Schedule	
Water Stand-By Service- outside City limits (Annual)	\$127.00	moved to Water Rate Schedule	
<b>Water Connections - Drop In</b>			
3/4-inch Meter	\$336.50	\$346.75	
1-inch Meter	\$336.50	\$346.75	
1 1/2-inch Meter	Actual cost	Actual cost	\$500 deposit
2-inch Meter	Actual cost	Actual cost	\$500 deposit
3-inch Meter	Actual cost	Actual cost	\$1,000 deposit
4-inch Meter	Actual cost	Actual cost	\$1,000 deposit
> 4-inch Meter	Actual cost	Actual cost	\$1,000 deposit
<b>Water Connections - Full Service</b>			
3/4-inch Meter	Actual cost	Actual cost	\$1,000 deposit
1-inch Meter	Actual cost	Actual cost	\$1,000 deposit
1 1/2-inch Meter	Actual cost	Actual cost	\$1,000 deposit
2-inch Meter	Actual cost	Actual cost	\$1,000 deposit
3-inch Meter	Actual cost	Actual cost	\$2,000 deposit
4-inch Meter	Actual cost	Actual cost	\$2,000 deposit
> 4-inch Meter	Actual cost	Actual cost	\$2,000 deposit
<b>SEWER</b>			
Sewer Connection Inspection	\$71.00	\$73.00	
Residential Sewer Lateral	Actual cost	Actual cost	\$2,000 deposit
Sewer Dye Test	\$94.25	\$97.00	

## Forest Grove Fee Schedule Exhibit 2

Adopted Fees - 7/1/18

Adopted Fees - 7/1/19

### **LIGHT AND POWER**

#### **Main Street Auditorium Rental**

Non-Profit Group (per hour)	\$44.30 min; \$126.00 max	\$45.60 min; \$130.00 max
For-Profit Group(per hour)	\$61.80 min; \$176.00 max	\$63.65 min; \$181.25 max

Electric Shut-Off/On After Public Works Business Hours  
(Customer Request)

Costs of Labor, Vehicles, and Materials

Costs of Labor, Vehicles, and Materials

If determined by Light & Power Director to be circumstances beyond control of property owner, fee may be waived.

### **POLICE**

#### **Copies**

Reports	\$17.75 + \$.20/p over 10	\$18.25 + \$.20/p over 10
Audio Cassette /VHS Tape	\$36.80	\$38.00
Burn CD/DVD	\$25.25	\$26.00
Photographs Burned to CD/DVD	\$25.25 (up to 30 photographs per disc)	\$26.00 (up to 30 photographs per disc)
Photographs Burned to CD/DVD (continued)	\$0.65 per duplicate photograph copy	\$0.65 per duplicate photograph copy
Color Photograph Print	\$6.55 per sheet	\$6.75 per sheet
Citation Copy	\$6.55	\$6.75
Radar Certification Copy	\$6.55	\$6.75
Record Check Letter	\$45.00	\$46.35
Body Camera Footage Public Records Request	\$92.70 first ten minutes of footage \$77.25 each additional 10 minutes of footage	\$95.50 first ten minutes of footage \$79.60 each additional 10 minutes of footage
Release Impounded/Immobilized Vehicle	\$130.00	\$134.00
After-Hours Release Impounded/Immobilized Vehicle	\$171.75	\$177.00
Damage to Boot Immobilizer Fee	\$117.85 plus cost to repair/replace	\$121.40 plus cost to repair/replace
Event Security - Officer Reimbursement	\$77.25 per hour plus 10% overhead fee (Per officer - Minimum of 4 Hours)	\$80.00 per hour plus 10% overhead fee (Per officer - Minimum of 4 Hours)
<b>Miscellaneous Permits</b>		
Event Permit	no fee	no fee
Temporary Street Closure	\$19.70	\$20.25
Dance	no fee	no fee

### **FIRE**

Report Copies (after 1 free copy to customer)	\$17.75 + \$.20/p over 10	\$18.25 + \$.20/p over 10
<b>Emergency Response Cost Recovery Fees &amp; Charges (billed only to Non-Residents of City, Rural Fire District, and mutual aid IGAs)</b>		
Motor Vehicle Incidents: \$250 minimum, plus 15% administrative fee & actual costs of supplies and/or equipment used		
Fire/Public Safety Incidents: \$400 minimum, plus 15% administrative fee & actual costs of supplies and/or equipment used		
After first half-hour, fees set by State Fire Marshal Standardized Costs Schedule		

## Forest Grove Fee Schedule Exhibit 2

Adopted Fees - 7/1/18

Adopted Fees - 7/1/19

### LIBRARY

Collection Agency	\$10.00 per WCCLS	\$10.00 per WCCLS
Rogers Room Rental Fee		
Whole Room (per hour)	\$15.70	\$16.20
One Half (Divider Closed - per hour)	\$7.85	\$8.10
Inter-Library Loan	\$0 per WCCLS	\$0 per WCCLS
Library Late Fine	per WCCLS schedule	per WCCLS schedule
Public Online Printing	\$.10/page	\$.10/page
Public Copy Service	\$.10/page	\$.10/page

### CITY RECORDER

City Council Packet Subscription (per 6 mos.)	\$227.00	\$234.00
City Council Agenda Annual Subscription	\$39.70	\$41.00
Liquor License		
Original Application	\$100.00	\$100.00
Change: Ownership, Location, Privilege Application	\$75.00	\$75.00
Renewal or Temporary Application	\$35.00	\$35.00
Special Liquor License Permit	\$20.00	\$20.00
Noise Variance Permit	\$19.75	\$20.25
Copies		
Audio Cassette /VHS Tape	\$36.80	\$38.00
Burn CD/DVD	\$25.25	\$26.00
Photographs Burned to CD/DVD	\$25.25 (up to 30 photographs per disc)	\$26.00 (up to 30 photographs per disc)
Photographs Burned to CD/DVD (continued)	\$0.65 per duplicate photograph copy	\$0.67 per duplicate photograph copy
Document Copy	\$17.75 + \$.20/p over 10	\$18.25 + \$.20/p over 10

## Forest Grove Fee Schedule Exhibit 2

Adopted Fees - 7/1/18

Adopted Fees - 7/1/19

### ADMINISTRATIVE SERVICES

Hydrant Permit	\$55.00	\$56.65	
Lien Search	\$29.25	\$30.00	
Reserve Parking (monthly)	\$25.25	\$26.00	
Passport Processing Fee	Fee set by State Department	Fee set by State Department	
Returned Item Processing Fee	\$30.00	\$31.00	
Utility Bill Inserts	\$218.50	\$225.00	
Utility Billing Account Set-Up Fee - In-City	\$22.25	\$23.00	
Utility Billing Account Set-Up Fee - Out-of-City	\$44.50	\$46.00	
Utility Billing Account Transfer Fee - In-City	\$12.00	\$12.25	
Utility Billing Account Transfer Fee - Out-of-City	\$24.00	\$24.50	
Door Hanger Fee - In-City	\$15.75	\$16.00	
Door Hanger Fee - Out-of-City	\$31.50	\$32.00	
Failure to Keep Payment Arrangements	\$12.00	\$12.50	
Convenience Fee for Telephone Payment Execution	\$8.25	\$8.50	
Non Payment Disconnect Fee	\$38.00	\$39.00	Charged at the time of disconnect.
<b>Non Payment Reconnection Service -</b>			
During City Hall Business Hours	\$38.00	\$39.00	Charged at the time of reconnect.
After City Hall Business Hours Additional Surcharge	\$126.50	\$130.50	
Meter Tamper/Damage Fee (per meter)	\$221.00	\$228.00	Plus cost to repair/replace each meter

### BUSINESS LICENSES

First Time Application Fee	\$28.50	\$29.40	
<b>Annual Renewal</b>			
Businesses with 0 to 2.5 employees	\$39.75	\$41.00	
Businesses with 3 to 4.5 employees	\$56.75	\$58.50	
Businesses with 5 to 10.5 employees	\$85.00	\$87.50	
Businesses with 11 to 50.5 employees	\$113.50	\$117.00	
Businesses with 51 or more employees	113.50 plus \$1.15/employee over 50 (Capped at \$284.00 annually)	117.00 plus \$1.18/employee over 50 (Capped at 292.50 annually)	
<b>Temporary/Transient Businesses</b>			
First Time Application Fee	\$28.50	\$29.40	
Up to 30 days of operation	\$17.00	\$17.50	
Between 31 and 60 days of operation	\$34.00	\$35.00	
Over 61 days of operation	Treated as a business	Treated as a business	

## Forest Grove Fee Schedule Exhibit 2

Adopted Fees - 7/1/18

Adopted Fees - 7/1/19

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### ALL DEPARTMENTS

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Research Fee - City Staff (per hour)

\$63.25

\$65.00

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Research Fee - City Attorney's Office

Attorney's Hourly Billing Rate plus costs

Attorney's Hourly Billing Rate plus costs

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<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	<u>9.</u>
MEETING DATE:	<u>06/10/2019</u>
FINAL ACTION:	<u>RESO 2019-25</u>

**CITY COUNCIL STAFF REPORT**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *Paul Downey, Administrative Services Director  
Keith Hormann, Light and Power Director*

**SUBJECT TITLE:** *Electric Rate Increase Resolution*

**ACTION REQUESTED:**

	Ordinance		Order	X	Resolution	X	Motion		Informational
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*X all that apply*

**ISSUE STATEMENT:** The City has completed an updated Cost of Service and Rate Study for the Light & Power Department (L&P). The study showed the need for rate increases due to increasing costs such as personnel costs, power purchases, and system maintenance costs. Staff has prepared a resolution for Council consideration to increase electric rates by an average of four percent (4%) across all classes of services effective for services invoiced after August 13, 2019. Increases for specific classes of services will vary.

**BACKGROUND:** The City hired FCS Group (FCS) to complete a formal Cost of Service and Rate Study in May 2019. The study was designed to do two things: 1) review revenue needed to fund operating costs while maintaining reserves for operations and capital expenses; and 2) review the cost of services for each class of service to establish rates for each class of service. FCS and City staff looked at current and projected operating costs, projected power costs, capital requirements, and reserve requirements to determine what, if any, increases were needed in electric rates through 2026. The result of that study was that the City needed to increase electric rates by an average of four percent (4%) for each year through 2026.

The study also reviewed the costs of services between the classes of services for customers. The three main classes of customers are residential, general service, and large commercial/industrial. The study showed that the rates charged to the residential and general services classes do not fully cover the costs of providing service to those customer classes. FCS recommended rates over time so each customer class was covering its costs of services.

The Council held two work sessions on the results of the Cost of Service and Rate Study. Based on Council input at those work sessions, staff is proposing rate increases by customer service class which will narrow the gap between revenue generated and costs allocated to each customer service class. Staff is proposing that the Residential and General Service Classes increase by

4.6% and the Large Commercial/Industrial Class increase by 3%. Other small classes of service such as irrigation, rental lighting, and street lighting are proposed to increase by 4%.

Based on a 4.6% increase on an average residential usage of 1,100 kWh, an average monthly residential electric bill would increase by \$3.97 from \$87.11 in 2018 to \$91.08 in 2019 of which \$18.87 would be for the customer charge and \$69.07 would be for the energy charge.

Attached is a chart which compares estimated residential bills at 1,100 kWh usage for the City of Forest Grove, PGE, and McMinnville Water and Light with current rates and rates after upcoming increases.

Tonight, in addition to an increase in electric rates, the City Council will be also be asked to consider rate increases for water, sewer, and surface water management (SWM). Attached to the staff report is a chart that shows the cumulative increase for all utility rate increases for the average residential customer that the Council will be considering tonight.

A public hearing notice for all utility rate increase was published in the June 5, 2019, Forest Grove News-Times and the proposed rate increase information for residential customers was included in the May FYI Forest Grove which is included in all of the utility bills sent to customers.

**FISCAL IMPACT:** The updated rate model indicates that the City will maintain its financial reserves target in the short term with a 4.00% average rate increase. Actual results will fluctuate depending on the actual revenue received and the actual expenditures incurred. Weather and resulting consumption of electricity is a large driver of revenue and costs particularly if the winter has extended cold periods.

**STAFF RECOMMENDATION:** Staff recommends the City Council approve the attached resolution which authorizes the rate increases for each class of services as discussed above effective for services invoiced on or after August 13, 2019. The new rates are shown in red in the attached Exhibit A.

**ATTACHMENT(s):**

- 1) Resolution Adopting New Light and Power Department Electric Rate Schedules with Exhibit A;
- 2) Chart Comparing Electric Rates with PGE and McMinnville Water & Light; and
- 3) Chart with Cost for Single-Family Residence
- 4) Written Testimony



*A place where families and businesses thrive.*

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## **NOTICE OF PUBLIC HEARINGS PROPOSED FEES AND UTILITY RATE INCREASES FOR THE CITY OF FOREST GROVE**

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold Public Hearings **Monday, June 10, 2019, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider the following proposed fees and utility rate increases for the City of Forest Grove. If enacted by City Council, the proposed increases would be effective July 1, 2019:

- **ADMINISTRATIVE FEES AND CHARGES:** Three percent (3%) percent, excluding building fees.
- **ELECTRICITY:** 4.6 percent (4.6%) per month residential customer. Approximately \$3.75 per month increase average residential customer.
- **SANITARY SEWER:** Two percent (2%) City and three percent (3%) Clean Water Services per month per equivalent dwelling unit. Approximately \$1.36 per month combined increase average residential customer.
- **SURFACE WATER MANAGEMENT:** 5.5 percent (5.5%) City and 5.5 percent (5.5%) Clean Water Services per month per equivalent dwelling unit. Approximately \$0.50 per month combined increase average residential customer.
- **WATER:** Two percent (2%) per month residential customer. Approximately \$0.75 per month increase average residential customer.

The hearings are open to the public and interested parties are encouraged to attend. A copy of the reports and resolutions listing the proposed fee schedules 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](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing, e-mailed to [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov), or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please contact the City Recorder's Office, 503.992.3235.

###

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

**FG NewsTimes**  
**06/05/2019**

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**Costs for Average Single-Family Residence**

	Current Cost	Proposed Cost	Increase	
<b>Electricity</b>	<u>87.11</u>	<u>91.08</u>	<u>3.97</u>	
<b>Water</b>	<u>38.47</u>	<u>39.25</u>	<u>0.78</u>	
<b>Sewer</b>				
CWS	33.28	34.22	0.94	
City	<u>15.47</u>	<u>15.92</u>	<u>0.45</u>	
Total	<u>48.75</u>	<u>50.14</u>	<u>1.39</u>	
<b>SWM</b>				
CWS	2.19	2.31	0.12	
City	<u>7.52</u>	<u>7.94</u>	<u>0.42</u>	
Total	<u>9.71</u>	<u>10.25</u>	<u>0.54</u>	
<b>Total - All Utilities</b>	<u>184.04</u>	<u>190.72</u>	<u>6.68</u>	3.6%

# Residential Rate Comparisons



**WRITTEN TESTIMONY RECEIVED  
CITY COUNCIL HEARING JUNE 10, 2019  
UTILITY FEES AND CHARGES**

<b>Name</b>	<b>Type</b>	<b>Proponent</b>	<b>Opponent</b>	<b>Other</b>
Robin Davis, FG	E-mail, 05/12/19		X	
Stephen Webber, FG	E-mail 05/22/19		X	
Bryan Luciani, FG	E-mail 05/23/19		X	
Roy Woo	E-mail 05/28/19		X	
Rubena Sheppard, FG Debra Rogers, FG Dave Snook, FG Kim Larson, FG Jamie Turnbull, FG Eva Andrade Avalos, FG Amber Clark, FG William Larrimore, FG Ann Cullen, FG Dinah Sackett, FG	Petition Letter 05/31/19		X	
Lin Vanderzanden, FG	Letter 06/03/19		X	

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## Anna Ruggles

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**From:** Robin [REDACTED] >  
**Sent:** Sunday, May 12, 2019 1:59 PM  
**To:** Anna Ruggles  
**Subject:** Utility Rate Increases

Hello,

I am AGAINST the proposed utility rate increases that were outlined in the Forest Grove information insert that came with my monthly bill. This is huge! The increase percentages are more than cost of living at 2.8%!

The increase in rates is getting out of hand. When I first purchased a home in forest grove 20 years ago, one of the reasons I chose this community was affordability. Forest Grove has become a bedroom community. Hundreds of houses have been built and this has helped in driving up costs and reducing the quality of life. Property tax, garbage and utility rates continue to climb every year. Soon more dollars are going to be requested to solve the traffic congestion problem and the homeless.

Thanks  
Robin Davis  
1607 21st Ave  
Forest Grove Oregon

## Anna Ruggles

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**From:** Stephen Webber <[REDACTED]>  
**Sent:** Wednesday, May 22, 2019 8:16 PM  
**To:** Anna Ruggles  
**Subject:** Proposed utility rate increases amended

Hi Anna

Please would you accept my amended submission to the City Council, regarding proposed increases in utility rates, replacing the original submission I emailed to you on Monday May 20th.

Thank you,

Stephen Webber

I would like to express my dissatisfaction over proposed rate increases to City of Forest Grove utilities, including sewer, surface water and electricity.

These kind of increases are being proposed and actioned almost annually now, and it is getting out of control. The increases are often well above the rate of inflation, and take no account for the fact that many people don't receive regular pay rises. I have not received a pay raise in three and a half years.

Regular citizens do not have the money to keep sustaining these kind of increases, not least with the also unsustainable 3% increase on property taxes that occurs every year!

May I ask the City council to at least dig a little deeper ( no pun intended! ) into Clean Water Services, and find out if they are really using all the extra money, that comes into the organization for proposed infrastructure maintenance and improvement, for the intended purpose, because bill payers have no proof about what the extra funds generated are really used for.

Yours Sincerely,

Stephen Webber  
2740 Ballad Place  
Forest Grove  
OR

## Anna Ruggles

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**From:** Bryan Luciani <[REDACTED]>  
**Sent:** Thursday, May 23, 2019 3:27 PM  
**To:** Anna Ruggles  
**Subject:** Proposed utility rate increase

Ms. Ruggles, please forward to our City Council,

I've lived here for over ten years in the same home off David Hill Road. Almost annually I see our council approve the increased rates from the Clean Water Services and almost always under the "improve our water quality" banner. They have used the same reason every single year. It's not that I'm sick of my cost of living here always going up, it's that our politicians seem to avoid ever saying "No". Because of all of the increases in our levies, my taxes have increased \$200 annually since 2010. I can't wait until this new Washington County levy for the homeless adds another insane amount. This City Council needs to start empathizing with the thousands of homeowners that bear the absolute brunt of the city's tax burden. The "70 cents on every \$1000 of home value" means nothing to the majority of voters here since they rent, but to some of us, we are fed up. Enough is enough. Before forcing us to hand over more increases to the utility side, how about getting them to work more efficiently, stop asking for an increase every year, and consider for just once how much we homeowners are already paying in taxes and utility costs. No more utility increases and no more levies. If my \$5000 property tax each year (and increasing by \$200 a year) isn't enough to keep you happy and funded, then please consider how the taxes are being mismanaged. I'm retired and I don't get pay raises. Don't force me to move.

Frustrated, yet Respectfully,

Bryan Luciani  
Forest Grove resident

**Anna Ruggles**

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**Subject:** FW: Utility Rate Increases

**From:** Tom Johnston <[tjohnston@forestgrove-or.gov](mailto:tjohnston@forestgrove-or.gov)>  
**Date:** May 28, 2019 at 1:43:13 PM PDT  
**To:** Jesse VanderZanden <[jvanderzanden@forestgrove-or.gov](mailto:jvanderzanden@forestgrove-or.gov)>  
**Subject:** Fwd: Utility Rate Increases

Sent from my iPad

Begin forwarded message:

**From:** Roy Woo <[REDACTED]>  
**Date:** May 28, 2019 at 11:30:01 AM PDT  
**To:** <[tjohnston@forestgrove-or.gov](mailto:tjohnston@forestgrove-or.gov)>  
**Subject:** Utility Rate Increases

Forest Grove utility rates has increase every year since I'm have lived here. I'm concerned that every year the city just pass these increases without finding ways to manage costs in other areas of utility operating budget and (what is the long team strategy to address expenses, maintaining infrastructure?) vs "let just pass on the cost" to us. what the long team s to I will be out of town on the 10th.and will not be able to address the council about this issue. But I hope and want someone in the city council to look out for our concerns too.

I would welcome a phone call to discuss this in more detail. Thank you for your time and I know you have a lot on your plate.

Roy Woo  
503-459-1903

Forest Grove City Council  
Forest Grove, Or. 97116

May 30<sup>th</sup> 2019

Dear Council Women & Men,

We are asking the council to disapprove the proposed rate increase at your meeting.

The total individual percentage for each utility adds up to 17.1 percent.

The council already approved rate increases last year.

We all have to live within our budget and would want the city to try a little harder.

The undersigned are either on Social Security or are customers. We Social Security people received a 2.87% COLA less Medicare Insurance. We can't keep up with all these raises.

Please include this letter into your consideration.

Roberta Sheppard

Elizabeth Dale

2217 D St F.G.

Debra Rogers

2204 D, St F.G.

DAVE SNOOK

2217 D ST F.G.

Kim Larson

2223 D St F.G.

Jamie Turnbull

2211 D, St. F.G.

Eva Andrade Avalos

1535 2nd Pl. F.G.

Amber Clark

1534 2nd Pl. Unit B

F.G. OR. 97116

William Larrimore

1603 22nd Ave  
F.G. OR 97116

Anna Cull

1536 22nd Pl

Forest Grove

Dinah Seaman

1603 22nd Ave

FG 97116

City Council  
City of Forest Grove  
P.O. Box 326  
Forest Grove, OR 97116-0326

Mr Mayor and Council members:

This city seems to have a homeless problem and yet you are apparently hell bent on increasing the numbers. Seniors and low income individuals and families are finding it increasingly difficult to keep up with rent increases, mortgage payments and groceries and are then systematically abused by the City with yearly utility increases. When will it ever be enough for you people? Apparently you have no sense of the demographics in this town, nor can you comprehend the basics of a budget. In my humble opinion a prerequisite for a position as a City Council member should be someone who 1. can count, and 2. can manage a budget.

The newsletter enclosed with our utility bill notifying residents of the increases includes the comment "the following increases have been approved." So why try to justify your actions with a council meeting on the 10<sup>th</sup> when it is obvious you are going through with the increases regardless. You must all be very comfy financially and love spending everyone's last dime. For the record, I for one oppose these increases and if I sound disrespectful or angry perhaps you can guess why. I guess my only recourse is to vote you out of office when the time comes or sell my house and move out of this town I have lived in for the better part of 71 years.

As for a brand new facility for the police, that should put the final nail in my coffin where upon receiving my property tax statement. Thanks so much!

Lin Vanderzanden  
3108 B Street  
Forest Grove, OR 97116

**RESOLUTION NO. 2019-25****RESOLUTION ADOPTING NEW LIGHT AND POWER DEPARTMENT  
ELECTRIC RATE SCHEDULES AND DEFINITIONS AND DESCRIPTIONS  
AND REPEALING RESOLUTION NO. 2018-14**

**WHEREAS**, the City, through the Light and Power Department, provides electric service to customers within the City and some surrounding areas; and

**WHEREAS**, the City has determined that continued increases to Light and Power electric rates are necessary to ensure appropriate department revenues; and

**WHEREAS**, the notice of the proposed rate increase was included in the May 2019 FYI included with all utility bills mailed to customers; and

**WHEREAS**, a duly-noticed Public Hearing was held Monday, June 10, 2019, on the proposed rate resolution.

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

**Section 1.** The City Council adopts the revised Light and Power Electric Rate Schedules and Definitions and Descriptions marked Exhibit A.

**Section 2.** The new Light and Power Electric Rate Schedules shall be effective for services invoiced on or after August 13, 2019.

**Section 3.** Resolution No. 2018-14 is hereby repealed upon the effective implementation date of the foregoing Light and Power electric rates.

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

**PRESENTED AND PASSED** this 10<sup>th</sup> day of June, 2019.

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

**APPROVED** by the Mayor this 10<sup>th</sup> day of January, 2019.

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

**ELECTRIC SERVICE**  
**DEFINITIONS AND DESCRIPTIONS**

**RESIDENTIAL SERVICE:**

Service furnished to customers using energy for domestic purposes in single family dwellings, apartments where each dwelling unit is separately metered, mobile homes being utilized as a family dwelling, and farms.

Where a portion of the electric energy in a residential premise is used regularly for the conduct of a business or profession, electric service used in such portion must be metered separately and billed under a nonresidential schedule; otherwise, the entire premises will be classified as nonresidential.

Service through one meter to two dwelling units will be classified as residential where an existing dwelling unit is or has been divided into two dwelling units. However, in the case where service is supplied through one meter to two or more new dwelling units, or to three or more existing dwelling units, service will be classified as nonresidential.

Additional meters on residential premises will be classified as residential, provided energy is used for domestic purposes and each such meter is on a separate building or structure separated from the other meters by such distance that service through the same point of delivery is impractical. Should any portion of the energy used on an additional meter on a residential premises be used for the conduct of a business or profession, the service will be classified as nonresidential. Service through additional meters will be supplied only when additional facilities can be installed under the Department's line extension rules. All residential customers are billed according to the terms and rates as stated in Schedule 1.

**SWIMMING POOL SERVICE:**

Existing service furnished to residential swimming pools which is a separate service in addition to the service to the dwelling. This service is limited to providing electrical energy to equipment directly related to the operation and maintenance of domestic swimming pools and only to those having had the service previously installed. All Swimming Pool Service customers are billed according to the terms and rates as stated in Schedule 6.

**GENERAL SERVICE:**

Nonresidential service furnished to businesses and professions whose electrical energy requirements are limited to less than 50 KW demand for any month during the prior 12-month period. This service is further limited to exclude irrigation customers. General Service customers are billed according to the terms and rates as stated in Schedule 2.

**LARGE COMMERCIAL AND INDUSTRIAL SERVICE:**

Nonresidential service furnished to businesses and professions whose electrical energy requirements include three phase service and with a demand of over 50 KW for any month during the previous 12-month period. This service is further limited to exclude irrigation service, and any electrical service having a measured demand of 5,000 kW or greater. This service is also limited to exclude any electrical service exceeding 22,000,000 annual kWh consumption. Large Commercial and Industrial Service customers are billed according to the terms and rates as stated in Schedule 3.

**IRRIGATION SERVICE:**

Nonresidential service provided only for agricultural irrigation and drainage pumping. This service is totally limited to the described usage and, therefore, absolutely no portion of this electrical service may be used for any other function or process. Irrigation Service customers are billed according to the terms and rates as

stated in Schedule 8.

**STREET LIGHTING SERVICE:**

Service provided to City and publicly owned streets, highways, roadways, bikeways, walkways, parking lots, parks and traffic control lights. Street Lighting Service customers are billed according to the terms and rates of Schedule 4.

**NONMETERED GENERAL SERVICE:**

Nonresidential service provided to loads utilizing relatively small amounts of electrical energy and demand and, which remain constant from day to day. Typical loads are telephone booths, cable television in-line amplifiers, etc. This service is provided only at the option of the Light and Power Department. Monthly billing is a fixed amount computed from equipment design load data furnished by the customer or from tests performed by the Light and Power Department. Nonmetered General Service customers are billed according to the terms and rates of Schedule 5.

**OUTDOOR AREA LIGHTING SERVICE:**

Outdoor rental light service is available and provided upon request to all Light and Power Department customers. The type and size of lighting fixtures, poles, and related equipment that can be provided is limited to the Department's normal inventory items. Outdoor Area Lighting Service customers are billed according to the terms and rates of Schedule 7.

**CONTRACTED SERVICE:**

Any special services not covered by the aforewritten definitions (i.e., services at transmission voltages, services having a demand of 5000 KW or greater, and alternate service) are provided in accordance with a negotiated service contract.

**ALTERNATE SERVICE:**

Service provided to a customer from a second, electrically independent primary voltage circuit. This service is available to 3 phase large commercial and industrial customers only who have a higher than normal degree of need for service continuity. The design and arrangement of both the preferred and alternate services will be the option of the Light and Power Department. Customers receiving alternate service will be billed an additional amount on their normal monthly demand charge.

**DISCONNECT/RECONNECT CHARGES AND METER TAMPERING:**

The Reconnection Service fee shall apply during normal business hours, and the After-Hours Reconnection Service fee shall apply during the hours of 5:01 pm – 8:00 pm, Monday through Friday, for reconnection service resulting from failure to pay. An Electric Meter Tamper/Damage Fee shall be imposed where applicable. Referenced fees are published in the Forest Grove Fee Schedule as adopted by City Council.

**SURGE SUPPRESSION SERVICE:**

Utility-provided whole-house surge suppression service is available through a utility installed, meter mounted device. This service is available to residential customers and small commercial customers with single phase, self-contained meters only.

**TIME OF USE SERVICE**

All large commercial and industrial customers with demand metered service will be billed for energy usage on a time of use basis. Time of use service will be available to all general service customers at their option. This service will feature a separate kilowatt hour rate for heavy load hours and light load hours. Heavy load hours are from 6:00am to 10:00pm Monday through Saturday. Light load hours are all other times.

## **NET METERING**

The City will enter into an agreement with customer-generators that own a net metering facility. A net metering facility is an electric generation facility that uses solar, wind, fuel cell, or hydroelectric power to generate electricity. The rated generating capacity of any customer-generator facility cannot exceed 25 kilowatts. The net metering facility must be located on the customer's property, must comply with all applicable safety provisions, and must be compatible with the City's distribution system. The primary intent of the net metering facility will be to offset part or all of the customer's own electric power requirements. The Customer will be required to enter into a net metering agreement with the City, and all customer-generation facilities must be inspected by the City prior to inter-connection. The energy charge for customers with an approved Net Metering facility will be determined by net kWh consumption (kWh delivered by City less kWh generated by customer).

## **GREEN POWER SERVICE**

Voluntary program to support green power resources. Green power may be purchased in 200 kWh units. This program is available to all electric customers of the City of Forest Grove.

## **ENERGY ANALYSIS SOFTWARE**

Voluntary service offered to large commercial and industrial customers. The Energy Analysis Software is a web-based energy management/analysis service that provides customers with interval usage data depicted in charts and graphs for the purpose of comparing current and historic load data, identifying anomalies in usage, tracking savings from efficiency projects, and understanding usage.

## **CUSTOMER CHARGE**

Customer Charge is defined as a flat fee charged per billing interval when the meter is read which may or may not coincide with a calendar month. The Customer Charge is assessed when a new billing interval begins or when occupancy changes and a different customer is established on the account.

**SCHEDULE 1**  
**RESIDENTIAL SERVICE**

Page 1 of 1

**AVAILABILITY:**

Available in all territory served by the City Light and Power Department.

**APPLICABILITY:**

Applicable to domestic use of all residential and farm customers.

Service under the residential rate shall apply only to electrical service in a single private dwelling and its appurtenances, for general farm service or for heating or pumping water in a private swimming pool, and not for resale to others.

Electricity consumed in that portion at a private dwelling regularly used for the conduct of a business will be separately metered and billed under the General Service Rate. If separate circuits are not provided by the customer, the entire premises shall be classified as non-residential and billed accordingly.

The residential rate shall not apply to service institutions such as clubs, fraternities, orphanages or homes, to recognized rooming or boarding houses, or to the spaces in an apartment or other residential building primarily devoted to use as an office or studio for professional or other gainful purposes or to general use by tenants.

**CHARACTER OF SERVICE:**

Single phase, sixty hertz alternating current at 120/240 volts, or at the City Light and Power Department's option, 120/208 volts.

**CHARGES PER BILLING INTERVAL:**

Customer Charge:	\$18.87
Energy Charge:	0-1000 kWh at 6.47 cents/kWh 1001+ kWh at 7.61 cents/kWh

**SURGE SUPPRESSION SERVICE:**

At the customer's option, whole house surge suppression service is available at a monthly rate of \$4.86.

**DELIVERY POINT:**

The above rates are based on the supply of service at a single voltage through a single delivery and metering point. Separate supply for the same customer at a different voltage or at other points of consumption shall be separately metered and billed.

**RULES AND REGULATIONS:**

Service under this classification is subject to the rules and regulations of the City, as set out in Sections 51.01 through 51.03 of the Code and elsewhere.

**SCHEDULE 2**  
**GENERAL SERVICE**

Page 1 of 1

**AVAILABILITY:**

Available in all territory served by the City Light and Power Department.

**APPLICABILITY:**

Applicable to commercial, non-agricultural pumping and other non-residential electrical service. Not applicable to agricultural irrigation or pumping, or services with a demand of 50 KW or more for any month during the previous 12-month period..

Energy supplied under this schedule shall not be resold to others.

**CHARACTER OF SERVICE:**

Single phase or three phase, sixty hertz alternating current at such voltage as the Light and Power Department may have available.

**CHARGES PER BILLING INTERVAL:**

Customer Charge: \$21.70 - Single-phase service  
\$34.00- Three-phase service

Energy Charge: 7.15 cents/kWh

**OPTIONAL TIME OF USE RATE:**

Customer Charge: \$21.70 - Single-phase service  
\$34.00- Three-phase service

Energy Charge:  
Heavy Load hours 7.53 cents/kWh  
Light Load hours 6.70 cents/kWh

**SURGE SUPPRESSION SERVICE:**

For qualified customers, surge suppression service is available at a monthly rate of \$4.86.

**DELIVERY POINT:**

The above rates are based on the supply of service at a single voltage through a single delivery and metering point. Separate supply for the same customer at a different voltage or at other points of consumption shall be separately metered and billed.

**RULES AND REGULATIONS:**

Service under this classification is subject to the rules and regulations of the City as set out in Code Sections 51.01 through 51.03 and elsewhere.

**NOTE: Customers opting for time of use service will be charged a one-time meter conversion fee of \$107.75.**

**SCHEDULE 3**  
**LARGE COMMERCIAL AND INDUSTRIAL SERVICE**

Page 1 of 2

**AVAILABILITY:**

Available in all territory served by the City Light and Power Department.

**APPLICABILITY:**

Applicable to commercial, industrial, non-agricultural pumping, and other non-residential electrical service with a minimum electrical demand of 50 KW for any month during the previous 12-month period. Not applicable to any electrical service exceeding 5,000 kW measured demand. Not applicable to any electrical service exceeding 22,000,000 annual kWh consumption. Not applicable to agricultural irrigation or pumping.

Energy supplied under this schedule shall not be resold to others.

**CHARACTER OF SERVICE:**

Three Phase, sixty hertz alternating current of such voltage as the City Light and Power Department may have available.

**CHARGES PER BILLING INTERVAL:**

Customer Charge:	<b>\$69.68</b>
Energy Charge:	
Heavy Load hours	<b>5.15 cents/kWh</b>
Light Load hours	<b>4.28 cents/kWh</b>
Demand Charge:	<b>\$7.03/kW</b>

**DEMAND CHARGE:**

Based on the highest 15 minute average demand recorded during the billing period measured in kilowatts (kW).

**REACTIVE DEMAND:**

In addition to the energy and demand charges, the customer shall pay **\$2.56** for each kilovolt ampere of reactive demand in excess of 40 percent of the kilowatt billing demand.

**ENERGY ANALYSIS SOFTWARE:**

Energy analysis software is available as an optional service at a monthly rate of **\$53.00** per meter. Customer is responsible for installation costs.

**SCHEDULE 3**  
**LARGE COMMERCIAL AND INDUSTRIAL SERVICE**

Page 2 of 2

**DELIVERY POINT:**

The above rates are based on the supply of service at a single voltage through a single delivery and metering point. Separate supply to the same customer at a different voltage or at other points of consumption shall be separately metered and billed.

**ALTERNATE SERVICE:**

Customers receiving alternate service under this rate schedule shall pay an additional **\$0.93** per kilowatt of demand per month.

**SPECIAL CONDITIONS:**

If the Department's transformers are used exclusively for service to the customer, the Department may, at its option, permit installation of metering equipment on the primary voltage side of the transformers. In this case, billing will be based on meter registration less a deduction of 2.0 percent to compensate for transformer losses. Metering equipment will be installed at customer expense and all distribution and service facilities on the load side of the meter, except for transformers, will be owned and maintained by the customer.

**RULES AND REGULATIONS:**

Service under this classification is subject to the rules and regulations of the City as set out in Code Sections 51.01 through 51.03 and elsewhere.

**SCHEDULE 4**  
**STREET LIGHTING SERVICE**

Page 1 of 1

**AVAILABILITY:**

Available within the corporate city limits of the City of Forest Grove.

**APPLICABILITY:**

Applicable for lighting of City owned streets, roadways, bikeways, walkways, parking lots, parks and traffic control lights.

**CHARACTER OF SERVICE:**

From dusk to dawn daily, controlled by photo-electric control or time switch.

**CHARGES PER BILLING INTERVAL:**

Energy Charge: 6.99 cents/kWh

**ANNUAL INVESTMENT CHARGE:**

The investment in property and equipment used as a basis for the investment charge shall consist of the installed cost of the property and equipment used solely for lighting purposes such as fixtures, brackets, mast-arms, conductors, poles, posts, standards, control equipment, switches, transformers, etc. computed on June 30 of each year. The annual investment charge shall be 10.5 percent of such investment.

**LIGHT SYSTEM MAINTENANCE:**

All maintenance expenses shall be borne by the City Light and Power Department.

**METERING:**

For billing purposes, the total energy consumed by the street lighting system shall be computed by application of a meter multiplier to the meter reading of a selected part of the system which is metered. The meter multiplier shall represent the ratio of the entire system load to the load being metered. Accuracy of the meter multiplier will be verified at least annually by the Light and Power Department and any changes reported to the City Management and Finance Department.

If more than one part of the street lighting system is metered, the meter multiplier shall be applied to only one selected meter and the other metered loads shall not be included in the multiplier calculation. In the event of multiple meters, the readings shall be consolidated for billing purposes.

**RULES AND REGULATIONS:**

Service under this classification is subject to the rules and regulations of the City, as set out in Code Sections 51.01 through 51.03 and elsewhere.

**SCHEDULE 5**  
**NONMETERED GENERAL SERVICE**

Page 1 of 1

**AVAILABILITY:**

Available in all territory served by the City Light and Power Department.

**APPLICABILITY:**

Applicable to commercial service where both electric demand and energy usage are small and constant such as telephone booths, traffic signals, cable television, in-line amplifiers, etc. Under such circumstances, and at the Light and Power Department's option, service may be provided without metering. A monthly billing amount will be computed from equipment design load data furnished by the customer or from tests performed by the Light and Power Department and thereafter will be a fixed charge.

**CHARACTER OF SERVICE:**

Single phase, sixty hertz alternating current of such voltage as the City Light and Power Department may have available.

**CHARGES PER BILLING INTERVAL:**

Customer Charge:	\$11.97
Energy Charge:	7.03 cents/kWh

**DELIVERY POINT:**

The above rates are based on the supply of service at a single voltage through a single delivery point. Charges for a separate supply for the same customer at other points of consumption shall be computed on the same rate basis but may be consolidated on a common monthly bill.

**RULES AND REGULATIONS:**

Service under this classification is subject to the rules and regulations of the City as set out in Code Sections 51.01 through 51.03 and elsewhere.

**SCHEDULE 6**  
**SWIMMING POOL SERVICE**

Page 1 of 1

**AVAILABILITY:**

Available only to those customers and for those loads presently served under this rate schedule.

**APPLICABILITY:**

Applicable to residential customers for heating water for private swimming pools and for other electrical loads directly related to swimming pool operation.

**CHARACTER OF SERVICE:**

Single phase, sixty hertz alternating current at 120/240 volts, or at the City Light and Power Department's option, 120/208 volts.

**CHARGES PER BILLING INTERVAL:**

Customer Charge:	\$9.00
Energy Charge:	7.31 cents/kWh (for all kWhs)

**DELIVERY POINT:**

The above rates are based on the supply of service at a single voltage through a single delivery and metering point. Separate supply for the same customer at a different voltage or at other points of consumption shall be separately metered and billed.

**SPECIAL CONDITIONS:**

A customer being served under this rate schedule may continue to be served only so long as no increase in capacity is made in this service equipment. If such changes are needed by the customer, the entire service load will be reclassified as Residential Service, Schedule 1. The customer may, at his option and expense, combine this load with his existing Residential Service.

**RULES AND REGULATIONS:**

Service under this classification is subject to the rules and regulations of the City as set out in Code Sections 51.01 through 51.03 and elsewhere.

**SCHEDULE 7**  
**OUTDOOR AREA LIGHTING SERVICE**

Page 1 of 2

**AVAILABILITY:**

Available in all territory served by the City Light and Power Department.

**APPLICABILITY:**

Applicable to outdoor area lighting.

**CHARACTER OF SERVICE:**

Outdoor area lighting from dusk to dawn daily, by means of Department-owned luminaries mounted on Department-owned poles, in accordance with Department specifications as to equipment, installation, maintenance and operations.

Maintenance by the Department includes lamp replacement on a scheduled basis. Individual lamps will be replaced on burnout as soon as reasonably possible after notification by the customer and subject to the Department's operating schedules and requirements. Current standard lamps will be used for replacement purposes.

**CHARGES PER BILLING INTERVAL:**

<u>LAMP TYPE AND WATTAGE</u>		<u>FIXTURE STYLE</u>	<u>RATE PER MONTH</u>
<u>HPS</u>	<u>MH</u>		
100	---	Security	9.13
100*	---	Post Top and Pole	15.36
100*	---	Post Top w/o Pole	9.39
100	---	Projection Flood	10.18
200	---	Projection Flood	15.04
250*	---	Projection Flood	15.36
400	400	Projection Flood	23.37
---	1000	Projection Flood	49.05
100	---	Cobra Head Type	8.33
200	---	Cobra Head Type	11.89
400	---	Cobra Head Type	18.31
LED 53	---	Parking Lot Cobra Head	1.51**

HPS - High Pressure Sodium MH - Metal Halide

\* No new service offered.

\*\* Energy Only, Future Availability TBD

**SCHEDULE 7**  
**OUTDOOR AREA LIGHTING SERVICE**

Page 2 of 2

All rates, except that for the post top light and pole, are based on mounting the light fixture on an existing pole. Special poles required for service hereunder will be billed according to the following schedule:

<u>POLE TYPE</u>	<u>LENGTH</u>	<u>FIXTURE HEIGHT</u>	<u>RATE PER MONTH</u>
Pressure Treated Wood	30'	25 ft.	\$2.46
Pressure Treated Wood	45'	39 ft.	4.61
Galvanized Steel with Arm*	25'	26 ft.	4.56
Aluminum with Arm*	25'	26 ft.	4.56
Fiberglass with Arm	30'	25 ft.	5.30

**INSTALLATION CHARGES:**

Installation charges will be calculated and billed to the customer for lighting systems not mounted on existing power poles, for those systems employing underground electrical feed, and for temporary installations. Such charges will be paid upon completion of the lighting system installation.

**RULES AND REGULATIONS:**

Service under this classification is subject to the rules and regulations of the City as set out in Code Sections 51.01 through 51.03 and elsewhere.

\* No new service offered.

**SCHEDULE 8**  
**IRRIGATION SERVICE**

Page 1 of 2

**AVAILABILITY:**

Available in all territory served by the City Light and Power Department.

**APPLICABILITY:**

Applicable only to agricultural irrigation and drainage pumping electrical service.

Energy supplied under this schedule shall not be resold to others.

**CHARACTER OF SERVICE:**

Single or three phase, sixty hertz alternating current of such voltage as the City Light and Power Department may have available.

**CHARGES PER BILLING INTERVAL:**

Customer Charge:

March 16-October 15	\$20.10
October 16-March 15	none

Energy Charge: 5.98 cents/KWh

**SEASONAL DEFINITION AND BILLING:**

Irrigation season is defined as starting on March 16 and ending on October 15. All irrigation services will be available for use during this period. Use outside of this period must be specifically requested by the customer. Meters will be read on March 15 and again on October 16 and will be the basis for the seasonal energy billings. Customers will receive monthly service charge bills only during the irrigation season. No disconnect/reconnect charges will be assessed.

**SCHEDULE 8**  
**IRRIGATION SERVICE**

Page 2 of 2

**CONNECTION CHARGE:**

Line Extension charges will be calculated and billed to the customer for all electrical services provided under the Irrigation Service Schedule. Connection charges must be paid upon completion of service installation. At the City Light and Power Department's option, all or part of the connection charge may be in the form of facilities provided by the customer for the Department's use. Such facilities must be inspected by the Department and must meet all applicable City, County, State, and National Electrical Codes.

**DELIVERY POINT:**

The above rates are based on the supply of service at a single voltage through a single delivery and metering point. Separate supply for the same customer at a different voltage or at other points of consumption shall be separately metered and billed.

**RULES AND REGULATIONS:**

Service under this classification is subject to the rules and regulations of the City as set out in Code Sections 51.01 through 51.03 and elsewhere.

**SCHEDULE 9**  
**GREEN POWER SERVICE**

Page 1 of 1

**AVAILABILITY:**

Available in all territory served by the City Light and Power Department.

**APPLICABILITY:**

Applicable to all customers who sign up for the voluntary program to help support the production of green power.

**CHARACTER OF SERVICE:**

Funds collected in this program will be used to purchase renewable energy resources, which will in turn use the funds to support the production of new green power sources throughout the region.

**CHARGES PER BILLING INTERVAL:**

Customer Charge: \$4.00 /200kWh unit

**SPECIAL CONDITIONS:**

Customers may sign up voluntarily for the program. A minimum six-month commitment to the program is required.

**RULES AND REGULATIONS:**

Service under this classification is subject to the rules and regulations of the City as set out in Code Sections 51.01 through 51.03 and elsewhere.



A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	10.
MEETING DATE:	06/10/2019
FINAL ACTION:	RESO 2019-26

## CITY COUNCIL STAFF REPORT

**TO:** City Council

**FROM:** Jesse VanderZanden, City Manager

**MEETING DATE:** June 10, 2019

**PROJECT TEAM:** Paul Downey, Administrative Services Director  
Greg Robertson, Public Works Director

**SUBJECT TITLE:** Water Rate Increase Effective July 1, 2019

**ACTION REQUESTED:**  Ordinance  Order  Resolution  Motion  Informational

*X all that apply*

**ISSUE STATEMENT:** The attached resolution for Council consideration proposes to increase water rates by a system-wide average of 2.0% effective July 1, 2019.

**BACKGROUND:** The City hired FCS Group in 2011 to perform a cost of service analysis to ensure that water rates were recovering adequate revenue in an equitable manner. In 2015, the City hired FSC Group to perform an updated water rate analysis due to significant revisions in the capital improvement program. The revisions were mostly due to changes in the JWC capital program with larger capital expenditures being moved out to future years. The results of that update was a need for the City to increase water rates by a system-wide average of 3.5% for the next several years to pay for ongoing operational expenses and to fund needed investments to maintain and expand the water capital infrastructure.

Staff has reviewed the Water Fund’s financial position. The Water Fund Balance has been increasing faster than expected due to revisions in the timing of capital projects and better than expected net revenue from the annual timber harvest in the City’s watershed. An update of the Water Master Plan is underway which will include a revised long-term capital project list. After the master plan update is complete, the City will update the water rate analysis and the Water System Development Charge (SDC) to analyze the need for future water rate increases.

Due to the above factors, staff is proposing to lower the forecasted 3.5% increase to 2.0% for FY 2019-20 to cover increasing operational costs while the master plan is being completed and the rate analysis updated. The rate increase will be applied equally across-the-board to all customer classes. The fee for Water Stand-By Service has been moved from the general fee schedule to this Water Rate Schedule and increased by 2.0% to match the increase for the other rates.

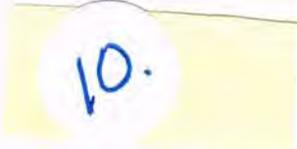
For a single-family residential user using 7,000 gallons of water per month, the proposed 2.0% increase means the water bill will increase by about \$0.78 per month.

A chart comparing how Forest Grove's residential water rates using 7,000 gallons per month compares with the other agencies in the Joint Water Commission is attached.

**FISCAL IMPACT:** The proposed rate increase and the adjustment to the residential rate schedule should be adequate to fund operational requirements and to continue to set funds aside for upcoming planned capital improvement projects with the goal of not having to borrow additional funds until the existing Water Fund debt is paid in 2023.

**STAFF RECOMMENDATION:** Staff recommends the City Council approve the attached resolution.

**ATTACHMENT(s):**  
Resolution



**RESOLUTION NO. 2019-26**

**RESOLUTION FIXING WATER RATES FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2019, AND REPEALING RESOLUTION NO. 2018-50**

**WHEREAS**, Forest Grove Code Section 50.07 authorizes the City Council to fix water rates by resolution; and

**WHEREAS**, the City Council has determined that water fund revenue requirements will necessitate that water rates be increased by two (2%); and

**WHEREAS**, a duly-noticed Public Hearing was held June 10, 2019.

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

**Section 1:** That the water rates within the city limits of Forest Grove shall be as follows:

SF RESIDENTIAL CUSTOMER CLASS				
METER SIZE	BILLING INTERVAL RATE	MONTHLY USAGE RATES		
		TIER 1 0 kgal to 7 kgal	TIER 2 7 kgal to 15 kgal	TIER 3 15 kgal & Over
3/4" & Less	\$25.67	\$1.94	\$4.11	\$5.96
1"	\$35.93	\$1.94	\$4.11	\$5.96
1.5"	\$52.98	\$1.94	\$4.11	\$5.96
2"	\$73.47	\$1.94	\$4.11	\$5.96

MF RESIDENTIAL CUSTOMER CLASS			COMMERCIAL CUSTOMER CLASS		
METER SIZE	BILLING INTERVAL RATE	MONTHLY USAGE RATE (kgal)	METER SIZE	MONTHLY FIXED RATE	MONTHLY USAGE RATE (kgal)
3/4" & Less	\$25.67	\$2.79	3/4" & Less	\$25.67	\$2.96
1"	\$35.93	\$2.79	1"	\$35.93	\$2.96
1.5"	\$52.98	\$2.79	1.5"	\$52.98	\$2.96
2"	\$73.47	\$2.79	2"	\$73.47	\$2.96
3"	\$94.32	\$2.79	3"	\$116.76	\$2.96
4"	\$139.10	\$2.79	4"	\$190.39	\$2.96
6"	\$263.37	\$2.79	6"	\$337.63	\$2.96
8"	\$412.55	\$2.79	8"	\$530.95	\$2.96

INDUSTRIAL CUSTOMER CLASS			COMPOUND METERS		
METER SIZE	BILLING INTERVAL RATE	MONTHLY USAGE RATE (kgal)	MONTHLY FIRE SERVICE CHARGE	\$73.85	MFR compound meter example: 2" domestic plus compound meter: \$140.22
3/4" & Less	\$25.67	\$2.57			
1"	\$35.93	\$2.57			
1.5"	\$52.98	\$2.57			
2"	\$73.47	\$2.57	FIRE SERVICE		
3"	\$134.45	\$2.57	MONTHLY FIRE SERVICE CHARGE	\$8.90	
4"	\$201.78	\$2.57			
6"	\$388.79	\$2.57			
8"	\$613.17	\$2.57			

	USAGE RATE (kgal)
FIRE HYDRANT WATER <i>(permit required)</i>	\$3.34

	ANNUAL RATE
WATER STAND-BY SERVICE <i>(meter out of service for 7+ months)</i>	\$64.80

**Section 2:** That the following rules shall govern the definition of various customer classes:

- a. Whenever one water meter serves more than one type of customer class, the higher of the two rates shall be charged for all water used.
- b. In order to be classified as a residential water user, the water customer must meet the following definition:

The term residential user is applicable to all single family, multiple family, and mobile home buildings where residential customers receive metered water service, and which structures house family dwelling units. A residential dwelling unit is defined to include dwelling units designed for permanent occupation by family and which include kitchens and bathroom facilities.

- c. In order to be classified as an industrial water user, a water utility customer must meet all three requirements listed below:

- (1) A water system customer's status is determined by using the Standard Industrial Classification Manual and the customer must belong to a major industrial group in Division A (agriculture, forestry, and fishing), Division B (mining), Division D (manufacturing), or Division F (wholesale trade) as defined in most current Standard Industrial Classification Manual.
  - (2) A water system customer's historical annual water use, documented by City of Forest Grove Water Utility water billing records, must equal or exceed an average of 10,000 gallons per day.
  - (3) A water system customer's water meter size must equal or exceed two inches in diameter.
- d. A water user who does not meet the requirements contained in Section 2(b) residential user or section 2(c) industrial user shall be classified and billed for water as a commercial class customer.
  - e. Any water taken from fire hydrant or other unmetered facility other than for an authorized city use shall be charged at the rate listed in Section 1 above for Fire Hydrant Water, plus the current permit fee.

**Section 3:** That the billing interval charge when there is no water consumption shall be the billing interval fixed rate contained in Section 1 of the meter size and customer class for the service being provided.

**Section 4:** That the following rules shall govern the definition of a meter on stand-by service:

- a. A meter on stand-by service is out of service;
- b. The property owner may make application for stand-by service to the City, or the City may place a water meter on stand-by at its discretion after seven (7) or more months of non-use;
- c. The water meter must be out of service for seven (7) or more consecutive months from the date the property owner applies, or the seven (7) preceding months if the City places a meter on stand-by;
- d. If a meter is taken off of stand-by service before the passage of seven (7) consecutive months, Section 3 will apply retro-actively from the date the meter was placed on stand-by;
- e. Once brought back into service, the water meter must remain in service for twelve (12) consecutive months before becoming eligible to be placed on stand-by service again;
- f. If the water meter remains on stand-by service for sixty (60) or more consecutive months, in order to put the meter back in service, the prevailing meter drop-in charges will apply.

**Section 5:** That the applicable rate for water service outside the city limits shall be those contained in Section One (1) through Section Four (4), plus 100%, except as otherwise noted.

**Section 6:** The above water rates shall become effective July 1, 2019.

**Section 7:** Resolution No. 2018-50 is hereby repealed upon the effective implementation date of the foregoing water rates.

**Section 8:** This resolution is effective immediately upon its enactment by the City Council.

**PRESENTED AND PASSED** this 10<sup>th</sup> day of June, 2019.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 10<sup>th</sup> day of June, 2019.

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Peter B. Truax, Mayor



<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	<u>11.</u>
MEETING DATE:	<u>06/10/2019</u>
FINAL ACTION:	<u>RESO 2019-27</u>

**CITY COUNCIL STAFF REPORT**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *Gregory Robertson, Public Works Director  
Paul Downey, Administrative Services Director*

**SUBJECT TITLE:** *Sewer Rate Increase for FY 2019-20*

**ACTION REQUESTED:**

<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	Motion	<input type="checkbox"/>	Informational
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*X all that apply*

**ISSUE STATEMENT:** Prior to July 1, 2017, Clean Water Services (CWS) set regional and local sewer rates and the City had added a surcharge to raise sufficient revenue to cover the costs of operating the local portion of the sewer collection system. The regional rate is charged by CWS to covers its cost of the sewer collection and treatment system. Starting in FY 2017-18, CWS began setting only the regional sewer rate and each local jurisdiction had to set the full local sewer rate that it needs to cover its sewer costs. The City has established its local sewer rate and needs to adjust that rate for FY 2019-20. Staff has attached a resolution setting the FY 2019-20 sewer rate for Council consideration.

**BACKGROUND:** CWS is only setting the regional rate that cities have agreed to collect for CWS and the cities have been establishing their own local rates. The City first set its own local rate as of July 1, 2017. For FY 2018-19, the rate was set at a local base rate of \$8.90 per Dwelling Equivalent Unit (DUE) and a Use Charge of \$0.43 per 1,000 gallons per month based on winter water usage. City staff is proposing an increase of 2.0% in the City’s Local Sewer effective July 1, 2019, to keep pace with increasing sewer costs. The new rate would be a local base rate of \$9.10 per Dwelling Equivalent Unit (DUE) and a Use Charge of \$0.442 per 1,000 gallons per month based on winter water usage.

CWS is proposing a 3% increase to its regional sewer rate and increase the Sewer SDC from \$5,650 to \$5,850 per DUE. City staff will bring a resolution to the Council authorizing the City to bill those rates on behalf of CWS.

**FISCAL IMPACT:** These rate increases are built into the FY 2019-20 Budget which outlines the fiscal impact of those rate increases. The increases by CWS and the City’s sanitary sewer rates will increase total costs by \$1.39 per month for typical residential consumption of 8ccf or 5,984 gallons per month of winter water usage.

**STAFF RECOMMENDATION:** Staff recommends the City Council approve the attached resolution adopting the City local rate for sanitary sewer services.

**ATTACHMENT(s):**  
Resolution

**RESOLUTION NO. 2019-27****RESOLUTION ESTABLISHING SANITARY SEWER UTILITY RATES  
FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2019,  
AND REPEALING RESOLUTION NO. 2018-51**

**WHEREAS**, Forest Grove Code Section 52.01 and as set forth in the Agreement with Clean Water Services, Page 5, Section 4.B., of the Agreement requires the City to collect rates and charges set by Clean Water Services; and

**WHEREAS**, on July 1, 2017, Clean Water Services began to set a regional rate on the portion of sewer services it provides with the City of Forest Grove setting a rate for the portion of the sewer services that the City provides; and

**WHEREAS**, the City is increasing its FY 2019-20 local rate by 2.0%.

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

**Section 1:** The City of Forest Grove sets the following sanitary sewer utility rates for servicing the local portion of the sewer collection system that the City is responsible to maintain: Monthly Base Charge of \$9.10 per Dwelling Unit Equivalent (DUE) and a Use Charge of \$0.442 per 1,000 gallons per month for individual customer winter average. The revenue collected by this fee shall be retained by the City.

**Section 2:** The above rates shall become effective July 1, 2019.

**Section 3:** Resolution No. 2018-51 is repealed upon the effective implementation date of the foregoing rates.

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

**PRESENTED AND PASSED** this 10<sup>th</sup> day of June, 2019.

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

**APPROVED** by the Mayor this 10<sup>th</sup> day of June, 2019.

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

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<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	<u>12.</u>
MEETING DATE:	<u>06/10/2019</u>
FINAL ACTION:	<u>RESO 2019-28</u>

**CITY COUNCIL STAFF REPORT**

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *Gregory Robertson, Public Works Director  
Paul Downey, Administrative Services Director*

**SUBJECT TITLE:** *City Surface Water Management (SWM) Rate for FY 2019-20*

**ACTION REQUESTED:**

<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	X	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	X	<input type="checkbox"/>	Motion	<input type="checkbox"/>	<input type="checkbox"/>	Informational
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*X all that apply*

**ISSUE STATEMENT:** Starting in FY 2017-18, CWS began setting only the regional rate and each local jurisdiction had to set the full local rate that it needs to cover its SWM costs. The City needs to set its local SWM rate for FY 2019-20. Staff has attached a resolution setting the FY 2019-20 SWM rate for Council consideration.

**BACKGROUND:** The City started setting its local rate as July 1, 2017. For the current fiscal year, the CWS monthly rate is \$2.19 per Dwelling Equivalent Unit (DUE) and the City’s monthly local rate is \$7.52 per DUE. CWS is proposing a 5.5% increase in its monthly rate which would make that rate \$2.31 per DUE or a \$0.12 monthly increase.

The City is also proposing a 5.5% increase which would increase the City’s monthly fee to \$7.94 per DUE starting July 1, 2019, for a monthly increase of \$0.42 for a residential customer. Costs are increasing in the SWM Fund due to reallocation of labor costs for Public Works staff based on actual time spent working on SWM activities and maintenance projects in Forest Glen Park and on Hawthorne Street.

CWS has not yet approved its portion of the SWM rate and the SWM System Development Charge (SDC) that will be effective July 1, 2019. CWS is proposing to increase the SWM SDC from \$545.00 to \$560.00 per DUE. Staff will bring a resolution to the Council authorizing the City to bill those rates on behalf of CWS.

**FISCAL IMPACT:** These rate increases are built into the FY 2019-20 Budget which outlines the fiscal impact of those rate increases. The increase to CWS and City SWM rates will increase costs by \$0.54 per DUE per month for a residential customer.

**STAFF RECOMMENDATION:** Staff recommends the City Council approve the attached resolution adopting the City local rate for SWM services.

**ATTACHMENT(s):**  
Resolution

**RESOLUTION NO. 2019-28****RESOLUTION ESTABLISHING SURFACE WATER MANAGEMENT (SWM)  
RATE FOR THE CITY OF FOREST GROVE, EFFECTIVE JULY 1, 2019  
AND REPEALING RESOLUTION NO. 2018-52**

**WHEREAS**, Forest Grove Code Section 52.01 and as set forth in the Agreement with Clean Water Services, Page 5, Section 4.B., of the Agreement requires the City to collect rates and charges set by Clean Water Services; and

**WHEREAS**, on July 1, 2017, Clean Water Services began to set a regional rate only on the portion of services it provides with the City setting a local rate for the portion of SWM services the City provides; and

**WHEREAS**, the City set a City SWM rate of \$7.52 per Dwelling Equivalent Unit (DUE) effective July 1, 2018; and

**WHEREAS**, the City is proposing to keep the increase of the combination of regional and local fees to five-and-a-half percent total increase in SWM rates.

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

**Section 1:** The City of Forest Grove sets a monthly SWM rate of \$7.94 per DUE for servicing the local portion of the SWM system that the City is responsible to maintain. The revenue collected by this fee shall be retained by the City.

**Section 2:** The above rate shall become effective July 1, 2019.

**Section 3:** Resolution No. 2018-52 is repealed upon the effective implementation date of the foregoing rates.

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

**PRESENTED AND PASSED** this 10<sup>th</sup> day of June, 2019.

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

**APPROVED** by the Mayor this 10<sup>th</sup> day of June, 2019.

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

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<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>13.</u>
MEETING DATE:	<u>06/10/2019</u>
FINAL ACTION:	<u>RESO 2019-29</u>

**CITY COUNCIL STAFF REPORT**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *Gregory Robertson, Public Works Director  
Paul Downey, Administrative Services Director*

**SUBJECT TITLE:** *Accepting CWS Rates for FY 2019-20*

**ACTION REQUESTED:**

<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	X	Resolution	<input checked="" type="checkbox"/>	X	Motion	<input type="checkbox"/>	Informational
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*X all that apply*

**ISSUE STATEMENT:** Clean Water Services (CWS) sets rates and charges for services for sewer and surface water management (SWM) that it provides. The City collects those sewer and SWM rates and charges and remits the funds to CWS. The City Council adopts a resolution authorizing the City to collect those funds on behalf of CWS. Staff has prepared a resolution for Council consideration that authorizes the City to collect fees based on the rates to be established by the CWS Board of Directors.

**BACKGROUND:** CWS has not yet adopted its proposed fees and charges to be effective July 1, 2019. It is expected the rates will be adopted by CWS at the next CWS Board meeting in June. The resolution the Council is being asked today authorizes City staff to charge whatever rates are adopted by CWS so the actual rates are not needed in the resolution.

CWS is proposing a 3% increase to its regional sewer rate and increasing the Sewer SDC from \$5,650 to \$5,850 per Dwelling Unit Equivalent (DUE). CWS is proposing a 5.5% increase to SWM regional rate and to increase the SWM SDC from \$545.00 to \$560.00 per DUE.

**FISCAL IMPACT:** The City retains 20% of the Sewer SDC and 100% of the SWM SDC so the City will collect more revenue for each permit issued. The total fiscal impact will be dependent on the number of permits issued.

**STAFF RECOMMENDATION:** Staff recommends the City Council approve the attached resolution accepting CWS rates for sewer and surface water management services.

**ATTACHMENT(s):**  
Resolution

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**RESOLUTION NO. 2019-29**

**RESOLUTION ACCEPTING CLEAN WATER SERVICES  
SANITARY SEWER UTILITY RATES, SURFACE WATER MANAGEMENT RATES,  
SURFACE WATER MANAGEMENT SYSTEM DEVELOPMENT CHARGES AND  
SANITARY SEWER SYSTEM DEVELOPMENT CHARGES,  
EFFECTIVE JULY 1, 2019, AND REPEALING RESOLUTION NO. 2018-66**

**WHEREAS**, Forest Grove Code Section 52.01(A) and as set forth in the Agreement with Clean Water Services, Page 5, Section 4.B., of the Agreement requires the City to collect rates and charges set by Clean Water Services (CWS) and that the Council establish those rates annually by resolution; and

**WHEREAS**, Clean Water Services provides the City of Forest Grove sanitary sewer treatment and surface water management (SWM) billed on per dwelling unit; and

**WHEREAS**, Clean Water Services will set regional utility rates for its sewer and SWM utilities, effective July 1, 2019; and

**WHEREAS**, Clean Water Services is proposing increased sewer rates by 3.0% and WM rates by 5.5%, effective July 1, 2019; and

**WHEREAS**, the City has already set its local sewer and SWM rates, effective July 1, 2019; and

**WHEREAS**, Clean Water Services Board of Directors increased its SWM System Development Charges (SDC) by \$15, raising the fee from \$545 to \$560 per Equivalent Dwelling Unit (EDU), effective July 1, 2019; and

**WHEREAS**, Clean Water Services Board of Directors increased its Sanitary Sewer SDC by \$150, raising the fee from \$5,650 to \$5,800 per EDU, effective July 1, 2019; and

**WHEREAS**, the City of Forest Grove will retain 20 percent (20%) of the Sanitary Sewer SDC as set forth by Clean Water Services.

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

**Section 1:** The City Council authorizes the City to collect Sanitary Sewer and Surface Water Management rates and charges as set forth by Clean Water Services Board of Directors, effective July 1, 2019.

**Section 2:** The City Council authorizes the City to collect Sanitary Sewer and Surface Water Management System Development Charges as set forth by Clean Water Services Board of Directors, effective July 1, 2019.

**Section 3:** The City of Forest Grove shall retain 20 percent (20%) of the Sanitary Sewer Development Charges as set forth by Clean Water Services Board of Directors to be effective July 1, 2019.

**Section 4:** Resolution No. 2018-66 is repealed upon the effective implementation date of the foregoing rates.

**Section 5:** This resolution is effective immediately upon its enactment by the City Council.

**PRESENTED AND PASSED** this 10<sup>th</sup> day of June, 2019.

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

**APPROVED** by the Mayor this 10<sup>th</sup> day of June, 2019.

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



<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	14.
MEETING DATE:	06/10/2019
FINAL ACTION:	RESO 2019-30

**CITY COUNCIL STAFF MEMORANDUM**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**PROJECT TEAM:** *Tom Gamble, Parks Director; Colleen Winters, Library Director*

**MEETING DATE:** *June 10, 2019*

**SUBJECT TITLE:** *Public Arts Commission 2019-2021 Strategic Plan*

**ACTION REQUESTED:**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ordinance	Order	X	Resolution	X	Motion	Informational

*X all that apply*

---

**BACKGROUND:**

At the May 28<sup>th</sup> City Council meeting, PAC Commissioner Amy Tracewell with PAC Chair Dana Eytzem, presented Council with an overview of the process used to create as well as a brief overview of the plan.

The plan was approved by the Public Arts Commission at their December 13<sup>th</sup> meeting.

**STAFF RECOMMENDATION:** Staff recommends Council accept the Public Arts Commission Strategic Plan.

**ATTACHMENT(s):**

Resolution and Exhibit A, Forest Grove Public Arts Commission Strategic Plan 2019 - 2021

**RESOLUTION NO. 2019-30****RESOLUTION ACCEPTING THE CITY OF FOREST GROVE  
PUBLIC ARTS COMMISSION STRATEGIC PLAN 2019-2021**

**WHEREAS**, Resolution No. 2006-06 has provided for a Public Arts Commission (PAC) to enhance the cultural and aesthetic quality of life in Forest Grove by serving to preserve, promote, and develop public access to the arts; and

**WHEREAS**, at their 2018 annual goal setting retreat, the Public Arts Commission decided to create a strategic plan and adopt a process for developing the plan; and

**WHEREAS**, prior to starting the process, the PAC reviewed past documents including the 2007 SWOT analysis the 2012 Arts in the Grove survey; and the PAC mission statement; and

**WHEREAS**, the SPIN (Strategic Planning in Nonprofits) process was selected for strategic planning at the June, 2018 meeting; and

**WHEREAS**, the PAC reviewed and formally adopted the proposed Strategic Plan 2019-2021 at its December 13, 2018, meeting.

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

**Section 1.** That the City Council hereby accepts and adopts the Forest Grove Public Arts Commission Strategic Plan 201-2021(Exhibit A).

**Section 2.** This resolution is effective immediately upon its enactment by the City Council.

**PRESENTED AND PASSED** this 10<sup>th</sup> day of June, 2019.

---

Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 10<sup>th</sup> day of June, 2019.

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Peter B. Truax, Mayor

Art belongs everywhere  
and to everyone.



Forest Grove Public Arts Commission

Strategic Plan 2019—2021

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Public Art at Library by Adelante Chicas Youth



Tres Novem By Ben Dye, Acquisition 2016

# Current Members of Forest Grove Public Arts Commission

## Chair

Dana Eytzen  
Photographer  
Community Member Since 1984

Amy Callahan Tracewell  
Pacific University, Advancement  
Community Member Since 2016

## Vice Chair

Pat Truax  
Teacher  
Community Member Since 1969

Colleen Winters, Staff Liaison  
Forest Grove City Library Director

Tom Gamble, Staff Liaison  
Parks and Recreation Director

## Secretary

Emily Lux  
Beaverton School District, Artist and  
Art Educator  
Community Member Since 2008

Thomas Johnston, Council Liaison

Kathy Broom  
Substitute teacher for FGSD  
Community Member Since 1977



Booth at Farmer's Market, downtown Forest Grove

Laura Frye  
Music Educator  
Community Member Since 1964

Michael Goetzke  
World Wide Technology, Sales  
Community Member Since 2016

Kathleen Leatham  
Senior Development Resources,  
Owner  
Community Member Since 2000



Fused Glass by Bill Zuelke, Meet the Artist Dinner

Linda Taylor  
All Together Now, Director  
Cohousing Developer  
Community Member Since 1996

## About the Process

We adopted a methodology called Strategic Planning in Nonprofits (SPiN) developed by Washington Nonprofits and supported by the Satterberg Foundation. This process involves three phases: Organize (prepare and listen), Imagine (envision and plan), and Launch (execute and evaluate).

We used stakeholder feedback from 2014 to inform our listen phase under organize. We held one workshop session in our regular meeting in order to work through our SWOT analysis using the feedback we had received. We then we launched into three work sessions at various members' houses. We followed the SPiN methodology, utilizing the work sheets provided and available online. We then took a draft to the commission for review, made the revisions and formally adopted this plan in 2018.



Guests create their own fused glass masterpiece, Meet the Artist Dinner



Susan Curington, Meet the Artist Dinner

# SWOT Analysis

	Positive	Negative
Internal	<p><b>Strengths</b></p> <ul style="list-style-type: none"> <li>Many Ideas</li> <li>Commitment/Loyalty</li> <li>Knowledge/History</li> <li>Invested group of volunteers, some for many years</li> <li>Strong link to city staff</li> <li>Mini grants are a great community resource</li> </ul>	<p><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>Not enough money</li> <li>Lack of public awareness</li> <li>Lack of follow through</li> <li>No articulated vision</li> <li>Need more do-ers</li> <li>Lack of social media presence</li> <li>Poor communication and demonstrated collaboration with other groups</li> <li>No way to assess ideas and to implement</li> <li>Lack of committee diversity</li> </ul>
	Positive	Positive
External	<p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>Proximity to Pacific</li> <li>Lots of talent in Forest Grove</li> <li>Potential to partner with Valley Art</li> <li>Chalk art festival has regional appeal</li> <li>Further strategic engagement at farmer's market</li> <li>Lots of open store fronts</li> <li>Wineries in the area are abundant</li> <li>A lot of collaboration partners exist</li> <li>Connections possible regionally</li> <li>Completion of Foundation development</li> </ul>	<p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>Lack of external funding/internal</li> <li>Lack of attendance at events</li> <li>Not enough venues</li> <li>Weak link to school district</li> <li>A lot of fundraisers and competition for funds</li> <li>No mechanism to secure grant funding</li> <li>No public arts master plan</li> <li>Limited understanding of best practices</li> <li>Stronger connection to cultural diversity needed</li> </ul>

## Mission and Values

The Forest Grove Public Arts Commission believes that art in all its forms is a powerful force for good in our community. As a resident or visitor, music, theater, dance, literary arts, fine arts and crafts can enhance and enliven your connection to Forest Grove and its people.

We recognize that age, income, language and culture can present barriers to participation in art. Thus, we proactively work to reduce barriers, celebrate diversity and inclusion, and provide free access to art for all people.

We believe that collaboration is essential to becoming a vibrant, artistic, creative community. We actively seek to collaborate with other artists and organizations to further our mission.

**Our mission is simple:**

**Art belongs everywhere and to everyone.**

We hope to achieve this mission through focusing on the following strategic priorities over the next three years:

1. Host and support signature events
2. Identify local artists and promote their work
3. Ensure a healthy organization



Bilingual Music Performance by Mona & Ryc

# Strategic Priority 1

## Host and support signature events.

Celebrating and connecting artists and potential patrons in the community in an effort to increase artists' visibility and also raise money and awareness of the Public Arts Commission.

<b>Objective</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<p><b>Pop-up Shows</b> Develop and implement a plan to produce pop-up art shows. These shows will celebrate a diversity of artists and mediums and increase public awareness of the variety and breadth of art in our community.</p>	Develop plan	Implement	Implement
<p><b>Art Bizarre</b> Continue to hold an art show which features vendors selling their art.</p>	1 per year	1 per year	1 per year
<p><b>Mural Festival</b> Develop and implement a plan to produce a mural festival which would feature murals being created concurrently, with multiple locations and artists.</p>	Develop plan	Secure partners	Implement
<p><b>Outdoor Rotating Gallery</b> Develop and implement a plan to construct several locations that will feature rotating displays of local art.</p>	Develop plan	Secure partners	Implement



## Strategic Priority 2

### Identify local artists and promote their work.

Work to identify and cultivate the work of local artists and celebrate art within our community.

Objective	YR 1	YR2	YR3
<p><b>Featured Artist</b> Develop and plan and implement a mechanism to promote a local artist through a variety of channels.</p>	Develop plan	4 per year	6 per year
<p><b>Sponsor Artistic Performances/shows</b> Develop and implement a plan to sponsor local art shows or events.</p>	Develop plan	1 per year	1 per year
<p><b>Professional Development</b> Develop and implement a plan to support artists in their professional development.</p>	Develop plan	Implement	Implement
<p><b>Mini-Grants</b> Continue to support local art groups and their projects.</p>	Min. 5 per year	Min. 5 per year	Min. 5 per year



# Strategic Priority 2 Continued

<b>Objective</b>	<b>YR 1</b>	<b>YR2</b>	<b>YR3</b>
<p><b>Increase Social Media Presence</b> Promote throughout the year in order to increase visibility, awareness and attendance.</p>	<p>Promote 4 items</p>	<p>Promote 4 items</p>	<p>Promote 4 items</p>
<p><b>Advertising Campaign</b> Develop and implement a plan to advertise local art within the community using our mission.</p>	<p>Develop plan</p>	<p>Implement</p>	<p>Implement</p>
<p><b>Art Walk</b> Continue to host and promote art walks.</p>	<p>Promote 4x</p>	<p>Promote 4x</p>	<p>Promote 4x</p>





# Strategic Priority 3

## Ensure a healthy organization.

Work to ensure the Public Arts Commission has the money and human resources necessary to accomplish its goals, to be viable, and to grow according to our strategic plan.

Objective	YR 1	YR2	YR3
<p><b>Foundation Development</b> Apply for foundation status and maintain a good working relationship in order to support more art projects.</p>	Apply	Support	Ongoing support
<p><b>Apply for Grants</b> Secure at least two grants per year including CEP funding.</p>	2 grants	2 grants	2 grants
<p><b>Secure City Funding and Support</b> Develop and implement a plan to secure additional funding streams in partnership with the city.</p>	Develop plan	Engage Stakeholders	Implement
<p><b>Volunteer Management</b> Develop and implement a plan to create a sustainable volunteer base.</p>	Develop plan	Implement	Implement



# Strategic Priority 3 Continued

## Ensure a healthy organization.

Work to ensure the Public Arts Commission has the money and human resources necessary to accomplish its goals, to be viable, and to grow according to our strategic plan.

<b>Objective</b>	<b>YR 1</b>	<b>YR2</b>	<b>YR3</b>
<b>Complete Annual Budget</b> Develop and use an annual budget.	Develop & Deploy	Develop & Deploy	Develop & Deploy
<b>Meet the Artist Events</b> Continue to organize these events.	Min. 1 per year	Min. 1 per year	Min. 1 per year
<b>Manage and Promote City Collection</b> Manage and promote the city's art collection.	Inventory	Inventory, promote	Inventory, promote
<b>Art Acquisition</b> Develop and implement a plan to acquire new public art.	Develop plan	Raise funds, implement	New Art Installed
<b>Update Literature and Collateral</b> Update all literature.	As needed	As needed	As needed



# Summary

It is our hope that by presenting our three-year strategic plan, the Forest Grove Public Arts Commission can mobilize, galvanize, and act as a catalyst for access to art in the Forest Grove and surrounding communities. We believe that exposure to and understanding the arts is key to developing qualities of responsible citizenship.

This plan belongs to all of us and we are grateful for the many citizens who helped by attending events and sharing their wisdom.

For, truly, Art Belongs Everywhere and to Everyone.



Strategic Priority Area										
Signature Events										
Celebrating and connecting artists and potential patrons in the community in an effort to increase artists' visibility and also raise money for PAC.										
Objective	YR 1	YR 2	YR 3	PAC Point Person	Ways to Measure					
Pop up shows	Develop a plan	Implement plan	Implement plan	Emily, Kathleen	Plan developed, satisfaction of participants, # of artists engaged, # of attendees, diversity of shows, diversity of attendees					
Art Bizarre	1 per year	1 per year	1 per year	Amy	# of artists, satisfaction of participants, # of attendees, diversity of artists, diversity of attendees					
Mural Festival	Develop a plan	Secure partners	Implement plan	Kathleen, Dana, Emily, Linda	Plan developed, # of partners, # of artists, # of volunteers, diversity of artists and locations					
Outdoor Rotating Gallery	Develop a plan	Secure partners	Implement plan	Pat, Amy, Kathleen, Dana	diversity of artists and community members, satisfaction of artists					

Strategic Priority Area								
Identify Local Artists and Promote Work								
Identify and cultivate the work of local artists and celebrate art within our community.								
Objective	YR 1	YR 2	YR 3	PAC Point Person	Ways to Measure			
Artist of the Month feature	Develop a plan	4x per year	6x per year	Emily, Laura	# of artists, diversity of audience reached			
Sponsorship of artistic performances	Develop a plan	1x year	1x year	Laura	# of events sponsored, attendance at events, amount of sponsorship dollars given away			
Professional Development Opportunities	Develop a plan	Implement plan	Implement plan	Dana, Kathleen	# of artists receiving support, amount given away, diversity of artists			
Mini-Grants	Minimum 5 per year	Minimum 5 per year	Minimum 5 per year	Linda, Kathy	amount given out, # of grants, diversity of artists, diversity of applications			
Increase social media presence	Promote 4 items per year	Promote 4 items per year	Promote 4 items per year	Michael	# of events, views, likes, shares			
Advertising Campaign	Develop a plan	Implement plan	Implement plan	Amy, Michael, Dana	Money spent, engagement and statistics, # of volunteers			
Art Walk	Promote 4x per year	Promote 4x per year	Promote 4x per year	Linda	diversity of participants, # of walks, # of attendees, # of volunteer hours			

Strategic Priority Area					
Organizational Health & ongoing business					
Work to ensure the PAC has the money to accomplish its goals and to be viable and to grow according to strategic plan.					
Objective	YR 1	YR 2	YR 3	PAC Point Person	Ways to Measure
Foundation development	Apply	Support	Ongoing support	Kathleen, Pat	Successful, funded projects
Apply for Grants	1 grant	1 grant	1 grant	Amy	Amount raised, # of grants, # of applications
Secure city funding	Apply for CEP funds, develop a plan	Apply for CEP funds, engage stakeholders	Apply for CEP funds, implement plan	Amy, Kathleen	Source of funds, amount raised
Volunteer management	Develop plan	Implement plan	Implement plan	Laura	# of volunteers, # of volunteer hours, diversity of volunteers
Complete Annual Budget	Develop and deploy	Update and deploy	Update and deploy	Amy	Revenue gain or loss
Meet the Artist Events	Minimum 1 per year	Minimum 1 per year	Minimum 1 per year	Linda, Kathleen, Dana	# per year, amount raised for PAC, # in attendance, diversity of art forms, diversity of attendees, diversity of artists, artist satisfaction
Manage and Promote city collection	Inventory	Inventory and promote	highlight artists		
Acquisition of Art	Develop a plan	Raise funds and implement	New art installed	Kathy, Kathleen, Dana	Plan developed, amount raised, diversity of applicants
Update Literature and coloring book	Update and print as needed	Update and print as needed	Update and print as needed	Dana	Cost, amount distributed

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<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	15.
MEETING DATE:	06/10/2019
FINAL ACTION:	RESO 2019-31

**CITY COUNCIL STAFF REPORT**

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *Michael Kinkade, Fire Chief*

**SUBJECT TITLE:** *Intergovernmental Agreement for Regional American Fire Grant (AFG)*

**ACTION REQUESTED:**  Ordinance  Order  Resolution  Motion  Informational  
*X all that apply*

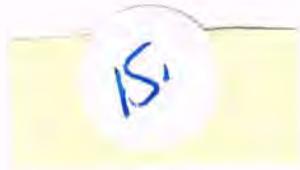
**ISSUE STATEMENT:** In October 2018 the City of Forest Grove, City of Cornelius, Gaston Forest Grove Rural Fire Protection District Protection District, City of Hillsboro, Banks Fire District, and Tualatin Valley Fire and Rescue submitted a regional grant to replace their self-contained breathing apparatus (SCBA). The City of Forest Grove is hosting this regional grant. The Federal government requires that an agreement be in place between the regional partners. This IGA meets this requirement.

**BACKGROUND:** All Washington County fire department SCBA’s must be replaced within the next 2-3 years, as their compressed air cylinders will reach the end of their usable life (Federal law). The Washington County Fire Defense Board Chiefs have partnered to research and evaluate a replacement model and established a regional task force to accomplish this and increase interoperability. The Chief’s received permission to apply for a regional grant to help fund this replacement model. A regional grant for \$2,999,000 was submitted to replace 427 SCBA packs and 318 masks. The plan allows for multiple attempts at grant application. All parties are in need of standardized, interoperable SCBA equipment that will protect regional firefighters against the effect of toxic environments and CBRN exposure, and meet current NFPA 1981 SCBA and NFPA 1982 PASS standards. This IGA would allow Grantee and Subrecipients to enter into an agreement to cooperate in receiving, distributing, and coordinating the Grant funds to purchase such equipment.

**FISCAL IMPACT:** If successful the grant will save the jurisdictions \$2,726,000. Forest Grove would replace approximately 45 packs, 105 bottles and 72 masks. Each pack costs approximately \$6800 each and each mask is \$300 each. Forest Grove would save approximately \$288,000 with a \$32,670 matching cost (10%, which would be split 50% with the Forest Grove Rural Fire Protection District).

**STAFF RECOMMENDATION:** Staff recommends the City Council approve the intergovernmental agreement for the Regional American Fire Grant.

**ATTACHMENT(s):**  
Resolution and Exhibit A, Intergovernmental Agreement for SCBA Grant Funds



**RESOLUTION NO. 2019-31**

**RESOLUTION AUTHORIZING TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF FOREST GROVE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, BY AND THROUGH ITS FIRE DEPARTMENT (“GRANTEE”), AND THE FOLLOWING: THE CITY OF HILLSBORO, BY AND THROUGH ITS FIRE DEPARTMENT; THE CITY OF CORNELIUS, BY AND THROUGH ITS FIRE DEPARTMENT; TUALATIN VALLEY FIRE AND RESCUE; BANKS FIRE DISTRICT NO. 13; CORNELIUS RURAL FIRE PROTECTION DISTRICT; FOREST GROVE RURAL FIRE PROTECTION DISTRICT; GASTON RURAL FIRE PROTECTION DISTRICT**

**WHEREAS**, Grantee, acting on behalf of themselves and Subrecipients, has applied for an Assistance to Firefighters Grant from the U.S. Department of Homeland Security (“Grant”); and

**WHEREAS**, all Parties are in need of standardized, interoperable SCBA equipment that will protect regional firefighters against the effect of toxic environments and CBRN exposure, and meet current NFPA 1981 SCBA and NFPA 1982 PASS standards (“Equipment”); and

**WHEREAS**, under authority of ORS Chapter 190, Grantee and Subrecipients are authorized to enter into an agreement to cooperate in receiving, distributing, and coordinating the Grant funds to purchase such equipment.

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

**Section 1.** The City Council hereby approves the Intergovernmental Agreement (Exhibit A) between City of Forest Grove, a Municipal Corporation of the State of Oregon, By and Through Its Fire Department (“Grantee”), and the following: The City of Hillsboro, By and Through Its Fire Department; The City of Cornelius, By and Through Its Fire Department; Tualatin Valley Fire and Rescue; Banks Fire District No. 13; Cornelius Rural Fire Protection District; Forest Grove Rural Fire Protection District; Gaston Rural Fire Protection District.

**Section 2.** The City Manager or designee is authorized to execute the IGA on behalf of the City.

**Section 3.** This resolution is effective immediately upon its enactment by the City Council.

**PRESENTED AND PASSED** this 10<sup>th</sup> day of June, 2019.

---

Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 10<sup>th</sup> day of June, 2019.

---

Peter B. Truax, Mayor

## INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into, by and between the City of Forest Grove, a municipal corporation of the State of Oregon, by and through its Fire Department (“Grantee”), and the following: the City of Hillsboro, by and through its Fire Department; the City of Cornelius, by and through its Fire Department; Tualatin Valley Fire and Rescue; Banks Fire District No. 13; Cornelius Rural Fire Protection District; Forest Grove Rural Fire Protection District; Gaston Rural Fire Protection District (collectively, “Subrecipients”).

### RECITALS

**Whereas**, Grantee, acting on behalf of themselves and Subrecipients, has applied for an Assistance to Firefighters Grant from the U.S. Department of Homeland Security (“Grant”), and

**Whereas**, all Parties are in need of standardized, interoperable SCBA equipment that will protect regional firefighters against the effect of toxic environments and CBRN exposure, and meet current NFPA 1981 SCBA and NFPA 1982 PASS standards (“Equipment”), and

**Whereas**, under authority of ORS Chapter 190, Grantee and Subrecipients are authorized to enter into an agreement to cooperate in receiving, distributing, and coordinating the Grant funds to purchase such equipment,

The Parties agree as follows:

### TERMS AND CONDITIONS

#### 1 Start and End dates.

The **effective date** of this Agreement is: the last date signed by the parties below. This Agreement shall continue until April 1, 2020. Agreement may be terminated earlier or term may be extended, as provided in this Agreement.

#### 2 Agreement documents.

This Agreement consists of these Terms and Conditions and the documents (“Exhibits”) listed below in descending order of precedence. A conflict in these documents shall be resolved in the priority listed below with these Terms and Conditions taking precedence. The Exhibits to this contract are:

- Exhibit A: Grant Application
- Exhibit B: Matching Funds
- Exhibit C: Match Payment Schedule

### **3 Responsibilities of the Parties.**

#### **3.1 Grantee Responsibilities.**

- 3.1.1 Grantee shall coordinate with Subrecipients all specifications for Grantee's and Subrecipients' Equipment, including, but not limited to, price, quantity, manufacturer, and features. In coordinating with Subrecipients, Grantee shall apportion the Grant monies among Grantee and each Subrecipient proportionally based upon the specifications supplied to Grantee. Grantee shall negotiate in good faith the apportionment of the Grant monies among the Grantee and Subrecipients in relation to the specifications provided by each Subrecipient and the Grantee.
- 3.1.2 Upon receipt of the Grant monies, Grantee shall procure all specified Equipment for Grantee and Subrecipients, in accordance with Grant procurement requirements, as outlined above. Grantee agrees that it will provide all Matching Funds to procure the equipment required by the Grant, as outlined in Exhibit B.
- 3.1.3 Grantee shall distribute to each Subrecipient all Equipment upon receipt of the equipment from the manufacturer, as outlined in each Subrecipient's specification. In the event the delivered Equipment does not conform to the specifications submitted to Grantee by Subrecipients, Grantee shall negotiate in good faith with Subrecipient remedial actions to make such equipment conforming, or the replacement of the nonconforming equipment with conforming Equipment.
- 3.1.4 Grantee shall provide to each Subrecipient copies of each invoice and a report of each Subrecipient's apportion due on each invoice. Grantee will receive reimbursement for the Equipment from Subrecipients as outlined in Exhibit C.
- 3.1.5 Grantee shall comply with all conditions and certifications required by the Grant on behalf of Grantee and Subrecipients. Grantee shall prepare and file all reports, accounting, and any other documentation required by the Grant on behalf of Grantee and Subrecipients. In fulfilling the conditions, certifications, reporting, or any other documentation required by the Grant, Grantee shall coordinate with Subrecipients the submission to Grantee by the Subrecipients any and all requirements of the Subrecipients that the Grant requires.

#### **3.2 Subrecipients' Responsibilities.**

- 3.2.1 Subrecipients shall coordinate with and submit to Grantee specifications for all Equipment Subrecipient requests, including, but not limited to, price, quantity, manufacturer, and features. In coordinating Equipment requests with Grantee, Subrecipients shall negotiate in good faith the apportionment of the Grant monies among the Grantee and Subrecipients in relation to the specifications provided by each Subrecipient and the Grantee.
- 3.2.2 Subrecipients shall receive all Equipment procured by Grantee and delivered to Subrecipients. In the event the delivered Equipment does not conform to the specifications submitted to Grantee by Subrecipients, Subrecipients shall negotiate in good faith with Grantee remedial actions to make such equipment conforming, or the replacement of the nonconforming equipment with conforming Equipment.
- 3.2.3 Upon receipt of the invoice and report of apportionment, Subrecipient shall submit to Grantee their Matching Funds as outlined in the Match Payment Schedule in Exhibit C.

3.2.4 Subrecipients shall coordinate with Grantee any and all conditions, certifications, reporting, or any other documentation required by the Grant.

**4 Compliance with applicable laws.**

Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap. In addition, each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.

**5 Recitals.**

The recitals above are incorporated herein as if fully set forth.

**6 Independent Contractor.**

Each party is an independent contractor with regard to each other party and agrees that the performing party has no control over the work or the manner in which it is performed. No party is an agent or employee of any other. Nothing herein is intended, nor shall it be construed, to create between the parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each party hereby specifically disclaims any such relationship.

**7 Disputes**

If any party believes that a specification, invoice, report, or any other documentations contains an error, then such party shall, within thirty (30) calendar days of receipt of such specification, invoice, report, or documentation, notify the issuing party of such specification, invoice, report, or documentation in writing that it disputes all or any contents of such specification, invoice, report, or documentation. Any contents as such not timely disputed in accordance with the preceding sentence shall be deemed to be undisputed and shall be considered accepted by all parties. With respect to any contents that are timely disputed, both parties will use reasonable efforts in good faith to resolve the dispute within thirty (30) calendar days of the issuing party's receipt of the notice. If any content remains disputed in good faith after such 30-day period, either party may escalate the disputed items to the parties' respective executive-level management to attempt to resolve the dispute. The parties agree that at least one of each of their respective executives-level representatives will meet (which may be by telephone or other similarly effective means of remote communication) within 10 calendar days of any such escalation to attempt to resolve the dispute. If the parties are unable to resolve the dispute in accordance herewith, either party thereafter may file an action, suit, or claim pursuant to this Agreement in order to seek resolution of the dispute.

## **8 Termination.**

### **8.1 Termination for convenience.**

Subject to any limitations in Exhibits B and C regarding repayment of funds, and subject to the resolution of disputes that this Agreement contemplates, this Agreement may be terminated, with or without cause and at any time, by a party by providing 30 days' written notice of intent to the other party.

### **8.2 Termination for cause.**

Either party may terminate this Agreement, in whole or in part, immediately upon notice, or at such later date as may be established in such a notice, to the other party upon the occurrence of the following events: One party commits any material breach or default of any covenant, warranty, obligation, certification or agreement under this Agreement, fails to perform the work or services under this Agreement within the time specified herein or any extension thereof, or so fails to pursue the work or services as to endanger the performance under this Agreement in accordance with its terms.

## **9 Changes.**

Modifications to this Agreement are valid only if made in writing and signed by all parties.

## **10 Indemnification.**

Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including their officers, agents, and employees, against all claims, demands, penalties, actions and suits (including the cost of defense thereof and all attorney fees and costs, through all appeals) arising from the indemnitee's performance of this Agreement where the loss or claim is attributable to the acts or omissions of that party or its officers, employees or agents.

## **11 Action, suits or claims.**

Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in claims or litigation in any way related to this Agreement.

## **12 Insurance.**

Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.269 to 30.274.

## **13 No Third Party Beneficiaries.**

Except as set forth herein, this Agreement is between the parties and creates no third-party beneficiaries. Nothing in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect or otherwise to third parties unless such third parties are expressly described as intended to be beneficiaries of its terms.

**14 Remedies, non-waiver.**

The remedies provided under this Agreement shall not be exclusive. The parties shall also be entitled to any other equitable and legal remedies that are available. No waiver, consent, modification or change of terms of this Agreement shall bind the parties unless in writing and signed by all parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of a party to enforce any provision of this Agreement shall not constitute a waiver by a party of that or any other provision.

**15 Oregon law, Dispute Resolution and Forum.**

This Agreement shall be construed according to the laws of the State of Oregon. The parties shall negotiate in good faith to resolve any dispute arising out of this Agreement. If the parties are unable to resolve any dispute within fourteen (14) calendar days, the parties are free to pursue any legal remedies that may be available. Any litigation between the parties arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Washington County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon located in Portland, Oregon.

**16 Assignment.**

No party shall assign its rights or obligations under this Agreement, in whole or in part, without the prior written approval of the other party or parties.

**17 Severability/Survival of terms.**

If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken. All provisions concerning indemnity survive the termination of this Agreement for any cause.

**18 Force Majeure.**

In addition to the specific provisions of this Agreement, performance by any Party shall not be in default where delay or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within the reasonable control to the Party to be excused.

**19 Interpretation of Agreement.**

This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision. The Section headings contained in this Agreement are for ease of reference only and shall not be used in construing or interpreting this Agreement.

**20 Integration.**

This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject.

**21 Other Necessary Acts.**

The Parties shall execute and deliver to each other any and all further instruments and documents as may be reasonably necessary to carry out this Agreement.

**22 Notice.**

Except as otherwise expressly provided in this Agreement, any notices to be given hereunder shall be given in writing by personal delivery, facsimile, electronic mail or mailing (postage prepaid), to City or the Agency at the address or number set forth below.

Grantee:	City of Forest Grove
Contact Name:	Michael Kinkade
Title:	Fire Chief
Department:	Fire
Contact Phone:	503-992-3275
Contact Address:	1919 Ash Street, Forest Grove Oregon 97116
Contact Email:	mkinkade@forestgrove-or.gov
Subrecipient 1:	City of Hillsboro
Contact Name:	
Title:	
Department	Fire
Contact Phone:	
Contact Address:	
Contact Email:	
Subrecipient 2:	City of Cornelius
Contact:	<i>Same as Grantee</i>
Subrecipient 3:	Tualatin Valley Fire and Rescue
Contact Name:	Deric Weiss
Title:	Fire Chief
Contact Phone:	503-649-8577
Contact Address:	11945 SW 70 <sup>th</sup> Ave, Tigard, OR 97223
Contact Email:	Deric.weiss@tvfr.com
Subrecipient 4:	Banks Fire District No. 13
Contact Name:	
Title:	
Contact Phone:	
Contact Address:	
Contact Email:	
Subrecipient 5:	Cornelius Rural Fire Protection District
Contact:	<i>Same as Grantee</i>
Subrecipient 6:	Forest Grove Rural Fire Protection District

Contact:	<i>Same as Grantee</i>
Subrecipient 7:	Gaston Rural Fire Protection District
Contact:	<i>Same as Grantee</i>

**23 Counterparts.**

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

All of the aforementioned is hereby agreed upon by the parties and executed by the duly authorized representatives of the parties signing on the next page.

**SIGNATURE PAGES TO FOLLOW**

**SIGNATURE PAGE 1**

The Grantee and the Subrecipients hereby agree to all provisions of this Agreement:

FOR THE CITY OF FOREST GROVE:

FOR THE CITY OF HILLSBORO:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (Printed)*

\_\_\_\_\_  
*Name (Printed)*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

FOR THE CITY OF CORNELIUS:

FOR TUALATIN VALLEY FIRE AND  
RESCUE:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (Printed)*

\_\_\_\_\_  
*Name (Printed)*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

**ADDITIONAL SIGNATURE PAGE TO FOLLOW**

**SIGNATURE PAGE 2**

FOR BANKS FIRE DISTRICT NO. 13:

FOR CORNELIUS RURAL FIRE  
PROTECTION DISTRICT:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (Printed)*

\_\_\_\_\_  
*Name (Printed)*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

FOR FOREST GROVE RURAL FIRE  
PROTECTION DISTRICT:

FOR GASTON RURAL FIRE PROTECTION  
DISTRICT:

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (Printed)*

\_\_\_\_\_  
*Name (Printed)*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

**Exhibit A – Grant Application**

### **Exhibit B – Matching Funds**

The Grant stipulates that the Grantee is responsible for 10% of the Award amount. Each Subrecipient shall pay to the Grantee 10% of the amount of the Equipment purchased by the Grantee on behalf of the Subrecipient. The exact amount will be determined based upon specifications submitted by each party, equipment bids, and final Grant amounts. The estimated costs per unit of the requested personal protective equipment is delineated in the Request Details of Exhibit A. E.

### Exhibit C – Match Payment Schedule

The Grantee shall be paid the required match portion from each Subrecipient upon the submission of proper instruments as outlined below, the prices stipulated in the Grant match requirement, less deductions, if any, as provided. (Exhibit B)

1. This contractual agreement concerning payments is conditional on the City of Forest Grove receiving the Grant Award.
2. No claims will be considered for payment until the Equipment is delivered with the exception of Solicitations or Purchase Orders that designate otherwise.
3. Upon the delivery of the Equipment specified, partial payment of **Ninety (90)** percent of the required match will be made within 45 days following receipt of any claims supported by an invoice and a duplicate. The remainder amount of **Ten (10)** percent shall be paid within 60 days of when all of the equipment is received, inspected, and found to comply with the procurement specifications – free from damage and properly invoiced and reported.
4. For a period of 12 months after payment of any claim, the Parties reserve the right, under this contract, to recover any damages due the Parties.

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<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	16.
MEETING DATE:	06/10/2019
FINAL ACTION:	RESO 2019-32

**CITY COUNCIL STAFF REPORT**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *Michael Kinkade, Fire Chief*

**SUBJECT TITLE:** *Intergovernmental Agreement for Shared Logistics Technician*

**ACTION REQUESTED:**  Ordinance  Order  Resolution  Motion  Informational

*X all that apply*

**ISSUE STATEMENT:** Currently the City of Forest Grove employees a part-time 0.5 FTE logistics technician for logistical support of the fire department. The City of Cornelius employ’s the same person .45 FTE for logistical support of the fire department. The Gaston Rural Fire Protection District does not contribute any financial support in the current model. The proposed intergovernmental agreement would make this employee a 1.0 FTE for Forest Grove with the cost shared by the three agencies.

**BACKGROUND:** The current model has existed for over 10 years. The proposed model would simplify management, enhance the service provided, and result in a more equitable shared funding model among all three agencies. The cost formula has been proposed to all three agency’s and is part of each agency’s proposed FY 2019/2020 budget. The cost formula was discussed with the Forest Grove Budget Committee and they recommended approval.

**FISCAL IMPACT:** Under the proposed model Forest Grove will contribute 55% of the total compensation, Cornelius will contribute 35% and Gaston Rural Fire would contribute 10%.

**STAFF RECOMMENDATION:** Staff recommends the City Council approve the intergovernmental agreement for the provision of shared logistics technician services.

**ATTACHMENT(s):**  
 Resolution and Exhibit A, Intergovernmental Agreement Between The City of Forest Grove, The City of Cornelius, and the Gaston Rural Fire Protection District for the Provision of Shared Logistics Technician Services, City of Forest Grove Job Description

**RESOLUTION NO. 2019-32**

**RESOLUTION AUTHORIZING TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE, THE CITY OF CORNELIUS, AND THE GASTON RURAL FIRE PROTECTION DISTRICT FOR THE PROVISION OF SHARED LOGISTICS TECHNICIAN SERVICES**

**WHEREAS**, The Intergovernmental Agreement is made and entered into by the City of Forest Grove (hereinafter "Forest Grove"), City of Cornelius (hereinafter "Cornelius") and the Gaston Rural Fire Protection District (hereinafter "District"); and

**WHEREAS**, all parties wish to enter an Intergovernmental Agreement for shared logistics technician services; and

**WHEREAS**, the parties have authority to enter into this Intergovernmental Agreement pursuant to the powers contained in their respective Charters and ORS 190.010; and

**WHEREAS**, the parties believe that having a common individual perform logistics technician services in their respective entities will enhance the service they are able to provide to the citizens each entity serves.

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

**Section 1.** The City Council hereby approves the Intergovernmental Agreement (Exhibit A) between the City of Forest Grove, the City of Cornelius, and the Gaston Rural Fire Protection District for the Provision of Shared Logistics Technician Services.

**Section 2.** The City Manager or designee is authorized to execute the IGA on behalf of the City.

**Section 3.** This resolution is effective immediately upon its enactment by the City Council.

**PRESENTED AND PASSED** this 10<sup>th</sup> day of June, 2019.

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

**APPROVED** by the Mayor this 10<sup>th</sup> day of June, 2019.

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

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF FOREST GROVE, THE CITY OF CORNELIUS, AND THE  
GASTON RURAL FIRE PROTECTION DISTRICT  
FOR THE PROVISION OF SHARED LOGISTICS TECHNICIAN  
SERVICES**

This Agreement is made and entered into by the City of Forest Grove (hereinafter “Forest Grove”), City of Cornelius (hereinafter “Cornelius”) and the Gaston Rural Fire Protection District (hereinafter “District”).

**RECITALS**

- A. All parties wish to enter an intergovernmental agreement for shared logistics technician services.
  
- C. The parties have authority to enter into this intergovernmental agreement pursuant to the powers contained in their respective Charters and ORS 190.010.
  
- D. The parties believe that having a common individual perform logistics technician services in their respective entities will enhance the service they are able to provide to the citizens each entity serves.

**AGREEMENT**

In consideration of the mutual promises contained herein both parties agree to the following terms and conditions.

- 1. **RECITALS.** The recitals above are incorporated by reference herein.
  
- 2. **COOPERATION AND SERVICES TO BE SHARED.** All parties agree to share the services of one individual who is employed as a logistics technician (Position). The logistics technician shall perform all duties and functions of the Position as set forth in the attached Exhibit A.
  
- 3. **PARTY OBLIGATIONS**
  - a. **Forest Grove Obligations**
    - i. The Position will be an employee of Forest Grove and as such the Position will be hired, managed, and, if necessary, terminated by Forest Grove at Forest Grove’s discretion.
    - ii. Forest Grove may unilaterally implement compensation adjustments for the Position.

- iii. Forest Grove will be responsible for all taxes, assessments, fees, premiums, wage withholdings, and other direct and indirect compensation, benefits, workers compensation insurance coverage, and related obligations with respect to the Position.
- iv. The Position will be subject to Forest Grove rules and regulations and will be supervised by the Forest Grove Fire Chief or the Fire Chief's designee.
- v. Forest Grove will provide an office for the Position to work out of while performing services.
- vi. Forest Grove will contribute 55% of the total compensation for the Position.
- vii. Forest Grove will schedule the Position and ensure it is responsive to each party's needs.

**b. Cornelius Obligations**

- i. Cornelius will contribute 35% of the total compensation for the Position and agrees to make payments consistent with Section 4 below.

**c. District Obligations**

- i. District will contribute 10% of the total compensation for the Position and agrees to make payments consistent with Section 4 below.

**4. PAYMENT FOR SERVICES.** Cornelius and District agree to pay Forest Grove the amounts due under Section 3 above on a calendar quarterly basis. Forest Grove will invoice Cornelius and the District within 30 days of the end of each quarter and Cornelius and the District will pay the invoice within 30 days of receipt.

**5. PERFORMANCE MANAGEMENT**

All parties agree to bring any performance issues with the Position to the attention of the Forest Grove Fire Chief in writing to ensure that the Position is performing as a satisfactory level for all parties.

**6. NO EMPLOYEE TRANSFER.** No employees will be formally transferred under this Agreement as that term is defined under ORS 236.605.

**7. EFFECTIVE DATE AND TERM OF AGREEMENT.** This Agreement shall become effective on July 1, 2019 and shall continue through June 30, 2020. This Agreement will automatically renew unless otherwise terminated by any party as set forth under Section 8 of this Agreement.

**8. TERMINATION.**

- a. **Mutual Consent.** This Agreement may be terminated at any time by mutual consent of all parties.
- b. **Parties' Conveyance.** This Agreement may be terminated by any party with written notice to the non-terminating parties no later than December 1, 2020 or December 1 of any subsequent year of the Agreement. In the event of termination by one party,

the remaining parties may mutually agree to enter into a separate Agreement to continue to share the Position.

- c. **For Cause.** In the event any party does not meet their obligations under this Agreement, the other two parties may mutually agree to terminate this Agreement after providing the defaulting party with 30 days written notice of breach and intent to terminate. If the defaulting party has not cured the breach within 15 days of receiving notice of breach then the non-defaulting parties may continue with terminating the Agreement after the full 30 days has run.
9. **APPLICABLE LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.
10. **COMPLIANCE WITH LAWS.** In connection with their activities under this Agreement, both parties shall comply with all Federal, state, and local laws applicable to the work under this Agreement.
11. **INDEMNIFICATION.** In accordance with the Oregon Constitution and the Oregon Tort Claims Act, to the maximum extent permitted by law, the parties shall hold and save each other, their officers, elected officials, agents, and employees, harmless and shall defend and indemnify each other from any claims for damages to property or injury to persons which may be occasioned in whole or in part by the acts or omissions of each respective party under this Agreement.
12. **AMENDMENTS.** To be effective, any amendment to this Agreement must be approved by each party and signed by an authorized representative of each party.
13. **ASSIGNMENT.** Neither party shall assign this Agreement, in whole or part of, or any right or obligation hereunder to any other party.
14. **SEVERABILITY.** In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the remainder of this Agreement shall remain in force and shall in no way be effected or invalidated thereby.
15. **COMPLETE AGREEMENT.** This Agreement and attached exhibit constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such wavier, consent, modification or change if made, shall be effective only in specific instances and for specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.
16. **COUNTERPARTS.** This Agreement may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together

are deemed one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart.

CITY OF FOREST GROVE

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF CORNELIUS

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

GASTON RURAL FIRE PROTECTION DISTRICT

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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*A place where families and businesses thrive*

## **CITY MANAGER'S REPORT TO COUNCIL**

**JUNE 7, 2019**

### UPCOMING EVENTS:

- June 12-19: Delegation Visit to Nyuzen
- June 22: FGPD Open House: Coffee/Tours, 10 am to 2 pm, Police Station
- June 30: Applications due for Urban Renewal Advisory Committee
- July 9: Coffee with a Cop, 8 to 10 am, Telvet Coffee
- July 9-12: City Manager's OCCMA Conference, Newport
- August 14: Watershed Tour, 8:30 am to 12:30 pm, RSVP to [mcrowell@forestgrove-or.gov](mailto:mcrowell@forestgrove-or.gov)

### ADMINISTRATIVE SERVICES:

- Franchise Agreement Transfers: Frontier has entered into an agreement to sell its local exchange, broadband, and fiber-optic enabled video operations in Idaho, Montana, Oregon and Washington to Northwest Fiber, LLC. The sale is expected to be finalized in the first half of 2020 pending regulatory approval. The City Council will need to approve the transfer of two franchise agreements to the new owner at some point in the process: 1) the local exchange (telecommunications) franchise agreement which the City manages; and 2) the TV cable franchise which the Metropolitan Area Communications Commission (MACC) manages for the City.
- Equal Pay Act Analysis: Human Resources is beginning the analysis of positions in the City and the compensation for those positions using the software purchased from HR Answers. The work is expected to take several months.
- Solid Waste: Staff will begin developing the City ordinance for commercial food waste recycling as part of implementing Metro's commercial food waste recycling program to bring to the Council in June or July.
- Police Facility: Police and Administrative Services are finalizing the initial information and the timeline for presenting that information to the public and will brief the Council at its meeting on June 24. Staff and the architects have started the process to review the total concept design including the particular areas of the facility that the Council wanted reviewed: 1) lobby area; 2) training room; 3) evidence area; and 4) the firing range.
- The first Tourism Advisory Committee (TAC) was held on May 28. The TAC is conducting a SWOT analysis on tourism and inventorying existing efforts. The TAC is also reviewing existing website and will make a recommendation of what and how to consolidate to unify Forest Grove's message.
- Current recruitments underway include: Library Services Supervisor – Reference, Economic Development Intern, Police Officer and Reserve Police Officer.

### COMMUNITY DEVELOPMENT/URBAN RENEWAL AGENCY:

- Community Development staff, ODOT representatives, and the project consultant, Jacobs Engineering, met Friday, June 7, at the Beaverton Community Center for the TV Highway Improvement Plan kick-off meeting. With this project finally underway, staff is embarking on a long process of community engagement and visioning for the TV Highway corridor, with the ultimate goal being to transform the corridor into a safe, inviting space for all users, both motorized and non-motorized.
- Community Development staff hosted the second annual Severe Rent Burden meeting on May 14 at the Library. Approximately 15 people attended and there was a robust discussion about the recent data prepared for the Housing Need Analysis. Staff will present to Council on the discussion.
- There are three Storefront Façade projects in process: New Chinese Cuisine, recently completed; Dance Academy, securing bids for construction; and Ridgewalker, securing bids for construction.

- The City announced the establishment of an Urban Renewal Advisory Committee and is soliciting applications for membership. As of June 6, three applications had been made. The application period closes June 30.

#### ECONOMIC DEVELOPMENT:

- Met with PCC Small Business Development Center (SBDC) and US Small Business Administration (SBA) to get updates on services that Forest Grove businesses could access.
- Working with local metal fabrication company looking to build an additional factory.
- The Haworth property site is now certified as a Shovel Ready Industrial Site.
- The draft Economic Development Strategic Plan received final review at the June 6 EDC meeting. Pending review and revision by staff, a work session is tentatively scheduled with Council in July.
- Working with Oregon Business Magazine on a two-page story that promotes the economic advantages of Forest Grove and recent investment activity.
- Two small businesses have received a market analysis from the City contract with the nonprofit MESO.
- The new 2019 Discover Forest Grove Guide now being distributed throughout the state and local area.
- The new Blog promoting Forest Grove was placed in the Portland Relocation Guide website. A two-page ad has also been placed in the summer edition.
- The Junior Achievement Program was successfully completed. Two separate programs modules were taught at High School.
- Working to promote and develop amenities to increase bicycle tourism. Bike repair stations, bike information kiosks, bike racks and bike signage were installed at two bike hubs – Fernhill Wetlands and Rogers Park/ Plaid Pantry lot. These were gifted by Washington County Visitors Association as part of an effort to attract more bicycling visitors.

#### ENGINEERING AND PUBLIC WORKS:

- Thatcher Rd. and Gales Creek Rd. Intersection Improvements: The City has budgeted \$200k to contribute to the existing \$500k of County money that was collected during previous development and was earmarked for improvements at this intersection. City and County staff met two weeks ago to discuss funding options. City will be pursuing a joint application for WCCC opportunity funds to close the funding gap.
- Council Creek Regional Trail: Every three years, the Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council decide how to spend the region's allotment of federal transportation money, known locally as the Regional Flexible Funds Allocation (RFFA). The next RFFA round of Community Investment (active transportation and freight) project nominations closes June 21. Regional partners are supporting a proposal to seek funding for the design and engineering of the Council Creek Trail and Forest Grove has agreed to sponsor an RFFA application. The funding is intended to support the engineering and design for the Master Plan segment alignment between Hillsboro and Forest Grove (with consideration of future High Capacity Transit). Final selection occurs in January 2020 and if awarded, the funds will be available in 2022, which gives the regional partners time to find resolution on current railroad ROW and operations.
- Hawthorne Drainage Improvements: Project has been awarded to Pacific Excavation and staff is currently working on executing the contract. A storm drainage easement agreement with a nearby condo owner has been received.
- Watershed: Paulson Logging has started on the 2019 Timber Harvest. They have been at work for three weeks and hauling of product is expected to start the week of June 10. Reports have been very complimentary of the work to date. An ongoing survey of culverts on the road system, as well as the search for old culverts on legacy roads (abandoned prior to the 1980s) is expected to be done by end of summer. The annual Watershed tour has been scheduled for Wednesday, August 14.

- Civil Engineering Co-Operative Program (CECOP) Intern: The Public Works Department, Engineering Division selected Erin McConville, a University of Portland junior, to fill the CECOP intern position. Erin started on May 20 and will be with the Engineering Division until sometime this November. During this time, Erin will inventory the few remaining curb ramps that were not completed last summer, re-inventory the curb ramps that were modified as part of the recently completed overlay project, perform construction inspections, assist with Engineering GIS tasks, assist with design and study projects, and GIS filed data collection.
- Forest Glen Park Slide and Sewer Repair: Invitation to Bid on was issued on Friday, May 17, with a due date of Thursday, June 6. Ten contractors attended the mandatory on-site pre-bid meeting on May 22. Pending a successful bid opening, construction may begin in early July.

#### PARKS, RECREATION, AND AQUATICS:

- The aquatic center will be closed Friday, June 14, from 8 am until 5 pm for staff training in preparation for the summer swimming season. This year all aquatic staff will be receive training to re-certify all lifeguard, CPR, and first aid certificates. This training occurs every two years.
- Summer swimming lesson registration is currently underway. Patrons can register at the aquatic center during regular business hours. Payment can be made with cash, check or credit cards. Lessons begin June 17.
- June 22 begins the 27th year of the Community Free Swim on Saturday evenings from 6 until 7:30 p.m. The swim is sponsored by the Susan Davis family whose generous donation covers all costs for offering free admission to the first 200 participants.
- Rogers Park: The restroom project is currently under construction. The permitting process with the State of Oregon has been delayed. The state is claiming a backlog of projects based on the lack of staff to process the permit. Staff is confirming the date the building will be permitted.
- The Anna/Abby Yard construction portion of the project will be delayed to assure a better environment for bidding. The plan now is to begin construction early March 2020. The contractors who are qualified to construct a project of this type have projects on their schedules for this building season. The planning team will complete the 100% Drawings and then submit the plans to CWS for permitting.
- The off leash area has been refurbished and is one week away from reopening. The staff has worked hard to replant the area to make a more sustainable surface.

#### POLICE:

- Officer Matthew Glem joined the department on June 3. Officer Glem has seven years of experience between North Plains and Hillsboro Police Departments. Officer Glem is a former officer in the US Army and is currently completing a Master's Degree in Mathematics.
- Community Outreach: COS Quinsland attended a training called "Being Seen and Heard on Social Media"; Gave a safety update at the Community Partnership Organization's meeting / demonstration at the Farmer's Market; attended the final Landlord Forum for the season which will resume in October; continuing plans for National Night Out; compiling information for the police facility education program.
- Officers Krump and Schuetz attended the Field Training Officer course in Portland. This class is a three day class that prepares officers to train recruit officers.
- Code Enforcement: Issued 28 parking citations; 4 vehicles impounded; 1 in-process abatement; 6 Reports / 8 supplemental reports.

#### LIBRARY:

- The youth Summer Reading Program started on June 1<sup>st</sup>, and the library has registered 300 participants thus far. Thanks to the Friends of the Library and the Ready to Read grant, children and teens earn a free book for registering for the program, tickets to fun destinations for five hours of reading, and a free book bag for 16 hours of reading. Youth Services staff were especially excited to host several classrooms

from Harvey Clarke Elementary, and Forest Grove Community School (where each of the students received a free book). Librarians have also done outreach outside the library talking to students at: Neil Armstrong Middle School, Dilley Elementary, Forest Grove Community School, and at Forest Hills Lutheran Christian School. They have talked directly to well over 1,000 students in the last two weeks, and reached thousands more via Forest Grove School District's Peach Jar email distribution list.

- FGCL librarians were able to attend three Kindergarten Roundups this year at Joseph Gale Elementary, Dilley Elementary, and Harvey Clarke Elementary. While there are more public elementary schools in our service area, the library was able to coordinate with Cornelius Public Library to cover the other schools – splitting the outlay of staff time between the two libraries. Our library gave out several hundred Library Welcome Bags at these three events, each containing a free bilingual board book and library information for the parents of children entering kindergarten next year. The Welcome Bags were funded by the Ready to Read grant from the Oregon State Library.
- We are looking forward to presenting several exciting programs for families in June: Mad Science, a Japanese Drum & Dance troupe, two escape rooms, and Oregon Museum of Science and Industry.
- Recent Latino Outreach efforts include:
  - Crafts have started for the last Wednesday at each month from 4-5. Crafts are general and often can be Spanish related.
  - Intercambio is still continuing once a week on Thursdays from 10-11.
  - Extra funding was given to Spanish selectors. Funding was spent primarily on Spanish juvenile videos, as well as Adult and Children's books (fiction and non-fiction). A large portion will be aimed towards Guadalajara Book Fair, Spanish Juvenile DVDs, and Audiobooks.
  - Latino Outreach was done with Children's Librarian for school throughout end of April and May for Spanish speaking parents and to promote Summer reading, Library in general, and any questions/comments people may have that may or may not realize there's a public library for use.
  - Staff will conduct outreach for Summer reading on certain dates at Farmers Market
- Four Forest Grove library employees attended The Ryan Dowd Homelessness Training Institute The event was sponsored by WCCLS for Washington County librarians and local social service agency staff on May 29 at the Hillsboro Brookwood Library. Ryan Dowd is a renowned expert on homelessness who is also the Director of one of the largest homeless shelters in Illinois and he has been training librarians across the country for several years on developing strategies for understanding the homeless culture and how we can improve our empathy and communication when dealing with the homeless patron. The training was remarkably informative, relevant, and inspirational. Forest Grove staff left the training eager to find ways to have this training reach a broader audience of library and related staff in our community and will be engaged in discussions to develop a plan for making this happen.
- Thanks to the support from Friends of the Library we are excited to announce a brand new Binge Box collection. A Binge Box is a collection of DVD's that all have a theme, such as every episode of Downton Abbey or all the Star Wars movies. Each collection is housed in a box and can be checked out as one. We will have about 15 Adult and 6 Children's Binge Boxes for checkout to start out with.
- Ariel Yang, Library Services Supervisor, is leaving to move with her family to Washington State. Ariel has been with the Library for five years. An internal recruitment is underway.

#### LIGHT & POWER:

- Power upgrades have been completed to the new Ridge Walkers Meeting Hall (the old Post Office).
- Permanent power installation has been completed to the new MPCA chemical plant on Elm Street.
- The replacement of the failing high voltage underground power cables on Ballard Lane has been finished. Crews are now working on jobs replacing failing cables to a church on Mt View Lane and homes in the 2600 block of Juniper Street.
- Crews are currently replacing older deteriorated poles and upgrading equipment in various locations including A Street, Filbert Street & 23<sup>rd</sup> Avenue.

- Feeder circuit breaker replacements and enhanced wildlife protection continue at Forest Grove Substation.

#### COUNTY-WIDE:

WCCLS: No update

JWC: Completion of the WTP is expected to be in October of this year. In addition, the JWC is in the process of updating its Operations Plan and The Water Management and Conservation Plan. Lastly, the City of Hillsboro recently promoted Niki Iverson to Water Director and General Manager of the JWC.

WCCCA: No update

#### CONSTRUCTION PROJECTS IN FOREST GROVE:

NAME	LOCATION	DESCRIPTION	LAND USE PERMIT STATUS	BLDG PERMIT STATUS	CONST. STATUS
Kidd Court	22 <sup>nd</sup> Place	Subdivision 7 units	Approved	4 permits issued	Under Construction
Silverstone	David Hill Rd	Subdivision (200 lots)	Approved	173 lots issued	Under construction
Gales Creek Terrace	Pacific Ave/19 <sup>th</sup> Ave	Subdivision (197 lots)	Approved	N/A	In grading
Green Grove	Thatcher Rd	Co-Housing (9 lots)	Approved	3 lots issued	Under construction
Smith Orchard	Gales Way and B Street	Subdivision (8 lots)	Approved	N/A	In grading
Sunset Crossing	Sunset Ave	Subdivision (32 lots)	Approved	4 lots issued (model homes)	In Grading
MGC Pure Chemicals of America	Elm St	Industrial New (45,817 sf total)	Approved	Permits issued (Tank Yard; Building 1 & 2; Guardhouse)	Deferred submittals in review; Under construction
Bank of America at Stonewood Center	Pacific Ave	Commercial Tenant Improvement	Approved	Revisions completed	Ready to Issue
Wauna Credit Union	Pacific/Hwy 47	Commercial New	Approved	Permit Issued	Grading under construction
Nectar Marijuana Dispensary	Pacific Ave/Oak St	Commercial/Tenant Improvement	Approved	Permit Issued	Grading under construction
Inserta Tee Storage Building	24 <sup>th</sup> Ave	Industrial New	Approved	Permit issued	Under construction
Richmond Library	Masonic Way	Commercial New	Approved	Completed	Certificate of Occupancy issued
Rose Grove Park Expansion	Pacific Ave	Manufactured Home Park	Approved by CC – Awaiting findings adoption	N/A	N/A
Adelante Mujeres	Main St	Commercial/Tenant Improvement	Approved	Permit issued	Under construction
Dollar General Store	Gales Creek Rd/Thatcher Rd	Commercial New (9,100 sf)	In review	N/A	N/A